

Scottish Government - Restricting alcohol advertising and promotion: consultation

Please return the completed form to alcoholmarketing@gov.scot by 9 March 2023

Sports and event sponsorship

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.

Together welcomes the opportunity to respond to Scottish Government's consultation on proposals to restrict alcohol advertising and promotion insofar as powers under the devolution settlement allow.

Our response highlights repeated calls made by children and young people. It draws from the UN Convention of the Rights of the Child (UNCRC) which sets out the rights that everyone under the age of 18 has, together with General Comments from the UN Committee on the Rights of the Child. It is vital that Scottish Government takes a rights-based approach to this consultation and the actions that follow, particularly given the passage of the UNCRC (Incorporation) (Scotland) Bill. This includes ensuring children and young people are fully engaged and supported to participate in the consultation and in any future actions to implement its findings (Article 12 UNCRC).

Article 24 UNCRC says that children's health should be as good as possible. [General Comment 15](#) is clear that governments should regulate advertising, sale and promotion of alcohol in "places where children congregate" as well as in media and publications that are accessed by children. Similarly, [General Comment 4](#) urges countries to ban information and marketing of alcohol which targets children and adolescents. Using alcohol sponsors can influence harmful attitudes and behaviours towards alcohol, conflicting with children's right to health. Evidence indicates that exposure to alcohol sport sponsorship influences drinking behaviour and increases consumption amongst children.¹ This can have an impact from a very young age, [as children have suggested they begin to recognise the presence of alcohol in their lives at around six or seven years of age.](#)

Article 6 UNCRC sets out children's right to life survival and development. The UN Committee recognises that alcohol marketing practices can have a long-term impact on children's health ([General Comment 16](#): para 19). Linking physical activity and high-performing athletes with alcohol sports sponsorship implies that alcohol is compatible with a healthy lifestyle. Sport should be something that inspires good health and active participation, and not be used as a promotional vehicle for addictive and health-harming products.

Article 33 UNCRC says children have the right to protection from dangerous drugs and psychotropic substances (i.e. those that affect a person's mental state). In 2019, [Scottish Youth Parliament's Justice Committee considered proposals to refresh Scotland's alcohol and drugs strategy](#). They considered the "Icelandic Model" which utilises various methods to reduce substance use in young people. Increased spending on youth activities and sports was the most endorsed part of the "Icelandic Method" by Members of the Scottish Youth Parliament:

Scottish Government - Restricting alcohol advertising and promotion: consultation

"This is important as it keeps young people occupied as well as giving them a group to identify with and build relationships." (Young person)

Accordingly, alcohol sports sponsorship would contradict those parts of the "Icelandic Model" in which MSYPs saw most promise.

Recommendations made by children:

- Organisers of sports games, festivals and other events should have separate spaces for children and families, or they should stop using alcohol sponsorship if any children may be present.
- Children should not see alcohol sponsored sports games on TV or adverts selling alcohol. Children should not see TV shows with bottles in them or people drinking. These should be removed so children cannot see them.
- Any advertising should be used to highlight the impact alcohol has on children's lives.

Recommendations made by older children and young people:

- 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.
- Prohibit unlimited refills of alcoholic beverages at events.
- Reference to alcohol brands in song lyrics should be muted out or replaced on radio stations or television before the watershed.

Question 2 – If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

Illustrative examples include:

- 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.

Please provide your answer in the text box.

Children are an attractive target group to advertisers. Whilst legislation bans the sale of alcohol to under-18s, children can still influence their parents' or carers' purchasing behaviour. In addition, children can be influenced at a young age which can impact their purchasing decisions when they reach 18. The receptiveness of children can be evidenced by [Members of Children's Parliament](#) reciting the logos of alcohol sponsors.

"The Champions League sponsor is Heineken. The logo is green and black."

"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."

Therefore, we believe statutory restrictions on alcohol sport sponsorship should cover *all* marketing activities, including, but not limited to:

- alcohol brand logos on match and training strips;
- advertising within stadium grounds;
- exclusive 'pourage rights' within stadiums and fan zones;
- sports iconography on alcohol products (and vice versa);
- social media activity;
- competition tie-ins;
- players, managers or coaches featuring in adverts;
- partnership activity promoting brands or products; and
- brandsharing and alibi marketing practices.

