

Consultation on Restricting Alcohol Advertising and Promotion

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Ministerial foreword

Scotland has a deep, longstanding and troubled relationship with alcohol. In 2020, Scots bought enough alcohol for everyone aged over 16 to drink 18 units of alcohol every week, 28% more than the UK Chief Medical Officers' lower-risk guidelines of 14 units per week. High levels of consumption cause a range of harms. An average of 700 people are hospitalised and 24 people die each week from illnesses caused by drinking alcohol. Each one of these deaths is tragic and entirely preventable.



Maree Todd, MSP
Minister for Public Health,
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Alcohol-related harm is one of the most pressing public health challenges that we face in Scotland. We have taken a number of actions to prevent and reduce this, including our world-leading minimum unit pricing policy, the reduction of the drink-drive limit and the multi-buy discount ban.

Restricting alcohol marketing is identified as one of the World Health Organization's three 'best buys', the most cost-effective measures that WHO recommends to prevent and reduce alcohol-related harm. Many of our European neighbours have already taken action to do this including Ireland, France and Norway. This consultation sets out a potential approach for Scotland.

Alcohol is marketed through an integrated mix of strategies including advertising on TV, on billboards outdoors, through sports and events sponsorship as well as through branded merchandise and online.

Alcohol marketing is seen by, and appealing to, large volumes of children and young people in Scotland. International evidence shows that seeing alcohol marketing is associated with an increased likelihood that children and young people will start to drink alcohol or, if they already drink alcohol, drink more. This is harmful to them in both the short and long term.

It is also likely that alcohol marketing influences heavy drinkers and acts as an incentive to drink, which can make abstinence more challenging for those in recovery. This is in addition to the likely impact marketing has on our wider society, by normalising alcohol and presenting it as fun, sociable, commonplace, and even part of a healthy lifestyle.

Young people in Scotland, and people in recovery and their families, have told us directly that they see a lot of alcohol marketing and want us to take action to restrict this. This consultation sets out a range of potential proposals to reduce and restrict alcohol marketing including prohibiting alcohol advertising outdoors, phasing out alcohol sponsorship and reducing the promotion of alcohol in-store.

By restricting alcohol marketing in Scotland we hope to reduce the appeal of alcohol to our young people. This will support a reduction in consumption of alcohol and subsequently improve their health and health prospects as adults. It will also reduce the potential triggering effect that alcohol marketing can have on heavy drinkers and those in recovery or treatment. Restricting alcohol marketing will also support our ambition to change our troubled relationship with alcohol. Your responses will help shape our next steps.

1. Why do we need to take action?

- 1.1 In 2020, [Scots bought enough alcohol for everyone aged over 16 to drink 18 units of alcohol every week](#). This is equivalent to around 23 bottles of spirits, or around 90 bottles of wine, per adult each year; which is 28% more than the [UK Chief Medical Officers' low-risk guidelines of 14 units per week](#).
- 1.2 In 2021, [1,245 people in Scotland died from illnesses that can only be caused by drinking alcohol](#). That is an average of 24 people dying every week. Each one of these deaths is tragic and entirely preventable.
- 1.3 In addition to deaths wholly caused by alcohol, some deaths are partly attributable to alcohol consumption. [Analysis](#) found there were 3,705 deaths attributable to alcohol consumption in 2015. Of these, 1,048 (28%) were due to cancers, 544 deaths were from heart conditions and strokes, and 357 deaths were from unintentional injuries such as falls.
- 1.4 In the 2020/21 financial year, there were [35,124 alcohol-related hospital admissions \(stays\) in general acute hospitals in Scotland](#). That is nearly 700 hospital admissions every week.
- 1.5 There is a stark social gradient to alcohol harms. [In the 10% most deprived areas of Scotland, rates of alcohol-specific deaths and alcohol-related hospital stays were eight times higher than in the 10% least deprived areas](#).
- 1.6 Wider harms related to drinking can include [someone committing, or being a victim of a crime; or a child being neglected or distressed because of drinking in the family](#).
- 1.7 In taking action to prevent and reduce alcohol-related harms, [we take a whole population approach which aims to reduce alcohol consumption and therefore the risk of alcohol-related harms across the population. Although we recognise that there is no safe level of regularly drinking alcohol](#), we are looking to embed lower and safer consumption levels throughout the population. This is in line with the [UK Chief Medical Officers' lower-risk drinking guidelines](#).
- 1.8 We follow the recommended international evidence-based approach. The World Health Organization (WHO) points to [three 'best buys'](#) as the most effective measures to prevent and tackle alcohol-related harm – reducing the Affordability, Availability and Attractiveness of alcohol. Building on this, the WHO launched its new [SAFER initiative](#) – a package of five evidence-based, high impact strategies which WHO recommends governments should prioritise to tackle alcohol-related harm.
 - **Strengthen** restrictions on alcohol availability.
 - **Advance** and enforce drink driving countermeasures.
 - **Facilitate** access to screening, brief interventions, and treatment.
 - **Enforce** bans or comprehensive restrictions on alcohol advertising, sponsorship, and promotion.
 - **Raise** prices on alcohol through excise taxes and pricing policies.

- 1.9 Measures introduced by the Scottish Government reflect this approach, including the introduction of minimum unit pricing (MUP), lowering the drink-drive limit and facilitating the alcohol brief intervention programme.
- 1.10 [Marketing is ‘the business activity that involves finding out what customers want, using that information to design products and services, and selling them effectively.’](#) This is often defined by reference to the four P’s – Product, Place, Price, and Promotion. This consultation is largely focused on Promotion which covers a wide range of activity used to communicate with consumers and promote alcohol products or brands. This includes advertising on television, in public spaces, via social media, as well as promotion via sports and events sponsorship as well as through branded merchandise.
- 1.11 The consultation also includes consideration of Place, [a product’s distribution strategy with a focus on ensuring it is easily accessible to potential buyers](#), in the section on placement of alcohol products in retail outlets.
- 1.12 We know that alcohol marketing like any other form of marketing, aims to make the product look as attractive and appetising as possible, in order to encourage consumers to purchase it. Fundamentally, marketing is about persuasion and aiming to direct people into desired action. [Without branding and other marketing strategies, alcohol products in each beverage sub-sector are essentially variations of the same thing.](#)
- 1.13 Marketing does not occur in only one area of our lives but is visible in the information we see on our billboards, that we read in our newspapers, that we see during our television programmes. It is on the adverts on our search engines and the information before the feature film in the cinema. [Marketing strategies do not rely on the reach and persuasion of one single activity but involve a range of activities interwoven to interact and complement each other, and maximise the likelihood of reaching and persuading consumers.](#)
- 1.14 This means that we need to consider the areas where Scotland can implement restrictions including on advertising in outdoor and public spaces, alongside areas where we can work with the UK Government to take action such as on television and radio.
- 1.15 It is only by tackling this interconnected nature of marketing activities that we will be able to make a difference in the volume and range of alcohol marketing that is seen across Scotland. This consultation sets out the areas where we could take action and seeks views on each.
- 1.16 [The purpose of taking action to restrict alcohol marketing is threefold and summarised by the WHO](#) as:
- to prevent young people from being exposed to alcohol marketing (which is known to influence the decision to start consuming alcohol and to increase alcohol use)
 - to reduce the presence of alcohol cues that can induce reactivity and craving in alcohol-dependent persons
 - to prevent influence on social norms relating to consumption in general, given the negative public health, economic and social consequences of alcohol use.

- 1.17 Although the proposed actions outlined in the consultation are population-wide and are intended to have an impact on everyone in Scotland, there is a focus on reducing the impact of alcohol marketing on children and young people. The strongest academic evidence¹ underpins the impact alcohol marketing has on children and young people and is set out through the consultation. This is the basis on which a number of other European countries have taken action to restrict alcohol marketing.
- 1.18 Taking action to reduce the exposure children and young people have to alcohol marketing aims to reduce the attractiveness alcohol has to them. [There is a connection between children and young people seeing alcohol marketing and drinking; seeing it leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels.](#) Reducing the appeal that alcohol has to children and young people will reduce the range of alcohol harms specific to them (such as effects on their physical development and mental health), and prevent the harms linked to continuing to drink into adulthood. Therefore much of the discussion in this consultation concerns children and young people, but the intended impacts on people in recovery and the adult population generally are discussed where the proposed actions are particularly relevant to them.
- 1.19 'Children and young people' will be used throughout the consultation to refer generally to those under 18 years old; however in some academic evidence the impact of alcohol marketing on those aged 18-25 years old may also be included.
- 1.20 Taking action to restrict alcohol marketing also aims to reduce the appeal that alcohol has to higher-risk drinkers and those in those in recovery from problematic drinking. [There is evidence that those who drink heavily have increased susceptibility to alcohol marketing and that this can translate into drinking behaviours. For those in recovery, alcohol marketing can be a trigger which threatens their recovery and can be responsible for relapse.](#) Although there is less research on this group, compared to children and young people, any relevant research is set out in this consultation.
- 1.21 There is limited academic evidence on the impact alcohol marketing has on the adult population, and as such this is a secondary focus of this consultation. It is likely that alcohol marketing also makes alcohol more attractive to adults generally and influences consumption. Alcohol marketing normalises alcohol and creates and sustains expectations about alcohol as positive, aspirational, commonplace, and even part of a healthy lifestyle. [It can have a number of impacts on behaviour including encouraging someone to try an alcoholic product for the first time, encouraging someone to buy more or more frequently, capturing market share from competitors or enticing previous consumer to return. Studies indicate that the way alcohol is portrayed within alcohol adverts acts as a cue for drinking and influences consumption.](#)

1 Anderson P, de Bruijn A, Angus K, Gordon R, Hastings G. Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies, *Alcohol & Alcoholism* 2009; Vol. 44 pp. 229-243 ;
Smith L A, Foxcroft D R. The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. *BMC Public Health* 2009; 9:51; Jernigan D, Noel J, Landon J, Thornton N, Lobstein T. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction* 2016; DOI: 10.1111/add.13591
Scientific Opinion of the Science Group of the European Alcohol and Health Forum (2009) Does Marketing Communication Impact on the Volume and Patterns of Consumption of Alcoholic Beverages, Especially by Young People

- 1.22 The Scottish Government may not have the powers to implement all of the restrictions outlined in this consultation. Some proposed restrictions may require the UK Government to take action or devolve powers to the Scottish Ministers. This consultation does not mean the actions outlined will take place – of course, the proposals discussed are subject to the outcomes of this consultation. However, gaining your views on these measures is of value to the overall consideration of alcohol marketing restrictions and the further development of policy proposals.
- 1.23 It is also important to be aware that pricing is outside the scope of the consultation given Scottish Government’s wider work on MUP and [restricting multi-buys](#).

2. How is alcohol harmful to children and young people?

- 2.1 Alcohol consumption during any stage of childhood can have a harmful effect on a child's development. [Children and young people](#) are more vulnerable than adults to the acute and intoxicating effects of alcohol due to their physical immaturity and lower levels of tolerance, especially when combined with the increased impulsivity and greater propensity for risk-taking behaviour associated with adolescence.
- 2.2 [Binge drinking and heavy alcohol use in young people is associated with a range of adverse short-term consequences including vomiting, injuries, mental health problems and self-harm](#). Children and young people who drink heavily may experience adverse effects on the brain, liver, bone, growth and endocrine development.
- 2.3 Drinking alcohol at a young age can cause children and young people to suffer from the [same chronic health harms as adults do but at a younger age](#). There were [three alcohol-specific deaths in those under 25 in 2020](#).
- 2.4 There are a variety of other less obvious alcohol-related harms which have a particular impact on children and young people in Scotland including poorer mental health and wellbeing, and the impact underage drinking can have on a young person's education.
- 2.5 We know that there is a link between young people's mental health and wellbeing and alcohol consumption. The [2018 SALSUS report](#) showed that pupils (13 and 15 year olds) with poorer mental health and wellbeing were more likely to have drunk alcohol in the last week than those with better mental health and wellbeing.
- 2.6 [In 2021](#), there were 73 suicides among 15-24 year olds compared with 54 in 2015. [Evidence](#) has suggested that drinking prior to age 14 has been shown to be associated with a number of risks, [including suicidal thoughts and attempts](#).
- 2.7 Underage drinking can also harm a young person's ability to learn or participate in school effectively. The [2018 SALSUS survey](#) showed that pupils who had ever been excluded from secondary school were more likely to have drunk alcohol in the last week than those who had not. This also highlighted a strong correlation between those who drank alcohol and those who were more likely to truant. There is [evidence](#) of a link between binge drinking in adolescence and lower educational attainment in adulthood.
- 2.8 Evidence also shows that the consumption of alcohol by young people and offending are closely linked. In 2017, a [survey](#) of young people in custody in Scotland showed that over half of those surveyed (56%) reported being drunk at the time of their offence. In comparison, [the 2019 Prison Survey](#) (for adults) showed that 40% of those who took part reported being drunk at the time of their offence. This reflects [previous evidence](#) demonstrating that young people who drink frequently or binge drink are more likely to be involved in fights, to sustain injuries from fighting and to commit violent offences.

