

1 July 2019

## Alcohol and Families Alliance response to Online Harms White Paper

The Alcohol and Families Alliance (AFA) welcomes the government's Online Harms White Paper and its ambition to keep UK internet users safe online. The AFA is an alliance of over 30 organisations from across the voluntary and statutory sectors united in reducing the harms experienced by families as a result of problematic alcohol use. Our members include organisations such as Adfam, the Institute of Alcohol Studies and Alcohol Change UK. Together our alliance is able to provide evidenced and widespread expertise on the subject of families and alcohol. For more information please visit [www.alcoholandfamiliesalliance.org.uk](http://www.alcoholandfamiliesalliance.org.uk).

The AFA is responding to this consultation because of the substantial harms posed to children and vulnerable adults through exposure to online alcohol advertising. **We call on government to include alcohol advertising and promotion in the scope of the online harms covered in this white paper** and detail below evidence-based proposals of how these harms might best be regulated.

### ***Background: The harms associated with children's exposure to alcohol marketing***

There is substantial evidence to indicate that children exposed to alcohol advertising, including online advertising, drink alcohol at an earlier age and consume more than they otherwise would,<sup>1, 2, 3, 4, 5, 6, 7, 8</sup> This link between exposure and consumption is recognised by the World Health Organisation<sup>9</sup>, the Science Committee of the European Alcohol and Health Forum<sup>10</sup> and Public Health England<sup>11</sup>.

<sup>1</sup> Tanski, S.E., McClure, A.C., Li, Z., Jackson, K., Morgenstern, M., Li, Z. and Sargent, J.D. 2015. [Cued recall of alcohol advertising on television and underage drinking behavior](#). JAMA pediatrics, 169(3), pp.264-271.

<sup>2</sup> Morgenstern, M., Sargent, J.D., Sweeting, H., Faggiano, F., Mathis, F. and Hanewinkel, R. 2014. [Favourite alcohol advertisements and binge drinking among adolescents: a cross-cultural cohort study](#). Addiction, 109(12), pp.2005-2015.

<sup>3</sup> Hanewinkel, R., Sargent, J.D., Poelen, E.A., Scholte, R., Florek, E., Sweeting, H., Hunt, K., Karlsdottir, S., Jonsson, S.H., Mathis, F. and Faggiano, F. 2012. [Alcohol consumption in movies and adolescent binge drinking in 6 European countries](#). Pediatrics, pp.peds-2011.

<sup>4</sup> Tucker, J.S., Miles, J.N. and D'Amico, E.J. 2013. [Cross-lagged associations between substance use-related media exposure and alcohol use during middle school](#). Journal of Adolescent Health, 53(4), pp.460-464.

<sup>5</sup> de Bruijn, A., Tanghe, J., de Leeuw, R., Engels, R., Anderson, P., Beccaria, F., Bujalski, M., Celata, C., Gosselt, J., Schreckenber, D. and Slodownik, L. 2016. [European longitudinal study on the relationship between adolescents' alcohol marketing exposure and alcohol use](#). Addiction, 111(10), pp.1774-1783.

<sup>6</sup> Brown, K. 2016. [Association between alcohol sports sponsorship and consumption: a systematic review](#). Alcohol and alcoholism, 51(6), pp.747-755.

<sup>7</sup> Smith, L.A. and Foxcroft, D.R., 2009. [The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies](#). BMC public health, 9(1), p.51.

<sup>8</sup> Jernigan, D., Noel, J., Landon, J., Thornton, N. and Lobstein, T. 2017. [Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008](#). Addiction, 112, pp.7-20.

<sup>9</sup> World Health Organisation Europe. 2009. [Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm](#).

<sup>10</sup> Scientific Opinion of the Science Group of the European Alcohol and Health Forum. 2009. [ibid.](#)

<sup>11</sup> Public Health England. 2016. [The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review](#). p. 110.

Longitudinal research examining four European countries found that young people's alcohol use is affected by exposure to alcohol marketing, including online alcohol advertising,<sup>12</sup> while research from Australia found an association between liking or following social media profiles of alcohol brands and riskier alcohol consumption amongst 15 to 29-year-olds.<sup>13</sup> Another unique problem of online and social media advertising of alcohol is that parents have no idea about the quantity and type of advertising that their children are being subjected to. In the case of alcohol, this makes it more difficult for parents to have conversations with their children about consumption if they are unaware that their children are seeing alcohol advertising in the first place. Another barrier to meaningful dialogue around alcohol lies in the fact that the Chief Medical Officers' recommendation of an alcohol - free childhood is not well communicated. Our policy report Families First highlights the need for the government to properly communicate such guidance.<sup>14</sup> The possibility that children are seeing messaging around alcohol that parents are not aware of might undermine the conversations parents attempt to have with them, or affect the age at which parents decide to teach their children about alcohol.