The use of these marketing activities can be seen as particularly attractive to children and young people which raises huge concern. The UN Committee on the Rights of the Child notes that children can perceive marketing as truthful and unbiased and that this can lead to consumption of products that are harmful – it has accordingly called for increased regulation ([General Comment 16: Para 59](#)). The UN Committee has stated that digital technologies should promote healthy lifestyles, including physical and social activity (General Comment 17: Para. 13.) They should regulate targeted or age inappropriate advertising, marketing and other relevant digital services to prevent children's exposure to the promotion of unhealthy products, including certain food and beverages, alcohol, drugs and tobacco and other nicotine products (General Comment 15: para. 77).

To overcome this, governments should make the best interests of the child a primary consideration when regulating advertising and marketing addressed to and accessible to children. Sponsorship, product placement and all other forms of commercially driven content should be clearly distinguished from all other content and not be covert (General comment No. 25 (2021)).

Together member Alcohol Focus Scotland has suggested that rather than providing a list of prohibited activities, the prohibition should be directed at the purpose of the sponsorship arrangement, citing the [Tobacco Advertising and Promotion Act 2002](#) as a useful basis for such restrictions as it bans any form of promotion where money or other help is provided to support an event or activity so as to promote smoking. The Act does not attempt to provide an exhaustive list but notes sponsorship could extend to a building, institution or service.

Recommendations made by children:

- Alcohol adverts on TV or online should not be shown during times when children might be watching television or using the internet.
- Marketing should be used as a way to create positive change by informing adults of the negative impact it has on children's lives. These adverts should include children talking about their experiences and feelings.

Recommendations made by older children and young people:

- Prohibit alcohol-branded merchandise (such as t-shirts and wristbands) from being sold or given away at cultural or sporting events.
- Prohibit alcohol-branded sports merchandise, including sponsorship on replica kits.
- Take steps toward removing alcohol branded merchandise targeting young people or which young people engage with.

Question 3 – What, if any, sporting activities or events do you think should be exempted from a prohibition on alcohol sports sponsorship?

Scottish Government - Restricting alcohol advertising and promotion: consultation

Please provide your answer in the text box.

We support Alcohol Focus Scotland's response to this question which can be seen to align with the guidance provided by the UN Committee (see question 1). There should be no exceptions to these restrictions. Comprehensive and clear bans are more effective in reducing exposure, provide clarity to the industry and are [far easier to implement and enforce than partial or unclear ones.](#)

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.

Alcohol sponsorship of sports, cultural and music events sends the message that alcohol consumption is both normal and necessary to enjoy them. As one young person reflected, *"T in the park was literally an advert for Tennent's."*

[Children and young people say this culture translates more widely to the likes of Burns Night and St. Patrick's Day where drinking alcohol is viewed as an integral part of taking part.](#)

Alcohol events sponsorship encourages increased consumption which is stressful for children. [Members of Children's Parliament have felt "left out", "bored" and "ignored" when adults have been drinking. Some children describe feeling "stressed" and "responsible" for their parents' or carers' actions if they appear angry and sad when under the influence of alcohol.](#) Article 19 of the UNCRC says children should be protected from all forms of harm. General Comment 13 is clear this includes exposure to alcohol-related harms. [A large body of literature notes that parent/carer drinking, particularly at higher levels, is significantly linked with harm to children.](#) This places children at a greater risk of violent events and other rights breaches. One child describing an alcohol-free childhood said: *"When children went to the football stadium, there would be less fights. The stadium would be tidy, and people wouldn't shout as much."*

Children also link the large presence of alcohol in its physical form (such as bottles, cans and alcohol-specific glassware) following events with the harms this cause.

"It would be better at festivals for children. [Bottles and cans on the grass are dangerous.](#)"

"[Children wouldn't have to worry about standing on glass or cutting themselves.](#)"

Recommendations made by children:

- Organisers of sports games, festivals and other events should have separate spaces for children and families, or they should stop using alcohol sponsorship if any children may be present.

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.

All events should be prohibited from having alcohol sponsorship. This includes music and cultural events, such as music festivals, and community festivals and events.

Scottish Government - Restricting alcohol advertising and promotion: consultation

Recommendations made by older children and young people:

- Prohibit alcohol-branded merchandise (such as t-shirts and wristbands) from being sold or given away at cultural or sporting events.
- Prohibit alcohol-branded sports merchandise, including sponsorship on replica kits.
- Take steps toward removing alcohol branded merchandise targeting young people or which young people engage with.

Please see answer to question 2 for rationale.

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.

We support Alcohol Focus Scotland's response to this question. There should be no exceptions to these restrictions. Comprehensive and clear bans are more effective. They are also [far easier to implement and enforce than partial or unclear ones.](#)

Scottish Government - Restricting alcohol advertising and promotion: consultation

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.