Harms to children and young people - longer term harms

- 2.9 People who start drinking as children and young people, and continue into adulthood, are exposed to the toxic effects of alcohol for a longer period of time than if they started as adults. [Long-term alcohol consumption increases the risk of a range of chronic diseases](#) such as cancer, liver cirrhosis, heart disease and stroke. [Development of these conditions](#) is linked to current and past alcohol consumption, and with certain types of cancer, risk increases with any amount of alcohol consumed on regular basis.
- 2.10 [Evidence](#) indicates that drinking behaviours adopted in the formative teenage years track strongly into adult life. Those who [binge drink in adolescence are more likely to be binge drinkers as adults](#). Early age of drinking onset is [associated](#) with an increased likelihood of problematic drinking or dependence in adolescence and adulthood, and also with dependence at a younger age. Vulnerability to alcohol abuse and dependence is [greatest among adolescents who begin drinking before the age of 15](#).
- 2.11 The range of significant harms that children and young people experience due to alcohol underline why the [UK Chief Medical Officers advise that no alcohol should be consumed under the age of 18](#).

3. Rationale for intervention – How will restricting alcohol marketing prevent and reduce alcohol-related harms?

Children and Young People

- 3.1 Despite alcohol being a health harming and age-restricted product, children and young people are readily exposed to alcohol marketing in Scotland. Although the current self-regulatory system has been in place, and strengthened, over a number of decades, there is little evidence that this is working in terms of reducing young people's exposure and providing adequate protection.
- 3.2 A survey of over [3,000 young people aged 11-19 years old in the UK](#) found that half of the sample recalled seeing 32 instances of alcohol marketing in the last month, effectively one piece of alcohol marketing every day. Within the under 18 demographic, one third of those sampled recalled 54 or more instances of alcohol marketing – almost twice a day. This is simply far too high.
- 3.3 This [exposure is cumulative](#); it is made up of exposure to a range of different market channels. Looking at specific channels, the [survey](#) conducted over April – May 2017, found that 42.9% had seen an alcohol advert on television in the last week, 27.9% on a billboard, 27.3% on social media, 30.7% in the form of sponsorship and 18.8% in newspapers or magazines. This reflects the dynamic nature of '360-degree' marketing campaigns and how they reach young people in a multitude of formats.
- 3.4 It is likely that seeing alcohol marketing increases knowledge and awareness of alcohol brands over time. [Nine in ten under 18's in the UK recognise at least one alcohol brand, with recognition increasing with age from 82% of 11-12 year olds to 91% of 13-15 year olds and 97% of 16-17 year olds.](#)
- 3.5 [Studies in the UK have shown that children as young as ten](#) can readily identify alcohol brands, logos and characters from alcohol advertising. In a [survey](#) within primary schools in the north of England and in Scotland, nine out of ten children recognised a particular beer brand.
- 3.6 Two youth led projects in Scotland, facilitated by the [Children's Parliament](#) and [Young Scot](#), specifically considered alcohol marketing. The Children's Parliament project on an alcohol-free childhood involved children aged 9-11 in workshops in their schools and found that:

“Children demonstrate awareness and knowledge of alcohol branding and advertising, with some children clearly identifying and referencing certain brands, logos and advertising strategies in their discussions and artwork...When talking about her illustration of a bottle of alcohol in her fridge at home, one child noted that she had chosen to label the bottle with the word ‘fancy’ as it was a type of alcohol she knew. The child had adopted the word seen in a billboard campaign to advertise a popular brand of vodka and had taken care to emulate the same font-style used in the advert.”

- 3.7 This demonstrates another aspect of exposure to alcohol marketing; that children do not just see it; they also understand it and their thinking may be influenced by it. [Children and young people can link alcohol brands to particular drinking occasions and settings, in line with the marketing strategies of these brands](#). For example, [Scottish children aged 14 to 17 linked a particular brand of beer with watching football, a rum brand with holidays and a cider brand with drinking outdoors and barbeques](#).
- 3.8 The [Young Scot Health Panel](#), made up of young people aged from 14 to 25, found that *“all panel members had been exposed to alcohol marketing in one form or another, and had high brand recognition, despite most of the group being under the legal drinking age.”*
- 3.9 Although the alcohol industry may not intend for children and young people to see and interact with marketing content, there is likely to be an inevitable spillover effect from campaigns that target new legal drinkers or young adult drinkers.

What impact does exposure to alcohol marketing have on children and young people?

“It’s harmful. It’s just telling children to buy it even though they’re not old enough. It’s not a good message for children” ([Children’s Parliament](#)).

“(brand name deleted) vodka is cool” ([Female, 13, C2DE, drinker](#)).

“I prefer (brand name deleted) to (brand name deleted). It’s just because most people would probably rather drink that one and be seen with it, it’s got a better image. I’ve seen them advertised, the X, the adverts are good, dead funny” ([Female, 14, ABC1, drinker](#)).

- 3.10 Academic studies from different countries have followed young people over time, tracking their exposure to alcohol marketing and their subsequent alcohol consumption. A number of systematic reviews² of these studies assert that there is a strong relationship between children and young people seeing or interacting with alcohol marketing and then starting to drink alcohol, or if they already drink alcohol, drink more. A range of alcohol marketing channels were studied including outdoor advertising, print advertising, cinema advertising, television advertising, online advertising, in-store advertising, sponsorship and ownership of branded clothing and merchandise.
- 3.11 Researchers [recently concluded](#) that a causal link might exist between exposure to alcohol marketing and consumption amongst young people, using the Bradford Hill criteria (a set of criteria academics use to assess the strength of causality).

² Anderson P, de Bruijn A, Angus K, Gordon R, Hastings G. Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies, *Alcohol & Alcoholism* 2009; Vol. 44 pp. 229-243 ; Smith L A, Foxcroft D R. The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. *BMC Public Health* 2009; 9:51; Jernigan D, Noel J, Landon J, Thornton N, Lobstein T. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction* 2016; DOI: 10.1111/add.13591 Scientific Opinion of the Science Group of the European Alcohol and Health Forum (2009) Does Marketing Communication Impact on the Volume and Patterns of Consumption of Alcoholic Beverages, Especially by Young People.

- 3.12 In addition to the international evidence, [research carried out in Scotland](#) and the UK supports a link between exposure to marketing and consumption. A [survey carried out in the UK with over 3000 11-19 year olds](#) demonstrates that awareness of alcohol marketing is associated with increased alcohol consumption and a greater likelihood of higher-risk consumption for those who had started drinking. This is not limited to alcohol marketing and studies in children have shown that under [5 minutes of food advertising](#) increases children and young people's calorie consumption by 60kCal.
- 3.13 The overall effect of alcohol marketing is cumulative; [the amount and frequency of drinking by young people rises in line with the degree of exposure to alcohol marketing](#). This is why it is important that any potential restrictions reduce the total volume of marketing seen.
- 3.14 Being exposed to a piece of alcohol marketing does not necessarily cause immediate or short-term alcohol consumption of the product advertised amongst children and young people. It is [not a simple relationship](#).
- 3.15 The effect and impact of alcohol marketing on consumption is complex and multi-faceted, as well as cumulative. Marketing influences a network of indirect processes that work together to ultimately guide people towards a particular action and choice. Seeing alcohol marketing [likely influences pro-alcohol feelings and attitudes, and shapes positive associations and expectancies around alcohol in general](#), as well as around specific alcohol brands. [The more channels and content people are exposed to the more likely that they will be influenced](#).
- 3.16 [Academic evidence is clear](#) that in the alcohol context specifically, future attitudes are set in adolescence, a crucial period for identity and attitude forming. If pro – alcohol attitudes and drinking patterns are formed in adolescence then these build over time and [positively influence alcohol consumption decisions later in life](#). If drinking patterns are set at dangerous levels in childhood or in young adult stages then this will have an on-going effect on adult health. Alcohol marketing provides the building blocks for current and future behaviour by affecting how young people think and feel.
- 3.17 The way that pro-alcohol attitudes inform decisions to drink alcohol and drinking patterns likely involves complex psychological and cognitive processes over time. It is [theorised](#) that the way alcohol is marketed, in a desirable way with fun and sociable occasions depicted, influences young people to like the marketing, want to emulate it and may create positive expectancies around alcohol or positive ideas about the effects of drinking. [Children move through different stages of response to alcohol marketing from exposure, to noticing, remembering, liking and then participating](#).
- 3.18 [We know that children and young people find alcohol adverts and brands appealing](#). Seeing and liking alcohol marketing, and the product being displayed in a positive and attractive way, sets expectations of certain positive benefits from drinking e.g. having a good time with friends.
- 3.19 Multiple [studies](#), including in [Scotland](#), have shown a link between how much a young person likes an alcohol advert and their drinking behaviours. For example, [young people who had positive reactions to adverts were 40% more likely to be a higher-risk drinker](#).

- 3.20 Branding forms a crucial part of this, as it does in alcohol marketing campaigns. Underage adolescents in Scotland [demonstrate high levels of brand knowledge and preferences for certain brands, even before they have started to drink.](#)
- 3.21 [Young people perceive some brands as desirable with a positive image and others as undesirable. Some brands are seen positively to encapsulate maturity, masculinity or femininity and an acceptance amongst peers whilst others are seen negatively to encapsulate immaturity or embarrassment among peers.](#)
- 3.22 [Young people who have greater awareness and familiarity with brands or who have developed brand preferences are more likely to drink more alcohol.](#)
- 3.23 Advertising industry case studies of alcohol advertising campaigns bear this out with [internal documents](#) referencing aspirations of campaigns to increase sales, introduce consumers to the product and, in some cases, to recruit young heavier drinkers or “[the heavy-using loyalists of tomorrow](#)”.
- 3.24 The claim often made that alcohol marketing only influences switching between brands and does not have any influence on attitudes or feelings towards alcohol generally is not consistent with the academic evidence. Nor the direct feedback from children and young people in Scotland and around the world. [It is unlikely that alcohol marketing has one effect only i.e. switching between brands.](#)
- 3.25 The strength of this evidence is endorsed by the [World Health Organization](#) and has formed the foundation for the action a number of countries around the world have taken to restrict alcohol marketing.

