

COVER SHEET FOR A CAP OR BCAP CONSULTATION RESPONSE

BASIC DETAILS

Consultation title: CAP Consultation Response

To (CAP or BCAP contact): CAPcodereview@cap.org.uk

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Are you responding as an individual or on behalf of an organisation
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Read the full consultation document for more information at:

http://www.asa.org.uk/cap/Consultations/open/BCAP_Code_Review_consultation/BCAP+Code+Review+Consultation.htm

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. Unless otherwise specified on this cover sheet, this response can be made public by CAP or BCAP and, if it is sent by e-mail or fax, CAP or BCAP can disregard any standard e-mail or fax cover sheet confidentiality disclaimers. I authorise CAP or BCAP to make use of the information in this response to meet their regulatory objectives.

CAP and BCAP may make responses public before a consultation has ended. If all or part of your response is not confidential but you would like us to make it public only once the consultation period has ended, please tick here.

Name: Aneurin Owen

Signature:



Annex 3

Consultation questions

You may respond to some or all of the consultation questions. This Annex is provided in Word format to enable you to copy and paste the questions into a document that should accompany your completed cover sheet, which is made available [here](#). See 'Responding to this consultation' in this Annex.

Section 18: Alcohol

Alcoholic strength

Question 62

Given CAP's policy consideration, do you agree that rule 18.9 should be included in the Code? If your answer is no, please explain why.

Answer

The IAS welcomes the emphasis, towards the end of this paragraph, on restricting marketing communications that "imply that a drink may be preferred because of its alcohol content or intoxicating effect."

In order to strengthen this important message, we suggest that the phrase "may... make a factual strength comparison with another product" be supplemented by the phrase "only when the comparison is with a higher strength product of a similar beverage."

Provision for low-alcohol drinks

Question 63

i) Given CAP's policy consideration, do you agree that CAP rule 56.15 should not be included in the present Code? If your answer is no, please explain why.

ii) Given CAP's policy consideration, do you agree that, with the exception of the rule that prevents preference based on alcoholic strength, marketing communications for low-alcohol drinks should be subject to all the Alcohol rules? If your answer is no, please explain why.

Answer

The IAS considers that no exception should be made for low-alcohol drinks and that all the Alcohol rules should apply to all drinks above 0.5% alcohol.

The Licensing (Low Alcohol Drinks) Act 1990 defined low alcohol liquor as "any liquor which is of a strength not exceeding 0.5% at the time of the sale or other conduct in question." The Licensing Act 2003 makes no reference to low alcohol drinks at all. The special category of low-alcohol drinks as being between 0.5% and 1.2% alcohol dates back to the 1964 Licensing Act. To retain this category in the Advertising Codes would be an anachronism.

Question 64

Given CAP's policy consideration, do you agree that rule 18.12 should be included in the Code? If your answer is no please explain why

Answer

Not in its current form. The IAS welcomes the first two rules under 18.12. However, permitting the linkage with "sporting and other physical activities" (even with the restriction that such communication "must not imply that those activities have been undertaken after the consumption of alcohol") potentially contradicts 18.14 – the appeal to youth by association with youth culture, of which sport is a major component, 18.17

– the link with fitness – and 18.7 “Marketing communications must not imply that alcohol can enhance mental or physical capabilities, for example by contributing to professional or sporting achievements.”

This principle applies equally to the effect of alcohol on performance at work and it is our opinion that the link between alcohol consumption and all work-related activity should not be permitted even in exceptional circumstances (18.13).

Other questions

Question 65

i) Taking into account its general policy objectives, do you agree that CAP’s rules, included in the proposed Alcohol Section, are necessary and easily understandable? If your answer is no, please explain why.

ii) On consideration of the mapping document in Annex 2, can you identify any changes from the present to the proposed Alcohol rules that are likely to amount to a significant change in advertising policy and practice, are not reflected here and that you believe should be retained or otherwise given dedicated consideration?

Answer

On consideration of the mapping document in Annex 2, the IAS would wish to make the following observations:

1 56.2/18.1

The protection of the young, the immature and those who are mentally or socially vulnerable is paramount and in this respect it would be important to note that even moderate drinking (not only excessive drinking) can increase the vulnerability of these groups. This is particularly true of situations where even small amounts of alcohol can lead to impairment, such as when driving, during pregnancy, at work and in certain social situations.

The current CAP and BCAP Code Reviews provide an opportunity to reflect increasing public concern regarding the inappropriate sales and promotion of alcoholic drinks, particularly in respect of marketing communication to the young and other vulnerable groups. The proposed changes to the Codes do go some way towards providing greater consumer protection and this is to be welcomed. Several recent reports have also highlighted the contribution that stricter regulation of marketing of alcoholic drinks can have in the task of improving the nation’s health and social wellbeing.

In terms of significant change in advertising policy and practice, the IAS sees potential benefit in introducing a greater emphasis on restricting marketing communications to people under 18 “through the selection of media or in the context in which they appear.” (18.15) The proposal that “No medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age” does not reflect current UK population trends. A more realistic percentage in this case would be 10 – 15%. In the US, 15% is recommended by the National Research Council and Institute of Medicine, the US Surgeon General and 20 State Attorneys General. Only 8.6% of the UK population is now aged between 12 and 18 years old, and 16.4% is aged between 5 and 18 years old.

It is known that there is a wide diversity in the advertising activity of alcohol producers and their respective brands, with a minority being responsible for a large percentage of the total promotional activity. Overexposure, due to a disproportionate placement of alcohol advertisements in youth-orientated programmes and media needs to be monitored and guarded against in traditional and new media. Consumer protection, particularly to reduce overall youth exposure to alcohol advertisements, will, in our opinion, require new and effective legal provisions replacing existing voluntary arrangements with new statutory Codes.

We also welcome the proposed introduction of 1.10 and 3.28.3 “Marketing communications must state restrictions on the availability of products, for example, geographical restrictions or age limits”. Maintaining the profile of age limits on the sale of alcohol is important in a society where many young people drink alcohol before they are legally allowed to do so and where reported experiences of being drunk at an early age (12 and 13 years old) is among the highest in Europe (ref: HBSC report – Inequalities in young people’s health, Currie et al for WHO, 2008 and the 2007 ESPAD report – Substance use among students in 35 European countries, Hibell et al, for the Swedish Council for

Information on Alcohol and other Drugs, 2009). It will be interesting to note how these proposed changes will influence the marketing practice of the alcoholic beverage producers.

iii) Do you have other comments on this section?

We feel that 1.1 d and 1.2 q are not sufficient to determine which as-yet-unconceived forms of website content are covered by the Code. Specifically, 1.2 q excludes anything not explicitly listed in 1.1 d, which will tend to narrow the scope of the Code as new forms of content are developed. We propose that in 1.1 q, 'not covered by ('The Code applies to (d)')' should be deleted, and these rules should be supplemented by a principle to which reference can be made in cases not explicitly listed. We suggest the following principle:

The Code applies to website content produced by or on behalf of manufacturers or retailers of products which has the purpose of promoting the sale or consumption of those products.

We would also like to point out that, given the extent of the harm caused by alcohol, any advertising of alcohol is inconsistent with the principle that advertising should not harm.