

# Alcohol Marketing in Europe: Strengthening Regulation to Protect Young People

Conclusions and recommendations of the ELSA-project

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The ELSA project (2005-2007) of STAP (National Foundation for Alcohol Prevention in the Netherlands) includes representatives from 24 European countries. The objective of ELSA is to assess and report on the enforcement of national laws and self-regulation on the advertising and marketing of alcoholic beverages in EU Member States and Norway.

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# 1 Introduction

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## About ELSA

The ELSA project (Enforcement of national Laws and Self-regulation on advertising and marketing of Alcohol), coordinated by STAP (National Foundation for Alcohol Prevention in the Netherlands) includes representatives from 24 European countries. The main objective of the two year project has been to assess and report on the enforcement of national laws and self-regulation on the advertising and marketing of alcoholic beverages in EU-Member States, applicant countries and Norway.

Working together, the ELSA partners have completed six main products, which will be referred to in this overview. The partners met three times in ELSA conferences in Amsterdam (2005), Barcelona (2005) and Dublin (2006) to help complete the products, which have also been reviewed by a team of five experts. As a result of this work, the ELSA-team hopes to contribute to an improvement in the regulation of alcohol marketing at the European level, as well as in the Member States.

Diversity in alcohol marketing regulated by statutory and non-statutory regulations Beverages which contain alcohol are in essence marketed products, whose identities are built with a complex mix of marketing technologies, including traditional advertising as well as sponsorships, sweepstakes, couponing, product placement, new product development, point-of-purchase materials and promotions, person-to-person and viral marketing, distribution and sale of branded merchandise, and the use of more recent technologies such as mobile phones and the internet. Commercial communications can be defined as all forms of advertising, direct marketing, sponsorship, sales promotions and public relations promoting products and services, and these are currently regulated by both statutory and non-statutory means.

## Young people are vulnerable to alcohol advertising

Young people are at particular risk of alcohol-related harm, including accidents and injuries and untimely death. Nearly all 15-16 year old European students have drunk alcohol at some point in their life, on average beginning to drink at 12<sup>1/2</sup> years of age, and getting drunk for the first time at 14 years. There is evidence over the last 10 years that young people all over Europe have been increasingly consuming alcohol in a more risky fashion, with 60g of alcohol (six drinks) being the norm for the amount of alcohol drunk by 15-16 year olds on their last drinking occasion. The earlier the age young people start to drink, and the more they drink at a young age, the more likely they are to suffer alcohol related harm and to become dependent on alcohol as a young adult. The adolescent brain undergoes major development, which makes adolescents more vulnerable to impulsivity with greater sensitivity to pleasure and reward. Young people who already have problems related to alcohol are likely to be particularly vulnerable to alcohol advertising, with the vulnerability increasing with increasing alcohol

consumption. There is considerable evidence that young people are a target group for alcohol advertisements in both print and broadcast media, and in the new media, including the internet, mobile phones and viral marketing.

### **European marketing regulations**

The only existing European statutory regulation on commercial communications that contains an article specific to alcohol is the Television without Frontiers Directive, which is currently being reviewed. The Directive includes articles that cover the content of alcohol advertisements, but no requirements in relation to the volume of advertisements. The 2001 non-legally binding Council Recommendation on the drinking of alcohol by young people includes a number of recommendations on the content of alcohol advertisements, and one recommendation that deals partly with volume. Until the present, there has been no body of information which tells us the extent to which either the Directive or the Recommendation is implemented.