Further to this, those with alcohol use disorders, past or present, experience harm from such exposure. A 2017 review on the vulnerability of a range of groups to alcohol advertising, examining "findings of key published studies, review papers and expert reports", found that those with "a history of alcohol dependence appear to be especially vulnerable to alcohol marketing".<sup>15</sup> Finally, it has been demonstrated that alcohol advertising is highly gendered. Scottish Health Action on Alcohol Problems and the Institute of Alcohol Studies have highlighted that "when marketing is targeted at women...the aim is to establish a link between alcohol and empowerment...Marketing targeted at men often depicts women as sexual objects...".<sup>16</sup> Exposure to such advertising has the potential to embed harmful, regressive gender norms in society, even normalising instances of sexual harassment or assault. Exposing children to such harmful social norms is especially troubling.

Online and social media represent substantial, growing marketing channels for the alcohol industry. For example, in 2011, drinks producer Diageo confirmed a multimillion-pound advertising deal with Facebook.<sup>17</sup> Not only are the alcohol industry increasingly exploiting this channel, but the growth of social and online media continues to open up new ways for young and vulnerable people to be exposed to this kind of advertising. For example, some have raised the "substantial potential" for young people to be exposed to alcohol advertising through online streaming services.<sup>18</sup>

### ***The current system of regulation and its failings***

In the UK, alcohol marketing is currently governed through a mix of co- and self-regulation; this is handled by the Advertising Standards Authority (funded by the advertising

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<sup>12</sup> de Bruijn, A. 2016. *ibid.*

<sup>13</sup> Carrotte, E.R., Dietze, P.M., Wright, C.J. and Lim, M.S. 2016. [Who 'likes' alcohol? Young Australians' engagement with alcohol marketing via social media and related alcohol consumption patterns.](#) Australian and New Zealand journal of public health, 40(5), pp.474-479.

<sup>14</sup> Alcohol and families Alliance. 2018. [Families First: An evidence-based approach to protecting UK families from alcohol-related harm.](#)

<sup>15</sup> Babor, T.F., Robaina, K., Noel, J.K. and Ritson, E.B., 2017. [Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing.](#) Addiction, 112, p. 94.

<sup>16</sup> SHAAP and IAS. 2018. [Women and Alcohol: Key Issues.](#) p. 7.

<sup>17</sup> The Financial Times. 2011. [Facebook strikes Diageo advertising deal.](#)

<sup>18</sup> Siegel, M., Kurland, R.P., Castrini, M., Morse, C., de Groot, A., Retamozo, C., Roberts, S.P., Ross, C.S. and Jernigan, D.H. 2016. [Potential youth exposure to alcohol advertising on the internet: a study of internet versions of popular television programs.](#) Journal of substance use, 21(4), pp.361-367.

industry<sup>19</sup>), Ofcom, and the Portman Group (funded by the alcohol industry<sup>20</sup>). However, such self-regulatory systems have been long criticised for their ineffectiveness. In its 2016 evidence review of effective measures to reduce alcohol harm, Public Health England noted that multiple systematic reviews have found that such self-regulatory systems fail to meet "their intended goal of protecting vulnerable populations"<sup>21</sup> and that alcohol industry tactics to influence policy, including the use of such self-regulatory codes "are similar to the strategies used by the tobacco industry"<sup>22</sup>.

The UK's self-regulatory system has proven to be no exception. This system is intended to protect children and vulnerable people from exposure to harmful alcohol marketing but has been repeatedly criticised for failing to do so.<sup>23, 24, 25</sup> In a report analysing the Portman Group's decisions on complaints against alcohol advertising from 2006-17, Alcohol Concern and Alcohol Research UK found that "decision-making has not been consistent over time" and that "decisions have often appeared subjective".<sup>26</sup> Further, following an inquiry into the alcohol industry's conduct in 2009, the House of Commons Health Select Committee concluded that there are: "major shortcomings in the current self-regulatory codes covering alcohol advertising. Specifically, the codes do not...prevent the promotion of drunkenness and excess; or the linking of alcohol with social and sexual success..."<sup>27</sup>

Their protections of children are not stronger, while the codes of this system state that alcohol ads must not be directed at people under 18, internal communications from alcohol producers and their advertising agencies show that young people have been targeted with such advertising, with market research data from 15-16 year olds used in the development of campaigns. Brands were found to explicitly describe campaigns and audiences in youthful terms, with Lambrini suggesting their TV advertisement aimed to be "a cross between myspace and High School the Musical" while Carling hoped to "become the most respected youth brand...".<sup>28</sup> The failings of this code may also allow brands to embed links between regressive gender stereotypes, sexual success, and alcohol use. Indeed, in the same internal marketing documents already discussed, one Carling executive suggested "[Young men] think about 4 things, we brew 1 and sponsor 2 of them" – such outdated ideas may produce social harm, perpetuating harmful norms around gender inequity.<sup>29</sup>

### ***Not future proof or fit for purpose***

The House of Commons Health Select Committee itself has highlighted the severe limitations of the current regulatory systems in the handling of online and social media alcohol advertising specifically, concluding that: "the codes are extremely weak in their

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<sup>19</sup> Advertising Standards Authority. 2018. [What we spend and how we spend it](#).