As Scottish Government moves towards implementation of the *UNCRC (Incorporation) (Scotland) Bill* and seeks to deliver its ambition to deliver a “revolution in children’s rights”, it is essential that we act compatibly with children’s rights *now*.

Outdoor and public spaces marketing

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.

Removing marketing within outdoor and public spaces could have a substantial effect in reducing children and young people’s exposure to alcohol promotion. For example, almost half (49%) of under-18s in the UK reported having seen alcohol advertising on billboards in the street in the last month.ⁱⁱ This exposure is even greater for children reliant on public transport, especially if they live in more deprived areasⁱⁱⁱ and spend a lot of time around bus stops and roads.^{iv}

Children recognise that adverts can be harmful to children as they promote alcohol as something desirable, exciting and cool – while incentivising children to want to drink it in the future:

[“Adverts can make people make bad choices. You see people buying lots of alcohol just before the shop closes.”](#)

[“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.”](#)

Over 55% of children and young people responding to Scottish Youth Parliament’s #WhatsYourTake survey in 2022 agreed that Scottish Government should reduce the amount of alcohol advertising and promotion that they are exposed to.

Exposure to these adverts can also be a trigger to parents or carers who are in recovery. For example, one adult said: [“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.”](#)

Scottish Government - Restricting alcohol advertising and promotion: consultation

Prohibiting alcohol marketing outdoors, including on vehicles and in public spaces across Scotland should be introduced as part of comprehensive restrictions on alcohol marketing as this has been proven to be successful in reducing the consumption of other harmful products.

A member of the Scottish Youth Parliament's Justice Committee suggested outdoor public spaces should be used as a force for good. *"I think adverts are effective as they are memorable. Bus stop posters and other public promotion could also get the message across."* Therefore these could be used to highlight the impact alcohol has on children's lives and protect children's rights, including their right to health (Article 24, UNCRC), to education (Article 29, UNCRC) and best interests (Article 3, UNCRC).

Recommendations made by children:

- Billboards and adverts promoting alcohol use and drinking should not be allowed to be displayed in areas where children may see them.

Scottish Government - Restricting alcohol advertising and promotion: consultation

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.

We support Alcohol Focus Scotland's response to this question. All types of alcohol marketing should be prohibited in all outdoor and public spaces and in places visible from public spaces. This includes on public transport and street furniture (such as bus shelters), on vehicles (such as taxis), on billboards, in cinema lobbies, in sports grounds and in branded signage and furniture attached to licensed premises.

Restricting all alcohol advertising in outdoor and public spaces would most effectively prevent exposure of vulnerable groups, including children and young people. This would protect children's right to health (Article 24, UNCRC) and best interests (Article 3, UNCRC). It would also protect those in recovery from intrusive alcohol adverts when outside of the home. It would also reduce the volume of alcohol marketing messages experienced by everyone, which serves to normalise alcohol consumption and sustain high levels of population consumption.

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.

We support Alcohol Focus Scotland's response to this question. There should be no exceptions to these restrictions. Comprehensive and clear bans are more effective. They are also [far easier to implement and enforce than partial or unclear ones.](#)

In-store alcohol marketing

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;

- 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.

Every effort should be made to restrict the visibility of alcohol in the retail environment. This is because both children and adults are being affected by marketing. Children are acutely aware of the prevalence of alcohol in shops.

[“There are four aisles of alcohol in the Asda.”](#)

[“When you go to the till, you pass the big alcohol bit.”](#)

[“Sometimes it’s on these big boards \[in shops\]. It says buy 2 for £1 or something like that – it’s adverts for alcohol. Or in magazines. There’s always adverts for alcohol.”](#)

In addition, [research](#) shows almost seven in ten (68%) 11-17-year-olds are aware of the brand Guinness, Budweiser (65%), Jack Daniels (59%), Fosters (58%), Smirnoff (55%), Carlsberg (54%), Carling (51%) and WKD (51%).

Visibility is a key form of marketing activity. It influences shoppers to make impulse purchases, normalises alcohol as an everyday commodity and drives brand loyalty. [Repeated exposure to marketing and positive messages about drinking leads to children developing positive expectations about drinking alcohol and eventually employ them in decisions about whether to drink or not. It also leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels.](#) This places children’s health at risk (Article 24 UNCRC). Moreover, these drinking patterns can be carried into adulthood.