Higher-risk adult drinkers and those in recovery

“I found it difficult seeing alcohol advertised everywhere: bus stops, TV, newspapers. Even now – I am in recovery and have been sober two and a half years – I find it triggering still. Tobacco adverts aren’t a thing anymore and nor should this. People with alcohol addiction aren’t given a fighting chance.” [Millie, Alcohol Health Alliance survey respondent](#)

- 3.26 Higher-risk adult drinkers are those who drink at levels that are hazardous or harmful to their health, above the UK Chief Medical Officers’ low-risk drinking guideline of 14 units per week. In Scotland, [around one in four people drink at hazardous or harmful levels, and 1% \(around 38,000 people\) may be dependent on alcohol.](#)
- 3.27 Academic [evidence](#) demonstrates that advertising can affect behaviour by presenting cues – such as a picture of an alcoholic drink or a brand – that stimulate consumption. [Heavy and binge drinkers react more strongly – and differently – to these cues compared to lighter drinkers. The more someone drinks, the more likely they are to pay attention to alcohol cues, which in turn leads to increased cravings.](#)
- 3.28 Those in recovery from problematic drinking cannot easily exclude alcohol marketing from their lives. A recent [literature review](#) on the impact of alcohol marketing on higher-risk drinkers and those in recovery found that this can act as a ‘trigger’ or incentive to drink for those in treatment or recovery from alcohol dependence. This can make it difficult to abstain from alcohol consumption and can contribute to [relapse](#). Individuals can find it difficult to avoid alcohol imagery and adverts that promote consumption, when going about their daily lives.

- 3.29 Those in recovery report a need to use [strategies to avoid alcohol marketing](#) and certain environments with high visibility of alcohol, including in-store. [Alcohol marketing can lead to](#) negative emotions including loss, lack of belonging, anger, sadness, guilt and exclusion from the norm.
- 3.30 These results are consistent with research undertaken by [Scottish Families Affected by Alcohol and Drugs](#), and the [Alcohol Health Alliance](#) which found that people in recovery experience persistent and ubiquitous alcohol marketing messages in their daily lives. Excerpts from a survey undertaken as part of this work are set out below, and in other parts of this consultation.

"I worked as a detox nurse for 20 years, all my patients struggled with alcohol adverts when trying to control or abstain from drinking."

Fiona, [AHA Survey respondent](#)

"There really is no escape from alcohol imagery. Waiting for the tube at 8am, I look at a 6-foot bottle of whisky. The side of a bus tells me there is an app that can get me 'booze in under 15 minutes'. Some of my favourite TV shows are sponsored by alcohol. I receive emails from supermarkets telling me how they have slashed their prices of spirits." [Melissa, in recovery](#)

- 3.31 Dependent drinkers often have challenging and difficult recovery journeys, due to the addictive relationship they have with alcohol. Sustaining recovery is beneficial to the mental and physical health of the person drinking and their loved ones.

Other adults within the population

- 3.32 Although there is limited research on the impact alcohol marketing has on adults in the general population, it is likely that alcohol marketing also makes alcohol more attractive to adults generally and influences consumption.
- 3.33 Adults in Scotland will likely be exposed to similar volumes of alcohol marketing as children and young people are. In many circumstances this could be higher. For example, a recent University of Stirling study analysed alcohol references within a televised Six Nations match in Scotland in 2020 and found an average of approximately 5 alcohol references per broadcast minute. This is the equivalent of one alcohol reference every 12 seconds. [A survey in Ireland found that 9 out of 10 adults recalled seeing alcohol marketing in the prior month, and at least half recalled seeing alcohol marketing approximately 2-3 times a day.](#)
- 3.34 Alcohol marketing by its nature involves featuring alcohol in a desirable way and reinforcing the idea of alcohol as a positive product. This means that the range of harms surrounding alcohol, including increased risks of cancer and heart disease, are not given the same attention and not front of mind for individuals. [Marketing contributes towards sustaining social norms around alcohol, that this is positive, normal and desirable. We know that social norms are amongst the most powerful drivers of behaviour, including drinking. Studies indicate that the way alcohol is portrayed within alcohol adverts acts as a cue for drinking and influences consumption.](#)
- 3.35 Although alcohol companies state that they use marketing techniques to retain consumers and inspire switching between brands and products, [research](#) demonstrates that campaigns also recruit new drinkers and increase overall alcohol consumption.

- 3.36 It is [very unlikely](#) that alcohol marketing only influences adults on switching between brands and that this does not influence increased consumption of alcohol. [It can have a number of impacts on behaviour including encouraging someone to try an alcoholic product for the first time, encouraging someone to buy more or more frequently, capturing market share from competitors or enticing previous consumers to return.](#)

4. What is the current regulatory system?

- 4.1 Alcohol marketing in the UK is largely self-regulated, by the alcohol and advertising industries, as well as co-regulated with Ofcom for broadcast advertising. Different industry-developed codes of practice apply to different media, with different bodies overseeing compliance.
- 4.2 The Advertising Standards Authority (ASA), funded by a levy on the advertising industry, operates codes, which apply to [broadcast](#) (e.g. television, overseen by Ofcom) and [non-broadcast](#) (e.g. print) marketing. For broadcast media, adverts need to be cleared before transmission to check compliance. Some of the rules that the ASA oversee are underpinned by law. For example, the [Communications Act 2003](#) prohibits alcohol advertising on video-sharing and on-demand services from encouraging immoderate consumption or being aimed specifically at persons under the age of eighteen.
- 4.3 For product naming, packaging and promotion, the Portman Group's [Code of Practice](#) is applicable. The Code operates alongside current existing legislation. The Code notes it is the responsibility of the producer to ensure a drink's packaging complies with food regulations and all other relevant regulations or legislation. A separate [Portman Group Code of Practice](#) is in place for sponsorship. It is important to note that the [Portman Group](#) is funded by the alcohol industry.
- 4.4 The Codes contain rules on the content of adverts specifically intended to protect children and young people. These include that alcohol marketing must not be likely to appeal particularly to people under 18 years, must not be targeted to people under 18 through the selection of media, and must not feature people drinking who seem to be under 25. There are no specific rules in place intended to protect higher-risk drinkers or those in recovery, although there are general rules around not encouraging immoderate consumption.
- 4.5 We know that, despite the Codes, children and young people in Scotland [see a high volume of alcohol marketing](#). This suggests that we need to go further to reduce the volume of alcohol marketing seen by children and young people.
- 4.6 One reason the rules may not be effective is that they are focused on the content of alcohol adverts and entail making subjective judgements. For example, although the current Codes prohibit advertising that is [particularly appealing](#) to under 18's, this is a high threshold to meet. When [young people are asked](#) whether alcohol adverts are appealing they often answer that these are, despite self-regulatory bodies decisions that these are not appealing. In theory, within this rule, a marketing campaign can appeal to children, but as long as it also appeals to adults it is permitted this is a high threshold to meet. It suggests that adverts are permitted to appeal to children and young people, so long as they don't appeal more to them than they do to over 18's.
- 4.7 Children often aspire to appear older than they are and may be drawn to products that suggest greater maturity to them. Marketing that is childish will not always appeal to children whereas [marketing which is aimed at adults will often appeal to those under 18](#).

- 4.8 Another reason that the current system may not be effective is that the Codes do not focus on reducing the volume of alcohol marketing that children and young people see. The system is focused on protecting children at events, and around media that is likely to be solely targeted at them (e.g. children's cartoon shows). This does not take account of the reality of how children and young people live their lives; that they will attend events and watch or interact with media that is not only for them.
- 4.9 For example, the current [CAP Code](#) rule prohibits alcohol advertising in public spaces if 25% or more of the audience are under 18. This does not prevent most, if any, alcohol outdoor advertising on billboards or public transport, because under 18's are less than 25% of the population overall. This means that children and young people are routinely exposed to outdoor alcohol advertising as they journey around their communities to school, swimming pools, shops and to see their friends.
- 4.10 This is also true of sports sponsorship, where the [Portman Group's Code of Practice on Alcohol Sponsorship](#) utilises the same 25% threshold rule. Although under 18's are less than 25% of the audience watching, for example a Scotland rugby match, this still means that thousands of children and young people see a high volume of alcohol marketing and branding in person and on television.
- 4.11 Both the ASA led system and the Portman Group systems have a largely complaints-led component to their monitoring and therefore depends on members of the public seeing and then subsequently knowing how to report marketing which may breach the rules.
- 4.12 The complaints-based system is also by its nature retrospective, meaning that marketing campaigns can continue to run despite being potentially in breach of the rules, until a decision is made. [Decisions can take months](#), meaning that campaigns could have finished by the time anything would be enforced or a campaign is made to stop running. For example, one regulatory body made a decision in February 2018 that a Christmas-themed alcohol campaign had breached their rules; however the campaign ran in November/December 2017 and had [finished by the time of the decision](#). This is in contrast with the Clearcast³ system for television advertising where adverts must be pre-approved before they are allowed to be shown.
- 4.13 The [WHO](#) recommends that countries restrict alcohol marketing via a legal framework, with strong sanctions, as opposed to taking a self-regulatory approach. This consultation sets out potential areas of restriction which could be introduced via legislation rather than strengthened self-regulatory rules. This is because the consultation largely proposes potential introduction of tighter controls on the volume of alcohol marketing permitted rather than new rules relating to the content of alcohol marketing. Rules focusing on content of adverts are subjective and less effective in protecting children and young people, as set out above.

³ Clearcast is owned by the largest UK commercial broadcasters (but accepts other broadcasters as clients) and works to make sure advertisements comply with the UK Advertising Codes set by the Committee of Advertising Practice and the Broadcast Committee of Advertising Practice. Clearcast is not a regulator, does not create the rules of advertisement and cannot ban commercials.

5. Proposed restrictions

- 5.1 The range of harmful impacts that alcohol marketing can have are set out in the first section of this consultation. With these in mind, a range of potential areas of restriction are set out within this section, with views sought on each of these. Further development, and consultation, on the full detail of any proposed restrictions will take place in due course.
- 5.2 The strong academic evidence on the impact that alcohol marketing can have is not repeated throughout this section, as this applies generally to the various marketing tools and channels set out here. The primary rationale is that alcohol marketing overall, whichever particular marketing channel is being viewed, is harmful by increasing the appeal and attractiveness of alcohol amongst children and young people. Where there is further evidence on for a specific marketing channel it is added within the relevant section below.
- 5.3 It is crucial that any potential restrictions to reduce the volume of alcohol marketing are as comprehensive as possible. We know that it is the [cumulative nature of alcohol marketing that negatively influences children and young people](#) rather than individual channels or methods. We also know that, [when other countries have restricted individual channels of alcohol marketing, advertising activity has increased on non-restricted channels](#). This was also true of [tobacco marketing restrictions](#).
- 5.4 [Evidence from other European countries](#) also sets out that more comprehensive restrictions have proved to be more effective and easier to implement.
- 5.5 As previously mentioned, we will consider the areas where Scotland can implement restrictions on advertising within devolved powers. Some of the areas discussed in the consultation (e.g. TV and radio advertising) may require the UK Government to take action. Given the value of taking a comprehensive approach to restriction, there is value in gathering views on all the areas discussed in this paper.

6. Sport and events sponsorship



"I remember at my brother's football match, there were alcohol advertisements all around the pitch."
(9-11 year old, [Children's Parliament](#))

- 6.1 There is a long-standing relationship between alcohol brands and sport in Scotland, particularly in football and rugby union. This normally consists of club or competition sponsorship as well as high profile sponsorship of major international sporting competitions such as the Six Nations and the UEFA European Championships. When hosted in Scotland these events reach larger and more captive audiences than other marketing channels can. Television audiences for [international rugby union](#) and [football matches](#) involving Scotland number in the millions, in addition to the thousands in the crowd watching in person.
- 6.2 [Research](#) considering 34 rugby and football teams/organisations in Scotland found that nearly four in ten of the teams audited (39%) had a sponsorship relationship with an alcohol producer or distributor. This included half of the football teams in the Scottish Premier League, nearly a third of the teams in the Scottish Championship and the three rugby organisations audited.
- 6.3 Sponsorship is a contractual arrangement between an alcohol company and a sports team, venue or competition. [This arrangement often includes a wide range of marketing activities](#) which are used to explicitly promote products. Specific activities in the sporting context including featuring alcohol brands on players clothing or displaying advertising on pitch borders. Sponsorship has also evolved to include social media and digital content. Examples include videos featuring players visiting distilleries and creating alcoholic products.
- 6.4 Cumulatively this marketing activity means that alcohol brands are highly visible to crowds attending as well as to anyone watching the broadcasts. [Researchers coded](#) televised broadcasts of sport in Scotland and found one alcohol marketing reference every 98 seconds in a live Scottish Premier League match, every 71 seconds in a live Scottish Cup Final and every 15 seconds in a live Six Nations match.