<sup>20</sup> Portman Group. 2017. [History and Mission](#).

<sup>21</sup> Public Health England. 2016. [The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review](#). p. 110.

<sup>22</sup> Public Health England. 2016. op. cit. p. 109.

<sup>23</sup> The House. 2018. [Baroness Hayter: Self-regulation of the advertising industry simply isn't working](#).

<sup>24</sup> Alcohol Concern / Alcohol Research UK. 2018. op. cit. p. 9.

<sup>25</sup> Memorandum by Professor Gerard Hastings. 2010.

["They'll Drink Bucket Loads of the Stuff": An Analysis of Internal Alcohol Industry Advertising Documents](#), to the House of Commons Health Select Committee Inquiry.

<sup>26</sup> Alcohol Concern / Alcohol Research UK. 2018. [Fit for purpose? An analysis of the role of the Portman Group in alcohol industry self-regulation](#). p. 3.

<sup>27</sup> Memorandum by Professor Gerard Hastings. 2010.

["They'll Drink Bucket Loads of the Stuff": An Analysis of Internal Alcohol Industry Advertising Documents](#), to the House of Commons Health Select Committee Inquiry. p. 1.

<sup>28</sup> Memorandum by Professor Gerard Hastings. 2010.

["They'll Drink Bucket Loads of the Stuff": An Analysis of Internal Alcohol Industry Advertising Documents](#), to the House of Commons Health Select Committee Inquiry. p. 1.

<sup>29</sup> Memorandum by Professor Gerard Hastings. 2010. op. cit. p. 1 & p. 3

treatment of new media which are rapidly becoming the biggest channel for alcohol promotion".<sup>30</sup>

Particularly, the format of decision making in the current self-regulatory system means rulings on marketing can often take substantial amounts of time. As Alcohol Concern/Alcohol Research UK note, in practice this often means "promotional activities that are found to have breached the Code will already have been active in the public domain for some time, and a campaign may even have been completed, before the judgement has been made."<sup>31</sup> This effect is amplified by the speed of dissemination of campaigns via social media. An example of this is the decision from the ASA on a Captain Morgan branded Snapchat filter that was judged to appeal to under 18s, due to its use of cartoons. The decision was made in January 2018, more than half a year after the filter's release. In an article discussing the ruling, Baroness Hayter questioned:

"Too little too late? The ASA themselves note that 13-17-year olds represented "one of the largest groups" of Snapchat's 11 million audience, yet their decision took six months to emerge, during which time children continued to see the ad...In this landscape, brands continue to push the boundaries of what is appropriate, knowing their ads will probably run uninterrupted, at a price of what is essentially a verbal warning."<sup>32</sup>

While little is lost for a brand if their online content is ruled against in the current system, there is no incentive for brands to proactively ensure their content meets guidelines.

Further, children using social media are also at risk of being influenced not only by branded alcohol marketing, but by user-generated content – a unique aspect of social and online media that the current regulatory system is entirely unequipped to address. An example of such content is the Nekominate challenge which spread across social networks in 2014. This challenge involved a user drinking a large amount in a short space of time, and uploading a video of this to social media, in which they challenge a friend to respond with a similar stunt. This trend raised concerns amongst health advocates, with Suzanne Costello of Alcohol Action Ireland suggesting: "the online nature of the challenges mean the peer pressure aspect of it has far greater reach than traditional drinking games would have had."<sup>33</sup> Indeed, research has demonstrated such user-generated alcohol related content can affect young people's alcohol consumption in similar ways to branded content. US research has found that exposure to alcohol-related media, including viewing "videos on the internet showing someone who is drunk or high" or "pictures or comments on a social networking site (like Facebook or MySpace) showing or talking about someone who is drunk or high", may escalate young people's alcohol use over time; the more alcohol-related media they see, the more they drink, and the more they drink, the more they seek out alcohol-related media.<sup>34</sup>

### ***Action is needed***

In light of all the evidence presented here, the Institute of Alcohol Studies sees little option but **for government to include alcohol advertising and promotion in the scope of the**

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<sup>30</sup> Memorandum by Professor Gerard Hastings. 2010. op. cit. p. 1.

<sup>31</sup> Alcohol Concern / Alcohol Research UK. 2018. op. cit. p. 25.