Restricting the visibility of alcohol in shops would reduce the visibility of alcohol to children and young people, and people with or in recovery from an alcohol problem. In addition, it would address the normalisation of alcohol which helps creates and sustain high levels of consumption in the general population.

[“Parents wouldn’t see it and think that they need to buy more and more alcohol.”](#)

[Recommendations made by children:](#)

- 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.

Scottish Government - Restricting alcohol advertising and promotion: consultation

- Alcohol should be sold in adult-only sections of shops, separate rooms in regular shops and supermarkets dedicated to alcohol sales.

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.

[Children have said that alcohol should not be advertised or displayed in shops where children can see it, that it should be sold in separate adult-only sections or shops or in separate shops dedicated to alcohol sales.](#)

Separating alcohol from other products in supermarkets and shops would reduce the visibility of alcohol, protecting groups particularly affected such as children and young people and people in recovery. It would also reduce impulse purchasing more generally, by reducing the visibility of the products themselves and of point-of-sale promotions. [This is supported by other countries where these restrictions are effective.](#)

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.

[Children have said that alcohol should not be advertised or displayed in shops where children can see it, that it should be sold in separate adult-only sections or shops or in separate shops dedicated to alcohol sales.](#) The display and promotion of alcoholic drinks in mixed retail environments should be limited to a designated area separated from the rest of the store by an appropriate physical barrier through which the alcohol display area should not be visible. For smaller shops, where options such as separate alcohol areas may be impractical, alcohol could be kept behind the counter but should be concealed, as is the case with tobacco products. Alcohol should not be visible from outside the shop; this means for example, that it should not be located within, or visible from, windows.

Brand sharing and merchandise

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

Scottish Government - Restricting alcohol advertising and promotion: consultation

Please explain your answer in the text box.

The sale of alcohol-branded merchandise should be prohibited in Scotland as part of comprehensive restrictions on alcohol marketing. The rationale for this is evidenced in Together's answer to question 11. [In addition, studies consistently show that young people who own alcohol-branded merchandise are more likely to drink now and in the future.](#)

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.

[In a survey of 11-17-year-olds, 15% reported owning merchandise, such as clothing or drinks glasses that show an alcoholic drink brand or logo.](#) This effectively uses children as alcohol brand ambassadors. This is at odds with legislation which bans underage alcohol consumption and therefore the free distribution of marketing materials and services should be covered by comprehensive measures to restrict alcohol marketing.

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.

We support Alcohol Focus Scotland's response to this question. There should be no exceptions.

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.

[Recommendations from older children and young people:](#)

- Alcohol-branded merchandise (such as t-shirts and wristbands) should be prohibited from being sold or given away at cultural or sporting events.
- Prohibit alcohol-branded sports merchandise, including sponsorship on replica kits.
- Take steps toward removing alcohol branded merchandise targeting young people or which young people engage with.

No and low alcohol

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?

Low or no alcoholic drinks products are between 0% ABV and 1.2% ABV. Alcoholic drinks are over 1.2% ABV. Alcohol by volume (ABV) is a measure of alcohol content.

Please tick one

- Yes
 No

Scottish Government - Restricting alcohol advertising and promotion: consultation

Don't Know

Please explain your answer in the text box.

The similar branding between alcoholic and alcohol-free products can make it difficult to differentiate between the two. [For example, an advert for Heineken 0.0 served during a football match was seen as “just another beer advert” by participants in a UK study.](#)

[Children and young people have raised concerns about the appearance of some alcohol bottles, cans and packaging and their similarity to popular non-alcoholic energy drink brands.](#) This includes use of bright colours, fun names, addition of caffeine and fruit flavours that give the appearance of energy drinks. In line with children's right to information (Article 17 UNCRC), packaging should clearly reflect the nature of its contents and health information should be prominent on labelling. This will allow young people to be more aware of what they are buying, and therefore more able to make informed decisions.

Any legislation introduced should be carefully drafted to address contemporary marketing practices and cover products that feature identifiable alcohol brand markings, even where they do not feature a brand name. It should avoid any potential legislative loopholes which could be exploited by alcohol companies if legislation is not carefully drafted and comprehensive. Children and young people should be included throughout the process of developing this legislation to ensure it meets their needs and targets marketing practices advertising to children and young people.