- 6.5 A recent [University of Stirling study](#) analysed alcohol references within four broadcast matches, hosted in France, Ireland and Scotland, at the 2020 rugby Six Nations Championship. This found that alcohol marketing was most frequent in the match played in Scotland, with an average of approximately five references per broadcast minute, one every 12 seconds. This contrasted with an average of one reference per broadcast minute in France, a country with comprehensive restrictions on alcohol marketing. The most frequent location of references in the match played in Scotland was on the stadium structure (36.2%), particularly static and electronic advertising hoarding on the upper tiers that was visible during large parts of the broadcast.

What impact does this have?

- 6.6 Children and young people in Scotland form part of the in-person and televised audience for sporting events, meaning that through attendance at these events they can be heavily exposed to alcohol sports sponsorship.
- 6.7 A [2019 survey](#) found that 69% of young people surveyed in Scotland had seen alcohol sports or events sponsorship in the prior month. [Research with ten and eleven year olds in the UK](#) found that almost half of the Scottish children surveyed (47%) associated the Scottish national team with the beer brand sponsor at that time. Only 19% of the English children made the same association.
- 6.8 Sponsorship is a particularly potent form of alcohol marketing. People have particular connections with sports teams and players, as well as bands and celebrities. This allows alcohol brands to [capitalise on and transfer these emotional connections to their brand, thereby increasing the alcohol brands visibility, appeal and influence](#). This may create an appearance that the players or team are endorsing the products, children and young people or adults may [then want to purchase these products in order to emulate, or be similar to, their sporting heroes](#).
- 6.9 Project and [focus group](#) work with children and young people in Scotland and the UK further evidences how highly aware of alcohol sports sponsorship they are. One of the children involved in the [Children's Parliament](#) investigation on an alcohol-free childhood said "*the Champions League sponsor is (brand name deleted)... At the start of the match, they announce the sponsor and you can see the adverts all over the stadium.*" [Children and young people in Scotland](#) have considered alcohol sports sponsorship and made the below recommendations.

Young Scot Health Panel

Recommendations

- Prohibit alcohol-branded sports merchandise, including sponsorship on replica kits.
- Offer accreditation to sports venues which are more family-friendly. This entails reducing the alcohol advertising on display, placing limits on the number of alcoholic drinks a person can buy, and hosting at least six alcohol-free sporting events per year.
- During televised sporting events, footage of crowds should avoid close shots of people drinking alcohol.

Children's Parliament

- Stop alcohol sponsorship of events at which children may be present. Investigators call on organisers of sports games, festivals and other events to have separate spaces for children and families, or to stop using alcohol sponsorship if any children may be present.

- 6.10 Alcohol sports sponsorship may also exclude or discourage those on a recovery journey for problematic drinking, from attending sporting events. [People in recovery in Scotland have highlighted places where alcohol is sold and promoted as being risky environments.](#)
- 6.11 It is clear that alcohol sponsorship is contributing to the high volume of alcohol marketing in Scotland. We want children and young people, as well as those in recovery and the wider population, to be able to attend and enjoy sporting events without seeing alcohol adverts or promotion. Sport should inspire good health and active participation rather than promote a health-harming and age-restricted product.
- 6.12 Many professional sports clubs in Scotland do not currently have an alcohol sponsor. A [recent study](#) found that half the Scottish Premier League football teams do not have an alcohol sponsor. Overall 93% of all sponsors in Scottish football and rugby are not alcohol producers or distributors. We know from the restrictions on tobacco sponsorship within sports that alternative sponsors can be found given adequate transition periods.
- 6.13 Examples from other countries with restrictions on alcohol sponsorship also demonstrate that sporting competitions remain financially viable and that major international events can still be successfully hosted. Both the football European Championships and World Cup were successfully hosted in France after sponsorship restrictions were imposed. [Similar concerns](#) were raised during the passage of the Irish legislation, which noted that other forms of sponsorship had already been found in sports that had already moved to remove alcohol links.

Question 1	Do you think we should prohibit alcohol sports sponsorship in Scotland?					
Please tick one	Yes		No		Don't Know	
Please provide your answer in the text box.						

- 6.14 As set out above, alcohol sports sponsorship is not a marketing channel in itself but is the term used to cover a contractual arrangement covering a range of marketing activities, aimed to promote that alcoholic product. Specific activities in the sporting context including featuring alcohol brands on physical items (players/officials clothing, equipment or trophies) or displaying advertising at various locations inside (pitch borders, tunnel, dug-outs, interview boards) and outside of stadiums. Special limited edition alcoholic products are also released to commemorate tournament wins or famous anniversaries.

- 6.15 The sponsorship arrangement can also be linked to hospitality arrangements within the stadium such as branded bars, glassware, signage and free tastings, in addition to that particular alcoholic drink being available to buy (where allowed), sometimes exclusively due to ‘pourage rights’.
- 6.16 Sponsorship has also evolved to include social media and digital content. Examples include content around competitions, branding accompanying team line ups or match results/commentary as well as videos featuring players visiting distilleries and creating alcoholic products.
- 6.17 One option for Scotland might be a prohibition on sponsorship, defined by reference to a list of prohibited marketing activities (e.g. a prohibition of alcohol brand logos on sports clothing, on players or managers featuring in adverts). The intention would be that this would create a more family friendly environment at both sporting and cultural events and weaken the link between influential figures and teams with alcohol brands.
- 6.18 If a prohibition on sponsorship was taken forward, there would also be potential cross-over with proposals in other areas e.g. a potential prohibition on advertising outdoors overlaps with a prohibition on advertising being featured in or around stadiums.

Question 2	If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?
<p>Illustrative examples include:</p> <ul style="list-style-type: none"> • prohibiting the use of alcohol brands on clothing worn by players or staff • prohibiting alcohol being advertised on pitch side hoarding, pitches, trophies, tunnels or interview boards • prohibiting players or staff from featuring in alcohol adverts in print or online • prohibiting online content from linking the sports team, players or competition to an alcohol brand or vice versa. 	
<p>Please provide your answer in the text box.</p>	

Question 3	What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship?
<p>Please provide your answer in the text box.</p>	

Events Sponsorship

- 6.19 Non-sporting events are also sponsored by alcohol companies and draw in high audiences in person and when televised. Examples include the Edinburgh Fringe Festival, the Royal Edinburgh Military Tattoo and music festivals for example TRSNMT and Glasgow Summer Sessions.
- 6.20 Although there is strong academic evidence looking at the nature and extent of sports sponsorship in Scotland, as well as the impact sports sponsorship has generally, the extent and impact of sponsorship of non-sporting events has not been researched.
- 6.21 Despite the lack of research, it seems likely that children and young people, as well as those in recovery, see examples of alcohol marketing at non-sporting events, as a result of sponsorship arrangements. Techniques are likely to mirror those used in sports sponsorship including alcohol branding being featured on stages at music festivals and shows, alcohol advertising being displayed on programmes and posters and online content featured by both parties.
- 6.22 In terms of impact, it could be that sponsorship of non-sporting events also allows alcohol brands to feature alongside fun and enjoyable activities. This could drive the visibility and appeal of alcohol and influence pro-alcohol attitudes in children and young people.
- 6.23 There is some [academic evidence](#) finding that those on a recovery journey for problematic drinking find places where alcohol is sold and promoted to be risky environments where they would rather avoid.
- 6.24 Due to the likely impact this has, it is therefore also worth considering alcohol sponsorship of non-sporting events and whether this should be an area of potential restriction.
- 6.25 Given the need for a comprehensive approach for restriction to be effective, not considering non-sporting events may also provide a loophole in any regulation and a potential lucrative channel for alcohol marketing, if others were prohibited.

Question 4	Do you think we should prohibit alcohol events sponsorship in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 5	If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?					
Please provide your answer in the text box.						

Question 6	What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?					
Please provide your answer in the text box.						

6.26 The Scottish Government acknowledge it would be a significant undertaking if alcohol sponsorship was prohibited for all events, without an adequate lead-in time. This takes account of the commercial nature of sponsorship contracts whereby these are made for a number of years. We welcome views on whether a lead-in time would be appropriate as well as how, and for how long, this might operate.

Question 7	If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these? How long might this be and how would it work?					
Please tick one	Yes		No		Don't Know	
If you have any comments on the overall approach please record those here.						

7. Outdoor and public spaces marketing

“From the start of the day when I’m at the bus stop, it’s there on the billboards as I get from A to B, it’s in the shops, most of them – it’s everywhere.”

[Person in recovery](#)

- 7.1 Outdoor marketing can reach large numbers of the population, which includes children and young people as well as those in recovery. This is not limited to those occasionally passing signs such as drivers or pedestrians but also those who live, study or work in close proximity to their location. People in Scotland, including children and young people as well as those in recovery, are exposed to outdoor advertising indiscriminately as they travel around their neighbourhoods, villages, towns and cities. They do not make a conscious decision or a choice to see outdoor advertising.
- 7.2 Outdoor advertising includes billboards, both digital and paper, as well as posters or signs. These types of adverts can be displayed in, on or near a range of settings, including:
- Public transport, stops and stations
 - Vehicles including buses and taxis
 - Leisure facilities (e.g. sports centres, parks, leisure centres)
 - Shopping centres and precincts
 - Licensed premises (pubs and restaurants)
- 7.3 This is a highly visible form of advertising. In 2019 more than six in 10 (63%) young people aged 11-19 surveyed [in Scotland](#) had seen alcohol billboard advertising. Although there are no specific studies on the percentage seen by the general population or those in recovery, this is likely to be similar to children and young people.
- 7.4 The [current self-regulatory Codes](#) governing outdoor alcohol marketing are largely permissive of outdoor and public spaces advertising. The rules tend to focus on places specific to children and young people like schools; ignoring the reality that children and young people travel around their communities for a variety of reasons. As they do so, they are exposed to alcohol marketing and advertising in public spaces.
- 7.5 Ireland has recently [passed legislation](#) to restrict the volume that children and young people see. This includes a [prohibition on alcohol advertising](#) in or on public services vehicles (rail, buses), at public transport stops or stations and Local Authority owned parks or open spaces as well as within 200 metres of a school, a creche or Local Authority playground.
- 7.6 Prohibited advertising includes the display of posters, billboards, hoardings, placards or other signage whether intended to be permanent or temporary. This also includes a prohibition of advertising in or on a sports area during a [sporting event](#).

- 7.7 [Other European countries such as Estonia and Lithuania](#), go even further and include recreational facilities like museums, theatres, libraries within prohibitions on alcohol marketing.
- 7.8 In 2019, [advertisements for high fat, salt and sugar \(HFSS\) foods](#) were banned from the Transport for London network by the Mayor of London. This included on trains and at stations as well as on buses and bus shelters.
- 7.9 [Research](#) evaluating the impact of the ban found reductions in purchases of HFSS foods by households within the London TfL area compared to households outside of London. Weekly household purchase of energy from HFSS products was 6.7% (1,001 kcal) lower in intervention households after the introduction of the policy. This demonstrates the potential impact of restricting the marketing of products of unhealthy products within public spaces, especially when targeted towards childhood health.
- 7.10 Given the difficulties around defining places as places children and young people frequent, as well as the likely impact of alcohol marketing on adults too, a prohibition of alcohol advertising in public spaces may be the best course of action.

Question 8		Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?				
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

- 7.11 [Children](#) and [young people](#) in Scotland have made recommendations supportive of restricting outdoor and public spaces advertising. Children's Parliament investigators felt that billboards and adverts promoting alcohol use and drinking should not be allowed to be displayed in areas where children may see them.

Young Scot Health Panel

Recommendations 14

Prohibit alcohol marketing on billboards and posters near to schools, nurseries and playgrounds, and on public transport vehicles, stops and stations.