### **The current EU strategy to regulate alcohol marketing**

At the end of 2006, the Commission launched its Communication on alcohol, an EU strategy to support Member States in reducing alcohol related harm. It noted that worrying drinking trends among young people can be effectively addressed through public policy, including enforcement of restrictions on marketing likely to influence young people. However, with regard to Commercial communications, the Communication took the view that, whilst noting that Community law already regulates certain aspects of commercial communications, and some instruments are currently being reviewed and updated, there was increasing clarity regarding the kinds of self-regulatory best practices that will help create effective parameters of behaviour for advertisers, and thus align advertising practice with social expectations. The Commission took the view that its main aim will be to support the European Union (EU) and national/local government actions to prevent irresponsible marketing of alcoholic beverages, and to regularly examine trends in advertising and issues of concern relating to advertising, for example on alcohol. One aim of this joint effort will be to reach an agreement with representatives from a range of sectors (hospitality, retail, producers, and media/advertising) on a code of commercial communications, with benchmarks, implemented at national and EU level. As part of this approach, the Commission stated that the impact of self-regulatory codes on young people's drinking and industry compliance with such codes will be monitored, with independent parties invited to verify the performance and outcomes of self-regulatory codes against the agreed benchmarks, thus allowing alcohol industry organizations to adjust objectives accordingly.

### **The input of ELSA**

The ELSA project has aimed to inform the development of regulation on commercial communications in Europe through its five main objectives:

- 1 To report on the evidence of the impact of advertising and marketing on the use of alcohol and the harm done by alcohol;
- 2 To prepare a guidance manual to monitor the existing laws, structures and regulation and self-regulation mechanisms on the advertising and marketing of alcoholic beverages, and their adherence, and to document those beverages and marketing practices that are appealing to young people;
- 3 To summarize the existing laws, structures and regulation and self-regulation mechanisms at the Member State level on the advertising and marketing of alcoholic beverages;

- 4 To report on the adherence to the existing laws, structures and regulation and self-regulation mechanisms at the Member States level on the advertising and marketing of alcoholic beverages; and
- 5 To describe those beverages and marketing practices that are appealing to young people.

This paper lists the main conclusions and recommendations that arise from the outcomes of the five main objectives.

## 2 ELSA conclusions on commercial communications

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**Conclusion 1 Alcohol advertisements are related to positive attitudes and beliefs about alcohol amongst young people, and increase the likelihood of young people starting to drink, the amount they drink, and the amount they drink on any one occasion.**

The ELSA report on the impact of alcohol advertising found a wealth of evidence that shows that alcohol advertisements are related to positive attitudes and beliefs about alcohol amongst young people. In addition, the content of advertisements is related to expectancies about the use of alcohol amongst young people and the role of alcohol in their lives. Young people are particularly drawn to elements of music, characters, story and humour. Young people who like advertisement believe that positive consequences of drinking are more likely, their peers drink more frequently, and their peers approve more of drinking. These beliefs interact to produce a greater likelihood of drinking, or of intention to drink in the near future.

The ELSA report identified six US-based well designed longitudinal studies and one Belgian well designed longitudinal study that show that the volume of advertisements and media exposure increase the likelihood of young people starting to drink, the amount they drink, and the amount they drink on any one occasion. The report found no published longitudinal studies that do not find such an effect. These findings are similar to the impact of advertising on smoking and eating behaviour.

**Conclusion 2 There is no available scientific evidence which shows that the non-statutory regulation of commercial communications impacts on the content or volume of advertisements**

The ELSA report on the impact of alcohol advertising found no available scientific evidence that tests the effectiveness of non-statutory regulation or shows that it works in regulating the content of commercial communications or in reducing the volume of commercial communications. On the other hand, the ELSA report on appealing alcohol beverages and marketing practices in Europe found considerable documentation and experience that self-regulation has not prevented the kind of marketing which can have an impact on younger people. It could be argued that self-regulation could work only to the extent that there is a current and credible threat of regulation by government.

### **Conclusion 3 There is great variety in regulations related to the advertisement of alcoholic products in the European Member States.**

#### **Many regulations**

There are many variations between European countries' laws, regulations and administrative provisions on the advertising of alcohol products. The ELSA report on regulation of alcohol marketing in Europe found that all European partner countries studied had at least one regulation that covers alcohol marketing and advertising, with 76 regulations in the 24 countries studied. All countries, with the exception of the United Kingdom, had a ban of one form or another of one or more types of advertising.