Older children and young people recommend:

- Restrict alcohol companies from using packaging with bright colours and imagery that young people find appealing and which make it difficult to differentiate between alcohol and non-alcoholic drinks.
- Require prominent and clear health warnings on the effects of alcohol on the front of packaging.
- Require the alcohol by volume (ABV) measure to be displayed on the packaging in a 26 point size, easy-to-read, standardised font.
- Require the number of alcohol units, along with information about how many of a person's weekly recommended allowance of alcohol these units account for, to be displayed clearly on the front of packaging.
- Require the type of alcohol in a product to be displayed clearly on the front of packaging.
- Require a logo representing the recommendation not to drink and drive, similar to that used to discourage drinking during pregnancy, to be displayed on packaging

Print advertising

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

Scottish Government - Restricting alcohol advertising and promotion: consultation

Please explain your answer in the text box.

Children recognise that adverts encourage adults to drink more whilst also inspiring and incentivising children to want to drink it in the future: "They might think it's really cool because of the way it's designed."

The more channels and content people are exposed to, the more likely they will be influenced. For example, adolescents who drink are aware of more alcohol marketing channels than adolescents who do not. It is therefore essential alcohol advertising in newspapers and magazines produced in Scotland should be prohibited as part of comprehensive restrictions on alcohol marketing. This is in line with Article 17 of the UNCRC which says children should be protected from harmful media, including media which promotes use of harmful substances. Scottish Government should work with the UK Government to ensure that magazines and newspapers produced in the rest of the UK and distributed in Scotland, as well as online versions of these publications, will be similarly restricted.

Question 20 - What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?

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.

Please provide your answer in the text box.

We support Alcohol Focus Scotland's response to this question. The only exceptions should be for business-to-business publications.

Online marketing

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.

In one month, 42% of young people surveyed had seen alcohol adverts on social media platforms, such as YouTube, Facebook, Snapchat, Instagram or others. Moreover, approximately a fifth (19%) had interacted with alcohol marketing online in the past month.

In addition, a recent analysis showed that the top 100 most popular videos on TikTok using the hashtag '#alcohol' had almost 300 million combined views. Almost all of them (98%) contained positive portrayals of alcohol. With over a third of TikTok users being under the age of 18, this raises serious concerns. Article 17 UNCRC says children should be protected from harmful media, including media which promotes use of harmful substances. Therefore, as part of comprehensive restrictions on alcohol marketing, all digital alcohol marketing should be restricted. Children themselves are demanding change, as one child stated: [*"I want it out of my face."*](#)

Recommendations made by children:

- Remove adverts for alcohol so that children do not see them.
- TV or online adverts should not be shown during times when children might be watching television or using the internet.

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.

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.

Scottish Government - Restricting alcohol advertising and promotion: consultation

We support Alcohol Focus Scotland's response to this question. As part of comprehensive restrictions on alcohol marketing and a rights-based approach, paid alcohol advertising online should be restricted insofar as the powers of the Scottish Parliament allow.

Studies consistently report that participation and engagement with digital alcohol marketing - such as clicking on an alcohol ad, visiting an alcohol-branded website, liking or sharing an ad on social media, or downloading alcohol-branded content - is [positively associated with alcohol use for adolescents and young adults](#).

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.

All types of paid alcohol advertising should be covered insofar as the powers of the Scottish Parliament allow.

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.

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.

[The World Health Organization recommends restricting alcohol marketing as one of the most effective and cost-effective policies to reduce alcohol harm](#). Current measures of self-regulated marketing are failing to protect children and young people. [For example, research has found the use of a pirate character to advertise Captain Morgan is likely to appeal to children and young people](#). It is essential that alcohol companies face greater restrictions from sharing promotional content on social media insofar as the powers of the Scottish Parliament allow.

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?

Scottish Government - Restricting alcohol advertising and promotion: consultation

Please provide your answer in the text box.

Television and radio advertising

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.

As part of comprehensive restrictions on alcohol marketing, alcohol advertising on television and radio should be prohibited insofar as the powers of the Scottish Parliament allow. Studies have found that around 650,000 alcohol adverts are shown on UK TV each year. Almost half of these are before 9pm, during peak viewing hours for children and young people. Restrictions should cover catch-up and streaming services too. As a third (34%) of young people report seeing alcohol products on catch-up at least monthly. It is important that restrictions are created as several systematic reviews have revealed an association between exposure to alcohol advertising on TV and the onset and continuation of drinking among young people.^{v vi vii} Similar effects on consumption have been found for TV advertising of other health harming products, such as unhealthy foods.^{viii ix}

Although young people are less likely to listen to radio than other age groups, 55% of 15-24-year-olds in Scotland still listen to commercial radio for an average of just under 12 hours each week.^x Sponsorship by alcohol brands on radio often occur in programmes that have a high child audience, i.e. during breakfast and drivetime.^{xi} Considering the popularity of TV and radio, it is clear that restricting alcohol advertising on these media would protect children and young people and people in recovery from harmful exposure.