Children's Parliament

Recommendations 3

Remove adverts for alcohol so that children can't see them

- 7.12 Reducing this highly visible source of marketing would also benefit higher-risk drinkers, those in recovery and the general population given the links set out in earlier sections on how marketing generally drives attractiveness and influences attitudes and consumption patterns. Given that this type of advertising appears in everyday settings, it cannot be easily avoided.

Question 9	What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces?
Your answer should include: 1) Places where you think alcohol marketing should be prohibited (e.g. on bus shelters, in or near leisure centres or on taxis); and 2) Types of alcohol marketing you think should be prohibited outdoors (e.g. billboards or signage).	
Please provide your answer in the text box.	

Question 10	What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?
Please provide your answer in the text box.	

8. In-store alcohol marketing

“When you go to the till, you pass the big alcohol bit”
(9-11 year old, [Children’s Parliament](#))

“Alcohol is right at the counter... it’s a trigger for me, so I have to avoid it. I don’t go there. If I haven’t got milk, I have to wait until I go to the [big] shops.”
[Lisa, 1 year sober](#)

- 8.1 In-store alcohol marketing concerns all the activity that takes place inside a shop or supermarket to increase the visibility and attractiveness of a product to induce sales. This could be, for example, moving a product from an aisle shelf to an end-of-aisle display.
- 8.2 In Scotland, the way that alcohol is sold in the retail setting is regulated in part through the [licensing system](#). To sell alcohol there are specific conditions attached to the mandatory Premises Licence including the requirement to only display alcohol for sale within an alcohol display area/s in store. Temporary price reductions and quantity discounts (e.g. multi-buys or discounts on bulk purchases) [are also prohibited](#).
- 8.3 Alcohol promotions, connected to that specific premises, are [restricted](#) to the [alcohol display area](#) or to tasting rooms and are prohibited within a 200 metre vicinity of the premises.
- 8.4 Despite the current rules, alcohol is still legally promoted in-store through the placement of alcohol. [Research](#) shows that over half (58%) of children and young people surveyed in Scotland report seeing alcohol marketing in-store. This could be a wide range of marketing activities such as an aisle-end display with promotional materials or signage.
- 8.5 Visibility of alcohol in the retail environment may influence children to think of alcohol in the same way as other everyday consumer goods sold at shops like food, clothes and medicines, and contribute to the normalisation of alcohol. This may create positive attitudes around alcohol which later influence consumption decisions.
- 8.6 People in recovery in Scotland [have reported](#) that retail-based environments are their single biggest challenge to recovery. Key factors included the visibility of alcohol in shops and in-store marketing and price promotions. Those in the early stages of recovery cited the everyday difficulties of negotiating the city space whilst avoiding alcohol triggers. Participants who avoided alcohol outlets spoke not only of avoiding premises themselves, but also of the need to avoid the alcohol aisles due to both the presence of alcohol and in-store marketing and price promotions.

“I had to get my neighbour to get my shopping, I just did not trust myself – it looked too good.”

[Person in recovery](#)

"I would like to see more consistency and at the very least alcohol being hidden in the back corner, this would make things easier."

[Person in recovery](#)

How can we address this issue?

8.7 The Children's Parliament project recommended further restrictions on the in-store environment.

Children's Parliament

Investigators felt that alcohol should not be advertised or displayed in shops where children can see it. Children do not want to be exposed to alcohol in or outside shops and supermarkets. Investigators called for alcohol to be sold in adult-only sections of shops, separate rooms in regular shops and supermarkets dedicated to alcohol sales.

Window Displays

8.8 In order to reduce exposure to alcohol in the retail environment, we are considering whether the restrictions around the alcohol display area need to be tightened. This would prohibit window displays from being included within the permitted alcohol display area, which would reduce the visibility of alcohol from outside the shop itself. [Evidence shows](#) that shop fronts are a source of marketing exposure for both children and young people as well as those in recovery.

Defining location of alcohol display areas

- 8.9 Current regulation sets out that alcohol can only be displayed for sale in one specific area of the premises. This one area must be agreed with the Licensing Board but can be situated in main thoroughfares within the shop, including near the entrance or exit, or near checkouts.
- 8.10 This could be addressed by defining where an alcohol display area could be located, for example near the back of the shop away from entrances, exits or checkouts. Where alcohol is displayed behind the checkout this could be required to be in a closed cupboard, like tobacco products. For some small shops this could significantly limit how alcohol could be sold. Further work will need to be undertaken on the impact to small retailers before any potential restrictions were introduced.
- 8.11 The use of mixed aisles could be restricted. This would stop one side of a shop aisle featuring alcohol products but the other featuring non-alcohol products. This would limit the visibility of alcohol to only those who make a specific decision to buy alcohol rather than being visible to anyone.

Limiting aisle-end displays

8.12 Aisle-end displays increase prominence and visibility of products to consumers and are used to drive product sales. [A UK study](#) found that an end-of-aisle position for alcohol, including beer, wine and spirit products, increased sales by between 23.2% and 46.1%. [Another study](#) found a substantial increase in sales of products positioned at the ends of aisles, soap and milk in this case. This may be because aisle-end displays increase visibility and thereby impulse or unplanned purchase.

8.13 Aisle-end displays of alcohol are therefore likely to do two separate things:

- drive sales of alcohol amongst legal age purchasers
- increase the visibility of alcohol and alcohol brands amongst all consumers, including children and those in recovery.

Question 11		Do you think that we should further restrict the visibility of alcohol in retail environment, giving reasons for your response?				
For example by;						
<ul style="list-style-type: none"> • restricting window displays of alcohol, • restricting the use of mixed alcohol and non-alcohol aisles, • prohibiting aisle-end displays of alcohol, • redefining the alcohol display area, and/or • covering alcohol behind till areas similar to tobacco. 						
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Illustrative example – Irish approach

8.14 In 2018 Ireland introduced a policy of structural separation of alcohol within the retail environment to [reduce alcohol consumption, delay the initiation of alcohol consumption by children and young people and in doing so reduce alcohol-related harms](#). The [legislation](#) mandates specific ways that alcohol can be displayed and advertised within mixed retail outlets, shops that sell alcohol and other products.

8.15 Retailers who sell alcohol alongside other products, can store alcohol in one storage unit behind the counter. This cannot be accessible to members of the public and should remain closed when not in use, with products not visible when closed. In addition to this one unit, [mixed retail shops can also display and advertise alcohol products using one of the following three options](#):

- A separate area of the shop separated by a physical barrier (1.2 metres+ high) and through which alcohol and advertisements for alcohol are not visible.
- One or more enclosed adjacent storage units in which alcohol is not visible up to a minimum height of 1.5 metres.
- A maximum of three open adjacent units, each not exceeding 1 metre wide and 2.2 metres high.

8.16 Restrictions on placement within Ireland came into force in [November 2020](#), as such there is no evaluation yet of impact. However, we welcome views on if we should consider further restricting the placement and location of alcohol in stores. The Irish approach is used to illustrate what this could look like in Scotland.

Question 12	Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 13	How do you think structural separation of alcohol in Scotland could operate? (e.g. with barriers, closed display cases)					
Please explain your answer in the text box.						

9. Brand-sharing and merchandise

- 9.1 Brand-sharing in the alcohol context means using a brand, primarily known as an alcohol brand, on products which are not alcoholic drinks. This often involves use of the brand name, insignia, logos, colours or other identifiable markings of that brand.
- 9.2 A number of major alcohol manufacturers utilise their brand names on products as diverse as non-alcoholic drinks, ice creams (e.g. Bailey's Haagen-Dazs) and accessories (e.g. [Innis and Gunn](#) blankets). This provides an additional means to increase the visibility of alcohol brands to consumers. Branded clothing, where a slogan or logo is used (e.g. [Guinness merchandise](#)) can also increase the awareness of alcohol brands.
- 9.3 Branding is fundamental to successful marketing. It is what companies use to differentiate their products from those of competitors and to build connotations and associations amongst consumers. [This is recognized as one of marketers' most powerful and advanced emotional tools. Brand strategies are devised to develop branding that builds lasting relationships with consumers that help to ensure they continue to buy products and services.](#)
- 9.4 [Research suggests](#) that alcohol branding has a powerful influence on young people, by using evocative imagery and cues, as well as appealing to adolescents on emotional levels and fulfilling their aspirations in terms of image and self-identity. We know that children and young people in Scotland are [highly aware of alcohol brands](#) and that they associate these with [particular things and have positive or negative feelings towards them](#), before they can legally purchase alcohol.
- 9.5 [Brand-sharing](#) means that brand associations and attitudes can be transferred from the well-established, parent brand to the new extension product. This may encourage purchases of other products from the company.
- 9.6 One way we could seek to reduce the visibility of alcohol brands would be to prohibit the sale or distribution of alcohol-branded merchandise including T-shirts, jackets and baseball caps as well as branded glasses and mugs. These increase brand visibility and have more permanence than alcohol adverts on TV or on billboards. They are often re-used over time within our homes or, in the case of clothing, can become walking billboards in themselves.
- 9.7 A survey of over 3,000 young people aged 11-19 years old in the UK found that [17% reported owning alcohol branded merchandise](#). Those who owned branded merchandise were almost [twice as likely to be susceptible to drinking compared with those who did not](#).
- 9.8 [Research](#) demonstrates that actively engaging with alcohol marketing, like owning alcohol-branded merchandise, has a stronger association with alcohol consumption, than seeing an alcohol advert does.
- 9.9 Prohibiting alcohol-branded merchandise would also remove another potential trigger for higher-risk drinkers and those in recovery, as well as the general population. If restrictions were to be progressed, we would need to further consider the scope of any restrictions and what would be included or exempted from this.

Question 14	Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 15	Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 16	What, if any, exceptions do you think should there be to prohibiting the sale or distribution of alcohol-branded merchandise?					
Please provide your answer in the text box.						

Question 17	What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?					
Please provide your answer in the text box.						

Brand-sharing within the drinks category – no and low alcohol

“It's not promoting alcohol-free beer its promoting your brand” ([Georgie, 22](#))

9.10 Several leading players in the alcohol industry offer a NoLo option alongside their ‘flagship’ alcohol products, often branded in similar ways to their alcoholic counterparts and the subject of dedicated marketing and promotional campaigns. By NoLo products we are referring to drinks containing between 0% ABV and 1.2% ABV, featuring brands, or brand identifying characteristics, more associated with stronger alcoholic products (over 1.2% ABV). The no and low alcohol drinks market is expanding rapidly and is one of the fastest drinks trends in the UK; sales increased 58% in 2019 compared to the previous year. This is a further example of the use of brand-sharing, albeit within the drinks category.