#### **Variety in regulations**

Advertisement commonly crosses country borders or involves events organized on an international level. The report summarizing the existing national laws, structures and regulatory mechanisms, however, shows that there is no approximation on the regulation of alcohol marketing within Europe. Of the 76 regulations in the 24 countries studied, 49 were statutory and 27 non-statutory.

#### **Coverage of the Council Recommendation**

All of the 24 European countries studied covered at least 4 of the 11 elements that refer to advertising of the 2001 Council Recommendation on the drinking of alcohol by young people in their national regulations or codes, with most countries covering almost all of them. Countries varied in whether or not the different elements were included in statutory or in non-statutory regulations. The one volume restricting element in the Council Recommendation was more likely to be covered through statutory regulation than through non-statutory regulation, and some of the 10 content restricting elements were more likely to be covered through non-statutory regulation than through statutory regulation.

#### **Statutory regulations are stronger**

Statutory regulations seemed to be stronger than non-statutory regulations in that they were more likely to include systematic checks on violations of codes and were more likely to cover volume restrictions than non-statutory regulations.

### **Conclusion 4 There is very little documentation on adherence to the existing regulations**

The report on adherence to alcohol marketing regulations found no readily available body of information which easily tells us the extent to which the country level regulations are implemented. Systematic searches by the ELSA country partners found very little documentation on the adherence of existing regulations. Moreover, the little available documentation contained hardly any scientific studies that tested the impact of the adherence to marketing regulations.

#### **Inconsistent conclusions**

Additionally, the little existing documentation drew inconsistent conclusions. Documents published or financed by the alcohol industry were generally more optimistic than those published or financed by non-governmental organizations, governmental organisations and scientists. Consequently, it is not possible to draw any conclusions on whether or not marketing regulations are adhered to.

#### **Sanctions have low power**

In addition, the ELSA partners found that although there are complaints concerning marketing targeted at minors, in general it seems that sanctions have

low punitive power and sometimes adverse effects. The report on adherence to alcohol marketing regulations found that pre-launch advice was not fully implemented in the Member States. Moreover, existing advice systems were generally not transparent and sometimes (e.g. in the UK) the decisions of the pre-launch committee were even confidential.

**Conclusion 5 The most appealing alcoholic beverages and alcohol advertisements to young people use elements associated with youth culture.**

The ELSA partners systematically collected the most attractive alcoholic beverages and commercial communications to young people in European Member States. According to the Council Recommendations of 2001 and the Television without Frontiers Directive, alcoholic products and alcohol marketing may not be directed specifically to young people. The use of styles associated with youth culture in alcohol advertisements is restricted in the Council Recommendations.

**Alcopop type drinks over-represented**

The collection of the most appealing alcoholic beverages found that alcopop type drinks were over-represented in the list. Although restricted in the Recommendations, the examples in the ELSA report on appealing alcohol beverages and marketing practices in Europe shows that these alcoholic beverages are often packaged in brightly coloured bottles or tins.

**Beers are also attractive**

In addition, the ELSA report on appealing alcohol beverages and marketing practices in Europe shows that besides alcopops, beers are very appealing to youngsters. Although beers are very attractive to 12 to 18 year olds, the Council Recommendations does not address beers, since, generally, they are not packaged in colourful bottles. Many brands mentioned by young people as the most appealing alcoholic beverages were also mentioned by young people in the list of the most appealing alcohol advertisements. Again, brands of beer, although not packaged in colourful bottles or tins, were frequently mentioned in the list of the most attractive commercials.

