



SOCIDROGALCOHOL

Response to the Issue paper for the Audiovisual Conference in Liverpool
September 2005

Commercial Communications of Alcoholic Beverages

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SOCIDROGALCOHOL is a Spanish scientific organization, devoted to the study of alcohol and other drug dependences, which promotes research and professional exchange via conferences, courses, etc., and works on the harm done by alcohol and other drugs in collaboration with national and international working groups and organizations. Socidrogalcohol is member of Eurocare, and has regularly participated in meetings organised by the DG-SANCO.

COMMENTS

As members of Eurocare, we've participated in the revision of the Television Without Frontiers Directive since 2003, and have supported the improvement of article 15 of the current TWF Directive in front of the Spanish MEPs.

We welcome the EC initiative in organising the public consultation in the preparation of the Liverpool Conference, which is a good opportunity to focus on a current main concern for the public health: the alarming trends concerning the consumption of alcohol by minors. When dealing with the commercial communication of alcoholic beverages, we should stress the need of protecting the underage and young consumers. Bingeing is spreading across Europe, and even the Mediterranean countries see their adolescents increasingly drink to drunkenness (between 2002 and 2004, the number of 14-18-year old students who had been drunk at least once during the last 30 days almost doubled: from 19% to 34.8%). Combined drinks are the most consumed ones among adolescents at the weekends. Meanwhile alcocops are persistently advertised on TV with clear references to sexual success among their users.

Socidrogalcohol is concerned about the still weak rules on advertising in all of its forms and both linear or non-linear type, and considers that more efforts should be devoted to comply with the Recommendation 2001/1/458/EC on the drinking of alcohol by children and young people, as well as with the Declaration on Alcohol and Young People, issued also in 2001 by the WHO Ministerial Conference. When discussing the audiovisual commercial communication again, special attention should be paid to all types of audio-visual communications which might jeopardise the aim and content of the above-mentioned Recommendation and Declaration. Children and youths are our best asset.

Issue 1: The Concept of Audiovisual Commercial Communications

If audiovisual communications have been newly defined, efforts to protect minors and public health should also be renewed. It seems to be a thin line between subreptitious and transparent commercial communication, if informing the public "by any means" should be enough for an ad not to be subreptitious. Sponsorship and product placement could fill the TV programmes after an almost invisible information to the public about it. We consider that every commercial communication should be clearly identified.

Issue 2:

Socidrogalcohol supports the application of rules aimed at protecting the human dignity and the minors in both types of communication, linear and non-linear.

Issue 3: Rules relating to Public Health Considerations.

Socidrogalcohol, like consumer organisation and public service broadcasters, is also in favour of having the same rules for linear and non-linear services. Moreover, taking into account that article 15 is the only one governing the advertising of alcoholic beverages, we consider that it should be improved in the sense of programme limits (e.g. youths and sports), time limits (e.g., 9 or 10 pm) and limits on the concentration of alcohol beverages ads (e.g. no more than one commercial / advertiser/ programme). Special attention should be paid to product placement which shouldn't be allowed before 10 pm.

Altogether article 15 in its current form, only sets subjective standards concerning the content of advertising. The high degree of subjectivity involved in the application of the rules, when there is no statutory control, doesn't provide the proper protection for the minors nor contribute to the public health.

Besides improving the content and wording of the article, the compliance with it should be monitored by an independent advisory expert group.

A further concern is about sponsorship and legitimate product placement, included among the audio-visual commercial communications.

There should be some limits to the chaotic product placement, even to the "legitimate" one. We can't have all TV series showing alcoholic drinks all the time, the characters drinking above any safe limits and the action taking place in bars or homes full with bottles of alcoholic beverages, without more requirement than giving a clear identification at the beginning of the programme. There should be a limitation to the placement of alcoholic beverages and their leading role, acting as a behaviour modelling factor. Beyond children programmes, product placement shouldn't be used in the sitcom comedies, watched by families at prime-time. A time limitation should exist (at least a prohibition before 10 p.m.) taking into account the late dinner time in some countries.

Sponsorship is a clear promotion of consumption and doesn't spare "forbidden" relationships (e.g. "..., the beer which skis best", when it comes to a beer sponsoring a programme on snow sports, in Spain) and "forbidden" targets (children and adolescents).

Issue 4: Identification of commercial Communication in General, including sponsored spots.

Socidrogalcohol welcomes that a "legitimate product placement", included in the Directive of "unfair commercial practices", adopted on 11 May 2005, takes over from the current chaos in product placement which, if not considered as publicity, remains beyond any regulation. Actually, the best protection for the consumer, and specially for the children, would be to maintain the principles of *separation* and of *identification* for the alcoholic beverages. Socidrogalcohol supports both requirements.

Issue 5: Identification of Sponsored Content Particular

Too often, sponsorship becomes a comprehensive ad, before the sponsored programme. It's difficult to interpret the meaning of the document's statement "... allows reference... also to its products or services, provided that the latter are not given undue prominence". Socidrogalcohol believes that rules should include clear measurable criteria and avoid any reference to subjective appreciations, and that altogether the best way of avoiding conflicts would be, in the case of alcohol, not allowing the alcohol beverages industry to sponsor TV programmes. In Spain, article 15.2 of the Law 25/ 1994 prohibits the sponsorship of TV programmes by physical or legal subjects whose

main activity is the production or sale of services whose publicity is forbidden. Anyway, this wouldn't prevent brewers to sponsor programmes within the allowed time range.

Issue 6. Application of the rules

We consider that a legal framework is needed when it comes to protecting the public health and, more specifically, the minors. Self-regulation has provided a lot of examples of its frequent shortcomings (many of them have been presented in the stakeholders' meetings attached to the EU Alcohol and Health Working Group). The forbidden associations (alcohol and sexual or sportive performance, promotion of heavy drinking) are common features in TV spots. Nevertheless, the advertising sector seems to be satisfied with the application of qualitative rules regarding public health and protection of minors and persists in defending the benefits of self-regulation, overlooking the overwhelming examples of its ineffectiveness. Actually, it is not always easy to prove the prominent role given to alcoholic beverages in sexual success, for example, when this type of message is not hundred percent explicit. This justifies a lot of claims being not upheld and the discouragement for citizens to present further complaints. Co-regulation might offer more chances but wouldn't offer enough guarantees. The protection of our children and youths as well as the public health as a whole, deserves a legal framework.

We welcome the idea of a control mechanism, proposed to verify the Member States' application of the qualitative rules.

We'd insist on the need to create an independent advisory expert group, made up of at least 50% of professionals working in the public health and professionals working in the TV advertising field, to closely monitor the implementation of article 15.