- 9.11 The evidence on how NoLo products are consumed is not yet clear. In terms of whether these are consumed in addition to stronger alcoholic products at alternative occasions or settings, or as a direct substitute for alcoholic products. There is also no clear evidence on how children and young people may be consuming these products or the reasons for consumption. However, experiences from those in recovery have noted that NoLo can [negatively impact](#) their recovery.
- 9.12 [There is no strong evidence base to indicate that the expansion of the NoLo market will reduce alcohol-related harm](#) as this is often promoted as to be consumed in [addition](#) to alcohol rather than as a substitution (e.g. in the workplace).
- 9.13 NoLo products are often marketed for drinking in addition to one's usual alcohol consumption patterns rather than instead of. This includes advertising showing the products being consumed at times and in settings where one would not normally drink alcohol e.g. [at lunchtime, amongst pregnant woman, when driving or when doing yoga or DIY](#). If used in these alternative and usually non-alcohol related circumstances, use of NoLo products is unlikely to reduce overall consumption patterns, and thereby alcohol-related harms.
- 9.14 [Some evidence](#) suggests that NoLo products have contributed to a reduction in the volume of alcohol purchased by British households in recent years. However, other UK [survey research](#) suggests that 50% of NoLo drinkers stated that drinking NoLos had not changed their overall alcohol consumption levels. [Moderate and heavy drinkers](#), for whom the health gains from cutting back are greatest, were more likely to report consuming NoLo drinks in addition to, rather than instead of, consumption of alcoholic drinks.
- 9.15 [Evidence from Thailand](#) suggests that alcohol companies strategically use similar branding in promotion of alcoholic and soft drinks meaning that young people associate brands with the 'flagship' alcoholic products regardless of what is being advertised. This may help to encourage allegiance to particular, predominantly alcohol, brands, including among consumers under the legal drinking age.
- 9.16 Within the UK, [some of the current alcohol advertising code rules apply to adverts for some NoLo products – to those over 0.5% ABV as well as to adverts that aren't specifically for alcoholic drinks, but that have the effect of promoting them](#). This is positive as when NoLo products are branded with well-known alcohol brands, this can create a loophole to marketing restrictions. It would therefore seem consistent that, if we were to introduce stronger statutory restrictions in Scotland, we retain NoLo products within the scope of any stronger rules.
- 9.17 Other countries with stronger statutory restrictions have found that, if NoLo products are not explicitly included within the scope of alcohol marketing restrictions, this creates a loophole. It means that NoLo products, branded with a well-known alcohol brand, can be advertised in ways or places that stronger alcohol products can't.
- 9.18 Some other European countries explicitly include NoLo products within the scope of their alcohol marketing restrictions. For example, in Norway alcohol marketing is prohibited on all channels. [This prohibition applies to alcoholic beverages over 2.5% alcohol by volume \(ABV\) but also to advertising of other products carrying the same brand or trademark as alcoholic beverages over 2.5% ABV](#).

- 9.19 In France, comprehensive restrictions prohibit advertising of alcoholic products over 1.2% ABV. Despite these restrictions, during the 2020 Six Nations rugby tournament there [was an average of 1.2 alcohol references per minute during the France vs England match hosted in France](#). The [vast majority of these did not feature the alcohol brand name but were indirect references](#) to the alcohol brand (e.g. the slogan and font of the alcohol brand). This is also called ‘alibi marketing’.
- 9.20 This demonstrates the need to carefully consider restricting these other distinctive and identifiable elements associated with the alcohol brand, in addition to restricting use of the alcohol brand name. [Research has shown that young people in the UK are able to easily identify alcohol brands simply from these visual cues alone, even when the brand name itself has been covered up](#).

Question 18	Do you think that any potential alcohol marketing restrictions should also apply to no-or low drinks products between 0% ABV and 1.2% ABV, where these carry the same brand name, or identifiable brand markings, as alcohol drinks over 1.2% ABV?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

10. Print advertising

- 10.1 Alcohol is advertised in newspapers and magazines within Scotland. [A survey of over 3000 young people aged 11-19 years old in the UK](#) found that 18.8% had seen an alcohol advert in newspapers or magazines in the last week. [Four in ten had seen one in the last month](#).
- 10.2 We know that around [a third of adults consume news via newspapers](#). Newspaper circulation figures in Scotland demonstrate that over [70,000 people](#) purchase the Daily Record daily with around [60,000 receiving the free Metro in Scotland daily](#). This means that alcohol-related advertisements could reach a significant number of adult readers.
- 10.3 This provides an additional source of exposure to alcohol marketing within our society and forms a portion of the cumulative effect, previously discussed. This has an impact on those in recovery who try to limit their exposure to alcohol to ensure they do not relapse. It also means that [children and young people](#), can be exposed when reading print media.
- 10.4 If print advertising was not restricted alongside other restrictions presented above then it may provide an opportunity for increased expenditure on print marketing, instead of the other forms of marketing being restricted. Restricting alcohol advertising within printed publications may therefore form part of a comprehensive approach to reduce the impact that alcohol marketing has in Scotland.

Question 19	Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Exceptions

- 10.5 If this was taken forward, some consideration would need to be given to specialist consumer publications, trade press and industry-focused publications. These are unlikely to be seen, on a large scale, by children and young people or by those in recovery.

Question 20	What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?
Please provide your answer in the text box.	

Print media from outside of Scotland

- 10.6 One potential issue with prohibiting alcohol advertising in newspapers and magazines in Scotland is that any regulation is unlikely to be able to extend to publications printed outside of Scotland and distributed in Scotland. [This is an issue that other European countries, including Sweden, have encountered with the operation of alcohol marketing restrictions.](#)
- 10.7 If we were to take action to restrict print advertising in Scotland, we would also look to encourage the UK Government to introduce complementary restrictions on alcohol advertising in newspapers and magazines produced in the Rest of UK and distributed in Scotland.

11. Online marketing

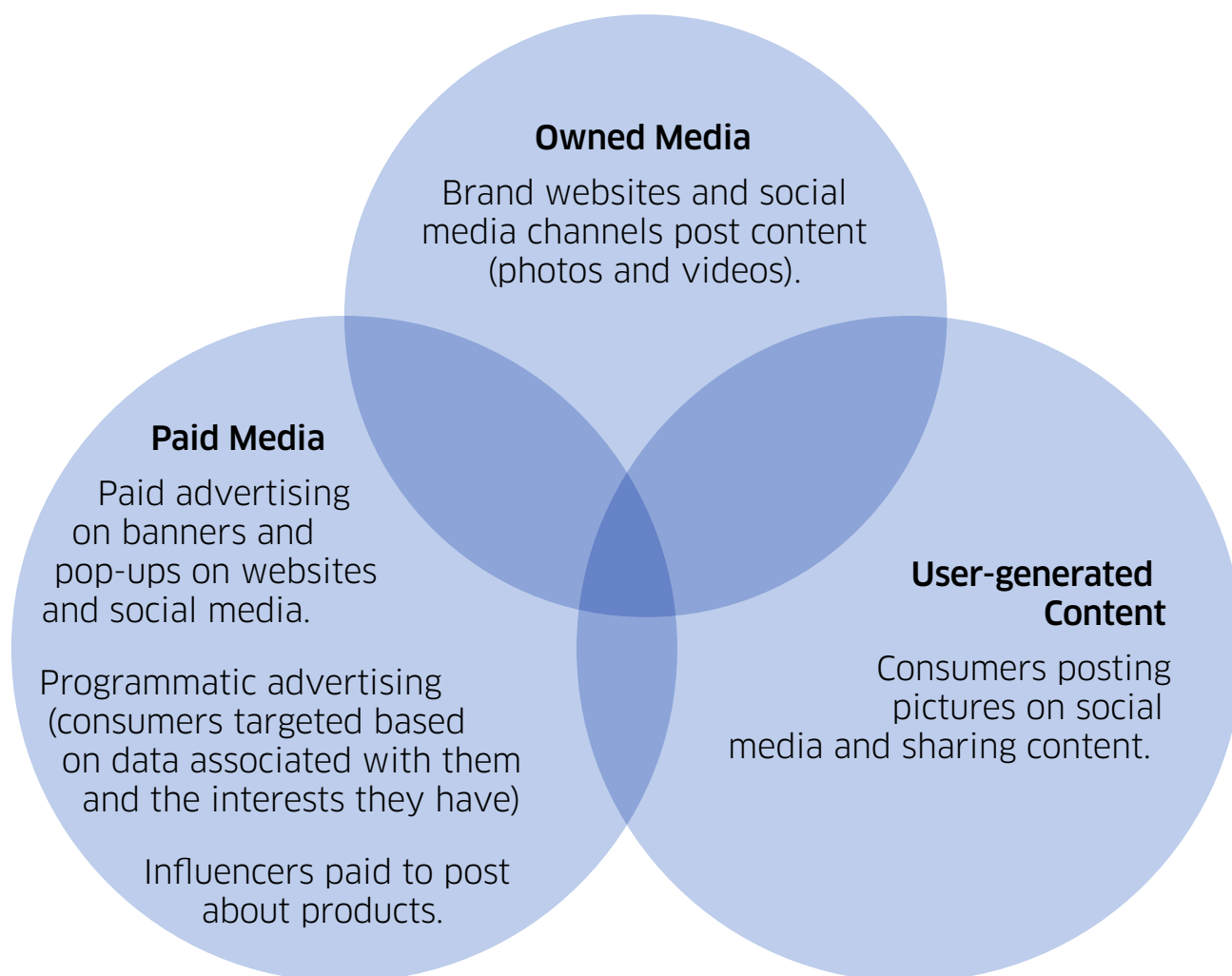
“Ads pop up all the time on social media and despite blocking them more just appear – it triggers me massively.”

Person in recovery

- 11.1 Seeing, and actively participating with, online alcohol marketing is associated with increased alcohol consumption and an increased risk of binge and hazardous drinking behaviours.
- 11.2 We know that online advertising spending is growing as a proportion of total advertising spending, £16bn was spent on online advertising in 2020 in the UK.
- 11.3 Over 2000 online alcohol marketing campaigns were operated on Facebook, Instagram, Snapchat, Twitter and Youtube during a two month period in 2020.
- 11.4 Most children today are active online from an early age. In many instances children and young people are the early adopters of popular websites and applications, driving the trends we later see among adults. Nearly all (97%) 5-15 year olds in UK went online in 2020. UK children aged 7 to 16 years old who went online estimated that they spent 3 hours 48 minutes a day online on average, compared to 2 hours 11 minutes in 2019.
- 11.5 This includes children and young people interacting with many different types of media such as websites, games, on-demand players (such as BBC iPlayer), social media and video sharing platforms (such as YouTube or TikTok).
- 11.6 Social media is an integral part of most children and young people’s lives. In the UK, despite many sites setting a minimum user age of 13, just over one fifth of 8-11 year olds (21%) have a social media profile rising to 43% of 11 year olds. By the age of 13 (the minimum age requirement) more than half have a profile and almost all 15 year olds.
- 11.7 We know that in spending a vast amount of time online, children and young people see and interact with alcohol marketing. Research shows that just over a quarter (27.3%) of 11-19 year olds in the UK had seen an alcohol advert on YouTube, Tumblr, Facebook, Snapchat, Instagram or other social media, in the week prior to being surveyed. Another survey of 11-19 year olds found that more than one-in-ten respondents had actively participated in one form of alcohol marketing on social-media, one-in-twenty had liked an alcohol brand or shared an alcohol brand status, tweet or picture.

What does online alcohol marketing include?

- 11.8 The online space provides an additional environment for the repetition and extension of offline marketing techniques such as television style adverts on video sharing platforms or billboard type adverts as banner/pop up adverts. It also provides the opportunity for interactive possibilities like targeted vlogs, filters on social media and viral marketing.
- 11.9 Online alcohol marketing includes adverts displayed on alcohol brands' own websites and social media channels (owned media). As well as paid adverts on websites, social media platforms or search engines, or by influencers (paid media).
- 11.10 On top of these commercial techniques, consumers post and share alcohol content on their own social media profiles (consumer-generated content).
- 11.11 Whilst traditional media channels like television display the same advertisement to all people watching, [online platforms have sophisticated data gathering methods which enable them to develop consumer profiles and to target that specific consumer with personalised advertising in real time based on their behaviour and interests](#). This is called programmatic advertising.



Owned media

- 11.12 Alcohol branded social media channels post content, including photos and videos, to individuals who follow or ‘like’ them. [High - quality posts advertise the product/s sold and show the alcoholic drink being consumed in desirable locations or contexts as well as highlighting sponsorships or tie-ins with celebrities.](#)
- 11.13 Children and young people would see alcohol content if they followed or liked the alcohol brand or if they followed sponsored celebrities, influencers or sports people who advertise the brand.
- 11.14 This is despite age gating, which is the process of checking age of users before allowing access. [UK research](#) has found that while age verification can prevent individuals whose profile states they are under 18 years of age accessing alcohol marketing on Facebook, users of all ages can access alcohol marketing on Twitter and YouTube.
- 11.15 [Research from the United States](#) found YouTube profiles created for fictional users aged 14, 17 and 19 were able to subscribe to 100% of the alcohol brand YouTube pages explored.