Children recommend:

- Make alcohol less visible by omitting alcohol or blurring it from TV programmes designed for children or at times when children may be watching.
- Make sure TV adverts are not shown during times when children might be watching television, or using the internet.

Older children and young people recommend:

- Reference to alcohol brands in song lyrics should be muted out or replaced on radio stations or television before the watershed.
- Prohibit the use of real people or anthropomorphic animals/objects in alcohol adverts.
- Introduce a watershed for alcohol advertising on television.
- Devolve advertising regulations related to cinema and television to Scotland.
- Create an independent regulating body for alcohol advertising. This body should be responsible for:
 - packaging
 - televised advertising
 - cinema advertisements
 - merchandising
- The new regulator should set national guidelines for alcohol companies and advertisers, and work with businesses to approve advertising, packaging and merchandise before presenting to the public.

Scottish Government - Restricting alcohol advertising and promotion: consultation

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.

Cinema advertising

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.

Cinema is a powerful advertising medium as it offers a captive audience. It is the most popular leisure activity in Scotland and [currently exposes millions of people, including children and young people, to harmful alcohol-related content](#). Again this reemphasises the link between enjoying yourself and alcohol (as mentioned in our answer to question four). Therefore, alcohol advertising in cinemas should be restricted to protect children from harmful media (Article 17 UNCRC) Insofar as the powers of the Scottish Parliament allow.

[Children and young people recommend:](#)

- Only allow alcohol advertising before films that have an 18 certificate.
- Devolve advertising regulations related to cinema and television to Scotland.
- Create an independent regulating body for alcohol advertising. This body should be responsible for:
 - packaging
 - televised advertising
 - cinema advertisements
 - merchandising

The new regulator should set national guidelines for alcohol companies and advertisers, and work with businesses to approve advertising, packaging and merchandise before presenting to the public.

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.

[Children and young people have suggested that advertising alcohol should only be allowed in films with an 18 certificate.](#)

Restrictions on content of advertising

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.

Attempts so far to control the content of marketing messages to decrease their appeal to children have had limited impact. [Children and young people believe that reducing the number of adverts that appear in the local environment and regulating the content of these adverts will make alcohol less appealing to young people.](#)

Current rules do not provide any protection from the appeal of alcohol adverts for the general population. Restricting the content of alcohol advertising to factual criteria only would reduce the appeal of adverts and limit the potential for advertising to create positive feelings and attitudes towards alcohol brands and products, as well as towards drinking itself.

[Children have said that any advertising should be used as a way to creative positive changed by informing adults of the impact it has on children's lives. These adverts should include children talking about their experiences and feelings.](#)

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.

Scottish Government should engage with children and young people to ascertain their views on the content of advertising in more detail. This would help ensure that any restrictions or permitted elements reflects children's needs and upholds their rights.

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.

Evaluation and enforcement

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.

Current regulations in place to protect children and young people comprise of a complex system of self and co-regulation. There are different industry-developed codes applying in different contexts and overseen by different bodies. This leads to a system that is inconsistent, ineffective and fails to stop children and vulnerable people being exposed to alcohol marketing. [To overcome this, children and young people recommend Scottish Government should create an independent regulating body for alcohol advertising.](#) Together recommends that monitoring of alcohol restrictions and their impact on children's rights is systematic and regular, and that this involves engaging with children to ascertain their experiences and views.

A Child Rights Impact Assessment (CRIA) must be regularly undertaken when developing and implementing such legislation. A rights-based approach must underpin the mobilisation, allocation and spending to ensure there is sufficient resources allocated to monitoring compliance and enforce regulations when breaches occur. Sufficiently robust and punitive sanctions, such as substantial financial penalties, need to be an integral element of the enforcement regime, as these are necessary for restrictions to be [effective and meaningful](#). Disaggregated data needs to be collected and used to measure effectiveness of these regulations, and these should inform any future alcohol marketing restrictions.

[Children and young people recommend:](#)

- Devolve advertising regulations related to cinema and television to Scotland.
- Create an independent regulating body for alcohol advertising. This body should be responsible for:
 - packaging
 - televised advertising
 - cinema advertisements
 - merchandising

Children and young people have said the new regulator should set national guidelines for alcohol companies and advertisers, and work with businesses to approve advertising, packaging and merchandise before presenting to the public. This avoids the need for self-regulation by the industry. The regulator would work with the Advertising Standards Authority (ASA) who would retain their role in facilitating consumer complaints and work closely with the new regulating body to help set standards. The new regulator should have the powers to fine alcohol companies and remove advertising which contravenes the regulations.