<sup>32</sup> The House. 2018. [Baroness Hayter: Self-regulation of the advertising industry simply isn't working.](#)

<sup>33</sup> The Irish Mirror. 2014. [Neck nominations: Internet drinking craze 'Nekominate' slammed by Alcohol Action Ireland.](#)

<sup>34</sup> Tucker, J.S., Miles, J.N. and D'Amico, E.J. 2013. *ibid.*

**online harms covered in this white paper.** We hope that in developing this “world-leading package of online safety measures”,<sup>35</sup> with regard to the government’s commitment to move “far beyond self-regulation”,<sup>36</sup> that there is appetite to act on this significant online threat to the health and wellbeing of many – particularly young – people.

### ***Moving “far beyond self-regulation”<sup>37</sup>***

The Alcohol and Families Alliance recommends the following to include protection from harms from online alcohol marketing are included in this “world-leading package of online safety measures”<sup>38</sup>:

- 1. Statutory regulation of alcohol marketing:** Restrictions should be in place for all forms of alcohol marketing, including online, in order to protect children and vulnerable people from exposure to this, as well as to ensure the content of alcohol advertising targeting adults is free from harmful messaging, such as the use of sexualised images and messaging relating to women in order to sell products. Such measures are already in place in France where the ‘Loi Evin’ regulation means that there are restrictions on the placement and content of alcohol advertising. Advertising is not only prohibited from targeting young people, but is prohibited from containing ‘lifestyle’ messaging, meaning the highly regressive, gendered imagery and the content encouraging heavy or harmful drinking that can be presented via alcohol advertising in the UK is illegal.<sup>39</sup> Including placement restrictions in such a law would also allow for limits or the removal of alcohol advertising from social media and online spaces with youthful or vulnerable audiences.
- 2. Enforced by an independent regulator:** It is also essential that regulation is upheld by an independent body, free from industry influence and funding. This need for independence is echoed by “the World Health Organisation’s view that the alcohol industry should have no role in policy making.”<sup>40</sup> Indeed, Alcohol Concern / Alcohol Research UK have noted that an independent regulator acting under statutory regulation would be obliged “to answer fully to the public and Parliament” and avoid “any perception that its decisions are conflicted by links to the alcohol industry or other interests.”<sup>41</sup>
- 3. Crafted with a view to the future:** the online sphere is constantly evolving and innovating. It is essential that this is considered in protecting young and vulnerable people from harm. For example, the use of celebrity and lifestyle influencers to promote alcohol via social media<sup>42</sup> has been called into question by some as “deceptive”<sup>43</sup> where such posts are not disclosed as advertisements, with some going further to suggest this may glamourize underage drinking.<sup>44</sup> Further, as has already been raised, innovative solutions are needed to address the harms arising

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<sup>35</sup> Department for Digital, Culture, Media & Sport, Home Office, The Rt Hon Sajid Javid MP, and The Rt Hon Jeremy Wright MP. 2019. [Online Harms White Paper](#).

<sup>36</sup> HM Government. 2019. [Online Harms White Paper](#). p. 3.

<sup>37</sup> HM Government. 2019. [Online Harms White Paper](#). p. 3.

<sup>38</sup> Department for Digital, Culture, Media & Sport, Home Office, The Rt Hon Sajid Javid MP, and The Rt Hon Jeremy Wright MP. 2019. [Online Harms White Paper](#).

<sup>39</sup> Institute of Alcohol Studies. 2017. [Policies to regulate alcohol marketing](#).

<sup>40</sup> Alcohol Health Alliance. 2018. [AHA letter to the Portman Group](#).

<sup>41</sup> Alcohol Concern / Alcohol Research UK. 2018. op. cit. p. 3.

<sup>42</sup> Daily Mail. 2019. [Rita Ora comes under fire for plugging alcohol on Instagram as campaigners warn celebrity adverts risk 'glamourising' underage drinking](#).

<sup>43</sup> The Drum. 2018. [Diageo accused of backing 'deceptive' Instagram influencer campaign](#).

<sup>44</sup> Daily Mail. 2019. [Rita Ora comes under fire for plugging alcohol on Instagram as campaigners warn celebrity adverts risk 'glamourising' underage drinking](#).



from user generated alcohol content – it is important that any statutory regulation includes restrictions on brands encouraging this in ways that would undermine the advertising restrictions placed upon brands themselves. Finally, as has been raised in this white paper itself, the international nature of many social media companies must be considered. Alcohol brands have been required to adapt to other jurisdictions' marketing regulations when operating overseas – for example, the removal of alcohol sponsorship from sports tournaments held in France.<sup>45</sup>

The Alcohol and Families Alliance welcomes the government's bold approach to protecting the young and vulnerable from harm online. We hope that following the evidence presented in this submission, that the necessary regulation of alcohol advertising will be included in the government's response.

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<sup>45</sup> Purves, Critchlow, and Stead. 2017. [Foul Play? Alcohol marketing during UEFA Euro 2016](#). p. 17.