Question 21	Do you think we should restrict alcohol branded social media channels and websites in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 22	What, if any, exceptions do you think there should be to prohibiting alcohol branded social media channels and websites in Scotland?
Please provide your answer in the text box.	

Paid media

- 11.16 Alcohol companies also pay for advertising outside of their own websites and social media channels, as shown by a recent study by the [ASA](#). A high volume of paid alcohol advertising online is data-driven. It targets consumers based on data associated with them. For example, through other interests that consumers have (e.g. music or gardening) determined by previous browsing history and searches (known as user targeted advertising and retargeted advertising). Other online advertising continues to be contextually targeted, meaning that it is targeted to be relevant to the content of the website upon which it appears.

- 11.17 The current regulatory system is clear that online alcohol advertising should not be targeted towards under 18's. Also that advertisers should use both known age data and data about interests to ensure that this does not happen. [The ASA researched alcohol advertising in social media specifically and found that:](#)
- A handful of campaigns did not appear to use any age targeting at all
 - For the majority that selected an age 18+ audience, many didn't select any 'interests' options to give greater confidence in reaching an adult, rather than a child
 - There was limited evidence of advertisers actively barring their ads from being targeted to audience groups that have interests in topics and themes very strongly associated with under 18s.
- 11.18 This links in with broader issues around advertising online and age-restricted content, [as set out by the UK Government](#), including:
- the shared use of devices, online profiles and accounts between adults and children mean that there will perhaps not be clear age-based data or interests-based data showing that a user is under 18. [Research from the ASA](#) found that an avatar mimicking the profile of a child and adult sharing a device was served a similar proportion of unhealthy food adverts as avatars mimicking the profile of an adult
 - the false reporting of users' ages. [Ofcom data](#) indicates that levels of misreporting of age on social media have remained steady over the past 10 years – around 20% of 8 to 11 year olds report using social media accounts, despite the minimum age for such accounts being 13.
 - inaccuracy in using interest-based factors and other behavioural data as a proxy for age.
- 11.19 However, there are wider effects to users who would prefer not to receive targeted messages, especially those in recovery.
- 11.20 Adverts are tweaked and personalised to optimise the effectiveness of them to that particular individual. This may result in alcohol marketing online being uniquely harmful to vulnerable consumers [as more adverts might be served to high-volume consumers](#).
- 11.21 [This can include targeting at specific times and in specific places where people can be most vulnerable to alcohol marketing messages. This may appear in user's digital feeds while they are drinking alcohol including when they are intoxicated.](#)
- 11.22 Advertising online can also allow for instantaneous purchase through 'buy buttons' [creating a seamless flow from identifying consumer preferences, exposing consumers to a targeted piece of marketing to converting this into purchase](#).
- 11.23 This is of particular concern for higher-risk drinkers or those who may be in recovery from alcohol problems.

Question 23	Do you think we should restrict paid alcohol advertising online in Scotland?					
	Examples include adverts appearing on websites, via pop ups, on social media platforms, on search engines, or influencer advertising.					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 24	What types of paid alcohol advertising do you think should be covered by any restrictions?					
Please provide your answer in the text box.						

Question 25	What, if any, exceptions do you think should there be to restricting paid alcohol advertising online?					
Please provide your answer in the text box.						

User-generated content

- 11.24 User-generated marketing includes sharing or liking an alcohol brand's content including written posts, photos, videos, games and competitions. [This extends the reach of the original marketing and enhances the credibility of it.](#)
- 11.25 Consumers also create and post text, pictures or videos featuring alcohol on their social media profiles, independently of alcohol companies. For example, the NekNominate drinking game involved an individual posting a video of themselves drinking before tagging a peer on social media to do the same within 24 hours.
- 11.26 [A UK survey of 400 18-25 year olds](#) found that they were aware of, and took part in alcohol marketing on social media, and that this is linked with alcohol consumption and higher-risk drinking. The most common methods were sharing photos of friends and peers drinking, sharing videos of drinking, sending multimedia instant messages about drinking, sharing memes and cartoons. On average participants engaged with four of the methods surveyed.
- 11.27 We know that social media can be a [public platform for young people to endorse alcohol brands and use these as an extension of their identity](#). Young people in focus groups describe the alcohol brands they are associated with on social media as [influencing their choices of new friends, and carefully selecting them on this basis - 'I wouldn't be friends with someone if they were liking too much rubbish.'](#) This lends credibility and authenticity to alcohol brands.

11.28 [In Finland, commercial marketing of mild alcoholic beverages \(less than 22% ABV\) is banned on social media when it is either produced by consumers or produced by an alcohol company and intended to be shared by consumers.](#) This means alcohol companies cannot use content originally uploaded by consumers (user generated) nor can they create content which is specifically aimed for consumers to share (which once shared becomes user generated).

Question 26	Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) – whether this is produced by them or by consumers?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

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

12. Television and Radio Advertising

“When I was going through a long period of drinking too much, seeing alcohol adverts on TV just prompted me to buy more.”

[Respondent, Alcohol Health Alliance Survey](#)

- 12.1 Television is a highly visible marketing channel and one which can reach high volumes of people. In 2021, [television and online audiovisual](#) advertising increased by 39.1% to £6.2bn. Television viewing combines a mix of watching live television as well as broadcaster on-demand services (e.g. All4 or ITV hub) and subscription services like Netflix and Prime Video, some of which do not currently include advertising during the programming.
- 12.2 On average, people in Scotland [spent 3 hours 39 minutes per day watching broadcast television on the television set in 2020 \(similar to 2017 levels\)](#), the most of any nation in the UK. Although older adults watch more of this, Scottish children in 2020 [aged 4-15 years old watched 64 minutes per day whilst those aged 16-24 watched 72 minutes \(which was consistent with 2019\)](#). Children are more likely to watch some form of on-demand content than live television. [In 2020, nine in ten Scottish children aged 5-15 \(94%\) watched some form of on-demand content](#). The effects of the covid pandemic for the majority of 2020 has not changed viewing patterns when compared with 2019.
- 12.3 About [three-quarters of adults](#) in Scotland tune into the radio every week.
- 12.4 [The Youth Alcohol Policy Survey asked participants to recall alcohol marketing activity they had seen in the month prior to the survey](#). In 2019, 69% had seen an alcohol advert on television, 46% on a catch up or streaming service whilst 24% had heard one on radio.
- 12.5 Television and radio advertising in the UK is regulated by the ASA through a system of co-regulation with Ofcom. The ASA enforces the [UK Code of Broadcast Advertising](#) (BCAP Code) which is drawn up, and regularly reviewed, by an industry committee.
- 12.6 The current regulatory system prohibits alcohol advertising around programming commissioned for or likely to appeal particularly to children. To determine whether a programme is likely to appeal particularly to children, broadcasters rely on ‘audience indexing’ in which Broadcasters Audience Research Board (BARB) data is used to determine which programmes would attract a high percentage of children compared to the total audience watching.

- 12.7 Despite this, we know that children watch all types of television programming, not just shows aimed directly at them. The current system of BARB audience indexing also only considers the proportion of the total audience that are children, rather than the total number of children watching. [Children's viewing time peaks between 6-9pm, a time period where the television shows most likely to be broadcast are not children's programming, but instead 'family' or adult programmes. This means that some of the shows most watched by children, such as Saturday Night Takeaway, or Great British Bake Off, are not captured within the scope of current restrictions.](#)
- 12.8 However, it is not just children and young people that this affects. If children and young adults are seeing regular alcohol advertising during television programming then it is not unreasonable to assume that adults in the general public will see at least as much advertising, if not more. This could be especially problematic for those in [recovery](#).
- 12.9 Scottish Government may not have sufficient power to restrict advertising on television or radio in Scotland and may need to work with the UK Government to take action.
- 12.10 Scottish Ministers have previously written to the UK Government asking them to take action to protect children and young people from seeing alcohol advertising on television.
- 12.11 Children and young people in Scotland support the need to take action to further restrict alcohol advertising on television.

Young Scot Health Panel

Recommendations 3

Introduce a watershed for alcohol advertising on television.

Children's Parliament

Recommendations 7

Make alcohol less visible (television)

Children's Parliament Investigators called for alcohol to be omitted or blurred from television programmes designed for children or at times when children may be watching.

- 12.12 [Other European countries](#) have differing approaches to restricting alcohol advertising on television and on radio. Some countries prohibit this completely ([Lithuania](#), [Norway](#), [Sweden](#) and [Russia](#)) whilst others have time-based restrictions (e.g. [Estonia](#) and [Ireland](#)), with the aim of prohibiting advertising when children and young people are likely to be hearing or seeing this. [In Ireland, for example, this prohibits alcohol advertising on TV between 3 a.m. and 9 p.m.](#)

Question 28	Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 29	Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland), and if so how would this work?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

13. Cinema Advertising

- 13.1 Children and young people are highly engaged with cinema-going; [data](#) shows that 63% of 5-10 year olds had attended the cinema in a year, moving up to 70% within the 11-15 age group. [Those with children in their household are more likely to go to the cinema than those without.](#)
- 13.2 Cinema provides a captive audience and an opportunity for advertising before films start. [Alcohol adverts can make up to 40% of the commercials shown before feature films.](#) [Around a quarter \(23%\)](#) of 11-19 year olds in the UK reported having seen an alcohol advert in the cinema in the month before being surveyed. [Research](#) carried out in the North East of England found that during five popular family films (four rated 12A and one 15 certificate) shown throughout the summer, one in four adverts were for alcohol.
- 13.3 The current regulatory system around cinema advertising does not restrict alcohol advertising to films certified over 18. It is covered by the [CAP Code](#) and overseen by the ASA. Alcohol advertising is restricted if 25% or more of the audience are estimated to be under 18. This is done through a pre-clearance procedure by the Cinema Advertising Association ([CAA](#)) which clears all ads.
- 13.4 As with TV and radio advertising, the focus of the rules on the proportion of under 18's does not allow for consideration of the high volume of under 18's who will still see alcohol adverts. Those in recovery, and those in the general population, are also likely to see alcohol adverts in the cinema often.
- 13.5 Alcohol advertising in the cinema creates a positive association between [alcohol and lifestyle](#). However, the effects of alcohol advertising in the cinema and its effects on long-term consumption and therefore harms is complex, especially its impact on children and young people, and the general population.
- 13.6 For those in recovery, this is another opportunity to see alcohol advertising and another potential environment to avoid.
- 13.7 Following this consultation and subject to the consultation responses, we will consider possible restrictions that can be implemented. This is an area where the Scottish Government may not have the power to implement potential restrictions on cinema advertising in Scotland and where there may be a need to work with the UK Government to take action.

Question 30	Do you think alcohol advertising should be restricted in cinemas?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

13.8 Some European countries, [including Finland and Ireland](#), have introduced an approach whereby alcohol can be advertised in cinemas but only at films certified as 18+.

Question 31	If alcohol advertising was restricted in cinemas, what, if any exceptions (e.g. products in scope, times of day or specific movie ratings) do you think should be considered?
Please explain your answer in the text box.	

14. Restrictions on content of advertisements

“I would love to be at a party like that. They’re all drinking and dancing and having fun.”

[Male, 14–15, Manchester, 2005](#)

“It’s one-sided, only shows the good, not the bad. This makes you want to have a drink more because it replaces the bad with the good in your mind.”

[Person in recovery](#)

- 14.1 Alcohol adverts often show alcohol being consumed in a glamorous, fun, cool or sociable way in order to present this in a positive manner. [We know that children and young people find alcohol adverts appealing](#) and that this [influences young people to have positive ideas about drinking alcohol](#). [Children and young people are particularly drawn to elements of music, characters, story and humour](#). [Multiple studies, including in Scotland](#), have shown a link between how much a young person likes an alcohol advert and their drinking behaviours.
- 14.2 The [existing self-regulatory codes](#) include rules focused on the content of adverts such as prohibiting marketing linking alcohol with sexual success, implying that alcohol can enhance confidence or popularity, implying that drinking alcohol is a key component of the success of a personal relationship or social event.
- 14.3 These rules are open to interpretation and judgement of individuals, e.g. the Code rule prohibiting content that is ‘particularly’ or ‘strongly’ appealing to children. The decision-making process does not include children and young people themselves.
- 14.4 [Irish](#) research has shown that that marketing for adults often appeals to children. This included marketing that would appear in locations that children would often attend such as shops. The reasons cited for appealing are often the same reasons given by adults such as ‘funny’, ‘celebs looked cool’, ‘colourful’.