- There should be more ways for members of the public to report inappropriate alcohol advertising to the ASA, including directly through social media platforms.
- Introduction of new taxation on alcohol advertising, and direct the revenue from this to alcohol harm prevention programmes.

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.

In its most recent review of the UK (including Scotland), the UN Committee on the Rights of the Child called for disaggregated data about alcohol use by children. The requirement to provide information and data on alcohol marketing campaigns in Scotland would help Scotland meet this request, by demonstrating key drivers in alcohol use and perception by children. Such data collection should inform an evaluation programme assessing the effectiveness of marketing restrictions. Information and data should include marketing spend, media used, and disaggregated data on the demographics of audiences reached. Children and young people's views and experiences should form a core part of data collection and monitoring.

Scottish Government should collate data on the prevalence of children affected by parental drinking, research on the efficacy of services and information on what works. Analysis of this data must be joined-up and used to inform improvement and outcomes.

Ensuring robust evaluation of restrictions is an important means of measuring their impact on outcomes. It can also be used to track whether there are unintended consequences arising from the measures being implemented. Such evaluations are important in combatting challenges to regulate by the industry, identify any loopholes being utilised and inform further restrictions if necessary. It could also provide important evidence for other countries to help them consider how to implement potential restrictions. It would help the World Health Organization to take into account action at the international level, such as in relation to digital marketing.

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

Requiring the provision of local alcohol sales data would enable the Scottish Government to ascertain the potential impact on children living in different areas. It would allow Scottish Government to undertake or commission the most robust evaluations of alcohol policy, including on the proposed restrictions on alcohol marketing. It would also significantly enhance local licensing policy development. It would provide licensing boards with a much clearer and more accurate picture of the availability of alcohol in a geographic area and the impact of different types of premises. In doing so, this would help to develop an understanding of whether interventions are being effective and inform future policies.

End questions

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.

Children and young people have repeatedly called for a wide range of measures to keep them safe from alcohol exposure and alcohol related harms. Children and young people have called for a comprehensive ban on alcohol marketing that includes, but is not limited to:

- sports venues
- radio
- TV
- Films
- on billboards and posters near to schools, nurseries and playgrounds
- on public transport vehicles, stops and stations
- cultural events including musical festivals
- on merchandise and replica kits

Children have made other recommendations on where they would like the restrictions to apply to. These include:

- in public spaces, such as parks
- online
- in shops
- at train stations and airports
- in hotels
- on all-inclusive holiday packages

Children and young people recommend the creation of a multi-platform campaign, driven by and co-created with young people. This campaign would build awareness of the marketing techniques used by alcohol companies to sell their products. Children and young people also recommend the development of a multi-platform campaign to remind adults that buying, or attempting to buy alcohol for under 18-year-olds is an offence.

The long-standing recommendation of the World Health Organization (WHO) is for comprehensive restrictions on alcohol marketing. According to WHO, this is an impactful and cost-effective approach which will help protect children, young people, people in recovery and abstainers from the pressure to drink. It will also disrupt the industry's ability to create and maintain social norms that encourage high levels of alcohol use in the population more generally.

Scottish Government should introduce statutory restrictions on alcohol marketing activities in all areas of its competence. These should include, but not be limited to advertising in competitions, giveaways and rewards; point-of-sale promotions; advertising in print publications; the use of price as a promotional tool; and product packaging.

Scottish Government - Restricting alcohol advertising and promotion: consultation

In addition, Scottish Government should press the UK Government to introduce restrictions on alcohol marketing in areas that fall outwith the Scottish Parliament's competence. This should complement the restrictions delivered by Scottish Parliament.

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 response in the text box.

Question 40 - What further evidence on alcohol marketing would you like the Scottish Government to consider?

Please provide your answer in the text box.

Children must be protected from harmful substances such as alcohol (Article 33 UNCRC). Marketing of alcohol puts children's right to health (Article 24 UNCRC) and the right to life, survival and development (Article 6 UNCRC) at risk. It undermines children's rights to privacy (Article 16 UNCRC) and to be free from exploitation (Article 36 UNCRC). The unanimous passage of the UNCRC (Incorporation) (Scotland) Bill demonstrates Scottish Government's commitment to respect, protect and fulfil children's rights. A suite of alcohol marketing restrictions should be implemented by Scottish Government to better protect children's human rights insofar as the competence of the Scottish Parliament allows.

