

## COVER SHEET FOR A CAP OR BCAP CONSULTATION RESPONSE

### BASIC DETAILS

Consultation title: BCAP Consultation Response

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

Your name: Aneurin Owen

Are you responding as an individual  or on behalf of an organisation

Organisation name: Institute of Alcohol Studies

E-mail, postal address or fax no.: aowen@ias.org.uk

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](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 19: Alcohol

### Sales promotions in alcohol advertisements

#### Question 111

Given BCAP's policy consideration, do you agree that rule 19.11 should be included in the proposed BCAP Code? If your answer is no, please explain why.

#### Answer

No. Any sales promotion, in and of itself, encourages immoderate drinking, making this rule incoherent. Therefore, we recommend that the rule be amended to:

'Advertisements must not include alcohol sales promotions and must not imply, condone or encourage immoderate drinking.'

### Irresponsible handling of alcohol

#### Question 112

Given BCAP's policy consideration, do you agree that rule 19.12 should be included in the proposed BCAP Code? If your answer is no, please explain why.

### Alcoholic strength

#### Question 113

Given BCAP's policy consideration, do you agree that rule 19.10 should be included in the proposed BCAP Code? If your answer is 'no', please explain why.

#### Answer

Regarding 'Definitions', 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.

Regarding rule 19.10, 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 higher strength products of a similar beverage."

## **Alcohol in a working environment**

### **Question 114**

Given BCAP's policy consideration, do you agree that rule 19.14 should be included in the proposed BCAP Code? If your answer is no, please explain why.

Due to the effect of even low levels of alcohol consumption on work performance, it is our opinion that the link between alcohol consumption and all work-related activity should not be permitted even in exceptional circumstances.

## **Exception for children featuring incidentally in alcohol advertisements**

### **Question 115**

Given BCAP's policy consideration, do you agree that rule 19.17 should be included in the proposed BCAP Code? If your answer is no, please explain why.

## **Low alcohol exceptions**

### **Question 116**

i) Given BCAP's policy consideration, do you agree that it is wrong to exempt television advertisements for low alcohol drinks from the rule that requires anyone associated with drinking must be, and seem to be, at least 25 years old? If your answer is no, please explain why.

#### **Answer:**

Low alcoholic drinks are often branded in a similar fashion to higher strength alcoholic drinks, creating a strong brand association in the target population. The advertising of low alcohol drinks must be dealt with in the same way as higher strength alcoholic drinks.

ii) Given BCAP's policy consideration, do you agree that it is wrong to exempt television advertisements for low alcohol drinks from the rule that prevents implying or encouraging immoderate drinking, including an exemption on buying a round of drinks? If your answer is no, please explain why.

The cumulative effect of drinking alcohol, even at low levels, has an impact on decision-making skills that may lead people to drink more. We know that, even at low levels, alcohol can increase the risk of accidents and injury and may affect other cognitive performance. In our opinion, therefore, it will be better to apply the alcohol rules clearly and equitably across all drinks that contain alcohol.

### **Question 117**

i) Given BCAP's policy consideration, do you agree that it is wrong to exempt radio advertisements for low alcohol drinks from the rule that prevents implying or encouraging immoderate drinking, including an exemption on buying a round of drinks? If your answer is no, please explain why.

Low alcoholic drinks are often branded in a similar fashion to higher strength alcoholic drinks, creating a strong brand association in the target population. The product placement of low alcoholic drinks must be dealt with in the same way as higher strength alcoholic drinks. In addition to the visual impact of brand association, for radio advertisement the additional issue is related to the normalization of round buying. Any promotion of round buying, through visual and audio media, should be discouraged in order to prevent normalization of round buying.

ii) Given BCAP's policy consideration, do you agree that it is wrong to exempt radio

advertisements for low alcohol drinks from the rule that prevents encouraging excessive consumption via sales promotions? If your answer is no, please explain why.

Answer:

iii) Given BCAP's policy consideration, do you agree that it is wrong to exempt radio advertisements for low alcohol drinks from the rule that prevents featuring a voiceover of anyone who is or appears to be 24 or under? If your answer is no, please explain why.

Answer

In all cases, we consider that low-alcohol drinks should be subject to the same rules as higher strength alcoholic drinks.

### Other questions

#### Question 118

i) Taking into account BCAP's general policy objectives, do you agree that BCAP'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 section that are likely to amount to a significant change in advertising policy and practice, are not reflected here and should be retained or otherwise be given dedicated consideration?

Answer:

There is now greater evidence that alcohol advertising and promotion can influence consumption and that alcohol advertising can have an impact on the uptake of drinking among non-drinking young people. This impact is also evident when consideration is given to the levels of consumption among young people who have already started to drink. A report by the Academy of Medical Sciences presented this evidence and highlighted the correlation between consumption levels by 11 – 15 year olds and the amount spent on advertising.

Young people are a key target and the lifestyles, motivations and aspirations of young people are continually assessed in the design of advertisements and alcohol advertising is ubiquitous, ensuring that most young people are influenced in some way.

We therefore consider that the control of alcohol advertisements, by means of measures such as restricting broadcasting times and dealing with the volume of marketing, should be given dedicated consideration.

Furthermore, we consider that although some progress has been made in the inclusion of health or safety messages, the whole area of obligations on behalf of the producers and promoters to provide health and related safety messages in all commercial communication needs to be given dedicated consideration. Alcohol is not a risk-free product and commercial communications seldom refer to this fact.

iii) Do you have other comments on this section?

We recommend that the content of advertising for alcoholic products should refer exclusively to the actual characteristics of the product, such as its brand name, ingredients, origin and how to prepare and serve the drink, as in the French law, the Loi Evin.

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.