Case study: Estonia

Estonia introduced a comprehensive set of alcohol marketing restrictions across all media channels in order to reduce high alcohol consumption levels and drinking amongst young people. As part of this, content restrictions were introduced meaning that, where alcohol advertising is allowed, adverts can only contain the following permitted characteristics:

- Product name
- Product type
- Manufacturer's name
- Trademark
- Country of origin
- Geographical area produced in
- Alcohol volume
- Image of sales packaging
- Properties (colour, aroma, taste)
- Serving suggestion

Information contained in advertising of alcohol must be focused on the product and be presented neutrally. The design of information presented in advertising shall not:

- 1) contain a living being, a picture or image in any manner, except for human voice;
- 2) contain an animated image of inanimate objects;
- 3) incite to buy or consume alcohol;
- 4) depict the serving or consumption of alcohol;
- 5) link alcohol to any important dates, events, activities or seasons;
- 6) otherwise leave an impression that alcohol is a natural part of life and that consumption of alcohol has a positive effect;
- 7) link alcohol to driving;
- 8) place emphasis on high ethanol content as being a positive quality of beverages;
- 9) imitate the voice of well-known persons or characters or the voice of persons or characters known from films, television, music or entertainment programmes or events directed principally at children.

14.5 If Scotland followed the Estonia model then we would restrict the content of adverts to a list of objective and factual criteria. The aim of this would be to make adverts less appealing and weaken the link between seeing alcohol adverts, and developing positive feelings between brands and positive attitudes towards consumption.

- 14.6 Restricting the content of alcohol advertising would also benefit the general public, including [higher-risk drinkers](#) who can find alcohol adverts more appealing and react in a stronger way than lighter drinkers, causing increased cravings or for those in recovery who are susceptible to current alcohol marketing.
- 14.7 We know that [young people find adverts that feature more factual product attributes such as ingredients and taste far less appealing than those that portray drinking lifestyles](#). [Research has also demonstrated that](#) in comparison to neutral and informative content, more lifestyle linked advertising has a greater influence on the attractiveness of the product and the desire to consume it. By removing the attractiveness of alcohol in the advertising we begin to change the culture around alcohol.
- 14.8 [Children and young people in Scotland investigating alcohol marketing](#) felt that alcohol adverts can be targeted toward young people. This can be through alcohol brands portraying drinking alcohol as a fun, sociable and a community activity which makes people feel good and equals happiness. They found that many alcohol adverts featured young-looking people and often use humour, catchy slogans, popular songs and other tactics to appeal to a youthful market. They identified restricting the content of alcohol adverts as the below recommendation demonstrates.

Young Scot Health Panel

Recommendation

Prohibit the use of real people or anthropomorphic animals/objects in alcohol adverts.

Question 32	Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 33	Do you think we should only allow alcohol marketing to include elements set out in a list, like in Estonia? This would mean all other elements not on the list would be banned from adverts.					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 34	Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

15. Enforcement

- 15.1 Effective monitoring and enforcement is crucial to ensuring that any alcohol marketing restrictions are complied with, and therefore impactful.
- 15.2 [In other European countries a mix of statutory and non-statutory bodies are involved in monitoring and enforcement.](#) Common sanctions include fines for breaches, as well as revoking alcohol licenses, as well as potential imprisonment in some countries.
- 15.3 [Research considering restrictions in other countries](#) has found that responsibility for monitoring and enforcement should be allocated to bodies alongside resource to do this effectively. Sanctions should also be significant enough to discourage advertisers from breaching the regulation. Countries with minor sanctions have reported continual breaches. Examples have shown that when penalties are raised significantly, it can eliminate intentional breaches of the regulations.
- 15.4 In Scotland, local Licensing Standards Officers monitor and enforce other alcohol policy interventions, including Minimum Unit Pricing. This system is unlikely to be practicable for the types of restriction covered in this consultation, as marketing campaigns are not often linked to a particular licensed premise in a geographic location.
- 15.5 One option may be to work with the existing regulatory bodies, if possible, to monitor and enforce requirements in place in Scotland. Another option might be to create new regulatory arrangements or a new regulatory body in Scotland to monitor and enforce marketing restrictions.
- 15.6 We welcome any initial input on how any Scottish restrictions might be monitored and enforced. Given that this consultation does not set out a detailed package of proposals with definitions and exceptions, enforcement is a matter which will require further thought and development depending on the outcome of this consultation.

Question 35	How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?
Please provide your answer in the text box.	

16. Evaluation and provision of data

- 16.1 Scotland has a leading [international role](#) in implementing and evaluating alcohol policy interventions, as demonstrated by our comprehensive Minimum Unit Pricing evaluation programme.
- 16.2 We would intend to continue our robust approach to evaluation if introducing marketing restrictions in Scotland. This would allow us to monitor the impact that any restrictions have on exposure to alcohol marketing as well as on consumption levels.
- 16.3 In order to assist with evaluating the impact any alcohol marketing restrictions would have, it may be helpful to require alcohol producers and companies selling alcohol to provide data on alcohol marketing expenditure as well as local sales data. This would allow Scottish Government to consider the impact of both national and local alcohol marketing campaigns on product sales.
- 16.4 In addition, this information may be useful to local decision makers in licensing boards. It could provide licensing boards with a clearer and more accurate picture of the availability of alcohol in a geographic area and the impact of different types of premises.

Question 36	Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

Question 37	Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

17. End Questions

- 17.1 The consultation sets out a range of different options for restricting the advertising and marketing of alcohol products across Scotland. As previously stated, we know that advertising and marketing has a cumulative effect across many different channels. This reflects the way that marketing campaigns for alcohol products operate; these take place across a mix of marketing different channels.
- 17.2 Following on from this consultation, Scottish Government could take action to restrict alcohol marketing on one, many or none of the marketing channels set out in the consultation. It would be helpful if respondents could set out if they think a comprehensive approach would be appropriate and if so, how this could be taken forward.
- 17.3 There are some areas within the consultation where there would be potential overlap between restrictions. For example, if both the display of alcohol advertising in public areas was prohibited and alcohol sports sponsorship, the scope of both of these restrictions may cover pitch-side signage or billboards around sports venues.

Question 38	Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this package should include?					
Please tick one	Yes		No		Don't Know	
Please explain your answer in the text box.						

- 17.4 We would welcome views on if there are any other methods or channels not considered within this consultation that should be further restricted.

Question 39	What, if any, additional alcohol marketing methods or channels not covered in the consultation would you like Scottish Government to consider restricting and why?					
Please provide your answer in the text box.						

- 17.5 The evidence presented in this consultation is wide ranging and extensive but we welcome any further evidence that should be considered as the policy on further restrictions is developed.

Question 40	What further evidence on alcohol marketing would you like the Scottish Government to consider?
Please provide your answer in the text box.	

17.6 The Scottish Government acknowledges that the restrictions presented here could have significant implications for those who sell, distribute or manufacture alcohol. It is important that alcohol and advertising industry views are provided to allow us to consider the potential impacts that proposals might have, as well as any support that could be provided alongside any restrictions.

Question 41	If you sell, distribute, advertise or manufacture alcohol, or represent those who do, how do you think the potential restrictions in this consultation paper would impact you, and the wider alcohol sector?
Please provide your answer in the text box.	

18. Declaration of direct or indirect links to the alcohol industry

- 18.1 We ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the alcohol industry.
- 18.2 Careful consideration will be given to all consultation responses, including those from the alcohol industry and from those with links to the alcohol industry. These views will also be included in the published summary of consultation responses.

Declaration	Please indicate any direct or indirect links to the alcohol industry			
Please tick one	No links	Direct	Indirect	Don't Know
If you have links to the alcohol industry, please explain what those are below.				

19. Impact Assessment

We are committed to equality and ensuring that our policies lead to the creation of a fairer Scotland. To help us do so, we welcome your views on the following questions.

Question 42	Are there any relevant equality issues that Scottish Government should be considering at this stage in the policy development?
Please provide your answer in the text box.	

Consultation process

Responding to this consultation

We are inviting responses to this consultation by 9 March 2023. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/alcohol-policy/alcohol-advertising-and-promotion>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 9 March 2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and consultation questionnaire and return to:

Alcohol Advertising and Promotion Consultation
Alcohol Harm Prevention Team
Scottish Government
3E, St Andrews House
Regent Road
Edinburgh
EH1 3DG

alcoholmarketing@gov.scot

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. To find out how we handle your personal data, please see our privacy policy.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Scottish Government consultations](https://www.scottish.gov.uk/consultations).

If you use the consultation hub to respond, you will receive a copy of your response via email. Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at alcoholmarketing@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online at [Scottish Government consultations](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Key publications

September 2022, [Alcohol Everywhere : A Report by the Alcohol Action Group](#), Scottish Families Affected by Alcohol and Drugs

June 2022, [Realising our Rights : how to protect people from alcohol marketing, a report by the Alcohol Marketing Expert Network](#), Alcohol Focus Scotland

June 2022, [Review of alcohol marketing restrictions in seven European countries](#), Public Health Scotland

May 2022 [Alcohol marketing restrictions : Learning from International Implementation](#), University of Stirling Institute for Social Marketing and Health

March 2022. [The Marketing and Consumption of No and Low Alcoholic Drinks in the UK](#), Institute of Alcohol Studies

March 2022, [The effect of alcohol marketing on people with or at risk of an alcohol problem a rapid literature review](#), University of Nottingham, SPECTRUM

December 2021, [Digital marketing of alcohol: challenges and policy options for better health in the WHO European Region](#), World Health Organization

November 2020, [No Escape : How alcohol advertising preys on children and young people](#), Alcohol Health Alliance

June 2020, Alcohol marketing in the WHO European Region: [Update report on the evidence and recommended policy actions](#), World Health Organization.

March 2020, [Preventing Harm – Alcohol Marketing and Young People](#), Young Scot Health Panel

February 2020, [Alcohol Marketing and Youth Drinking: Is There a Causal Relationship?](#), Journal of Studies on Alcohol and Drugs

January 2020, [The extent, nature and frequency of alcohol sports sponsorship in professional football and rugby union in Scotland](#), University of Stirling Institute for Social Marketing and Health

December 2019, [The technical package SAFER : A World free from alcohol-related harms. Five areas of intervention at national and subnational levels](#). World Health Organization

September 2019, [Children’s Parliament investigates : an alcohol-free childhood](#), Children’s Parliament

March 2019, [Awareness of alcohol marketing, ownership of alcohol branded merchandise, and the association with alcohol consumption, higher-risk drinking, and drinking susceptibility in adolescents and young adults: a cross-sectional survey in the UK](#), Critchlow N, MacKintosh AM, Thomas C, et al

October 2017, [Tackling NCD’S : ‘best buys’ and other recommended interventions for the prevention and control of non-communicable diseases](#), World Health Organization

August 2016, [Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008](#). Jernigan D, Noel J, Landon J, Thornton N, Lobstein T.

December 2009, [Guidance on the Consumption of alcohol by children and young people](#), Chief Medical Officer, Department of Health and Social Care

February 2009, [Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies](#), Anderson P, de Bruijn A, Angus K, Gordon R, Hastings G.

February 2009, [The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies](#). Smith L A, Foxcroft D R.

January 2009, [Does Marketing Communication Impact on the Volume and Patterns of Consumption of Alcoholic Beverages, especially by young people? – a review of longitudinal studies](#), Scientific Opinion of the Science Group of the European Alcohol and Health

Title

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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