**Many associations with social, sportive and sexual success and humour**

Although the Council Recommendations include limiting implications of social, sportive or sexual success in alcohol advertisements, the ELSA report on appealing alcohol beverages and marketing practices in Europe found that many attractive advertisements addressed links with social, sportive or sexual success. Humour was another frequently mentioned content in the collection of most appealing commercials. However, humour itself, as an element in advertisements, is not addressed in the Council Recommendations.

**Conclusion 6 There is no informative body which systematically monitors the impact of regulations on alcohol marketing and its adherence.**

Given the estimates for the size of the expenditure on marketing of alcoholic products and given the importance of the impact of commercial communications on youth expectancies and drinking, it is perhaps surprising the limited availability of European knowledge in this field. There are no obvious publicly available sources that track the volume of commercial communications and youth exposure, despite the possibilities of so doing. There is also a compelling lack of a body of knowledge which assesses the adherence, let alone the impact of the current regulatory systems at European and country level, including



related European Directives and Recommendations which call for routine monitoring. There is a need for a comprehensive structural system for evaluating the adherence to national alcohol marketing regulations, which is independent and based on agreed standards and methods. Most ideally this system should be compatible and transparent EU wide, since alcohol marketing is operating across national borders. The ELSA manual to monitor regulations on alcohol marketing in Europe has set out a system which can routinely monitor regulations of commercial communications and their adherence, and urgent attention needs to be given to continuing this work at European level.

### 3 ELSA recommendations on commercial communications

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Article 95(3) of the Treaty of the European Union requires the Commission, in its proposals for the establishment and functioning of the Internal Market concerning health, to take as a base a high level of protection. An approximation of the European countries' advertising laws, including statutory regulations and a ban in certain media would protect young people, reduce the risk of dependence and reduce the risk of untimely death, a proposal that is in line with European case law which has noted that it is in fact undeniable that advertising acts as an encouragement to consumption and that restrictions on the volume of advertising are appropriate to protect public health.

- 1 Europe wide and country based policy on alcohol marketing should address the advertising and promotion of alcohol products through all media and the sponsorship of arts, cultural, musical and sporting events.
- 2 Europe wide and country based policy on alcohol marketing should be based on the scientific evidence of what works, and on public health principles that protect vulnerable populations.
- 3 In order to protect young people and other vulnerable groups, alcohol marketing restrictions at European and country levels should be strengthened.
- 4 European and country based regulations on alcohol marketing should be aimed at:
  - a restricting the placement of alcohol marketing to reduce exposure to young people;
  - b limiting alcohol marketing that is misleading about the characteristics or effects of alcohol;
  - c prohibiting alcohol marketing that appeals to minors and other vulnerable groups;
  - d including information that alcohol is not a risk free product.

The latter objectives may be realized by restricting marketing to information about the product and only referring to the origin, composition, strength (% alcohol), and means of production.

- 5 Statutory agencies, which should operate independently from the alcohol and marketing industries, should be designated responsible for enforcement of marketing restrictions at the country levels to ensure that:
  - a violations do not occur;
  - b violations are dealt with as quickly as possible;
  - c that effective penalties are incurred for violations;

- 6 The European Union and countries should work together to:
  - a explore agreements and mechanisms to restrict the marketing of alcoholic beverages at the European level, ensuring a standard and equal system across Europe;
  - b develop standards based on the best available evidence to reduce exposure and ensure that content does not influence the drinking expectancies and behaviour of young people;
  - c develop technologies and other means necessary to regulate cross-border marketing, including the internet and mobile phone use;
  - d recognize that countries which have a ban on certain forms of alcohol marketing have the sovereign right to maintain such a ban.
  
- 7 Systems at country and European levels should be established to provide sustainable monitoring and surveillance of alcohol marketing including:
  - a documenting and tracking all existing regulations on alcohol marketing practices;
  - b monitoring media use and exposure to young people;
  - c monitoring young people's perceptions to alcohol marketing practices;
  - d monitoring new technologies and types of media;
  - e monitoring cross border marketing;
  - f documenting violations of existing regulations.



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