Calls raised by children which have not yet been addressed in this consultation include:

- Hotel room minibars not to include alcohol and for adults reconsider all-inclusive holiday packages which include alcohol.
- More consistent laws of drinking alcohol or possessing an open container in public spaces. This will lessen the likelihood of children encountering people drinking in the streets, in parks and on beaches.

Children and young people also call for:

- Introduce digital identification for online purchasing of alcohol and make age verification on delivery of alcohol products mandatory, promoting Proof of Age Standard Scheme (PASS) on the Young Scot National Entitlement Card as a means of doing this, and with fines in place for companies who do not comply.
- Increase the initial fine for selling alcohol to minors to a minimum of £500 with the option to increase this to an unlimited fine.
- Restricting alcohol companies from using packaging with bright colours and imagery that young people find appealing.
- Require prominent and clear health warnings on the effects of alcohol on the front of packaging.
- Require the alcohol by volume (ABV) measure to be displayed on the packaging in a 26 point size, easy-to-read, standardised font.
- Require the number of alcohol units, along with information about how many of a person's weekly recommended allowance of alcohol these units account for, to be displayed clearly on the front of packaging.
- Require the type of alcohol in a product to be displayed clearly on the front of packaging.
- Require a logo representing the recommendation not to drink and drive, similar to that used to discourage drinking during pregnancy, to be displayed on packaging

Scottish Government - Restricting alcohol advertising and promotion: consultation

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.

Declaration of direct or indirect links to the alcohol industry

Please indicate any direct or indirect links to the alcohol industry?

Please tick one

- No links
- Direct links
- Indirect links
- Don't Know

If you have links to the alcohol industry, please explain what those are below.

Impact assessment

Question 42 - Are there any relevant equality issues that Scottish Government should be considering at this stage in the policy development?

Please provide your response in the text box.

It is essential that a child rights impact assessment is conducted and updated on an ongoing basis to understand the potential impacts of reforms on children. This will allow any potential negative impacts to be identified early and mitigatory actions taken. It will also enable the identification of any differing or discriminatory impacts on children with particular characteristics, identifies or living in certain areas.

Alcohol harm is not equally experienced in Scottish society. For example, children who are reliant on public transport are more likely to be exposed to alcohol marketing, especially if they live in more deprived areas^{xii} and spend a lot of time around bus stops and roads.^{xiii} [Such exposure to alcohol marketing is a cause of youth drinking.](#)

[Children of different ages may experience their parents' or carers' drinking differently.](#) This consideration must be applied when creating measures are effectively to reduce the overall alcohol consumption. Aligned with children's right to participation (Article 12, UNCRC), children of all ages should be inclusively involved throughout the policy development and informed of the outcomes. Special efforts should be made to ensure children whose rights are most at risk are involved in this process.

Consultation on Restricting Alcohol Advertising and Promotion

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

Naomi Sutton (Consultant) on behalf of:
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Phone number

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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

ⁱ Brown, K. (2016). Association between alcohol sports sponsorship and consumption: a systematic review. *Alcohol and alcoholism*, 51(6), 747-755.

ⁱⁱ Youth Alcohol Policy Survey (2019). Online survey carried out by YouGov Plc. for Cancer Research UK between September and November 2019. Total sample size was 2,603 young people aged 11-17 living in the UK. The figures have been weighted and are representative of 11-19-year olds in the UK by age, gender, ethnicity, region and Index of Multiple Deprivation (IMD) deciles.

ⁱⁱⁱ Olsen, J. R. et al. (2021). Exposure to unhealthy product advertising: Spatial proximity analysis to schools and socio-economic inequalities in daily exposure measured using Scottish Children's individual-level GPS data. *Health & Place*, 68, 102535

^{iv} Olsen, J. R. et al. (2019). Children's mobility and environmental exposures in urban landscapes: a cross-sectional study of 10–11 year old Scottish children. *Social Science and Medicine*, 224, 11-22.

^v Anderson, P. et al. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies. *Alcohol and alcoholism*, 44(3), 229-243.

^{vi} Smith, L. A., & Foxcroft, D. R. (2009). The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. *BMC public health*, 9(1), 1-11.

^{vii} Finan, L. J. et al. (2020). Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

^{viii} Russell, S. J. et al. (2019). The effect of screen advertising on children's dietary intake: A systematic review and meta-analysis. *Obesity reviews*, 20(4), 554-568.

^{ix} Coleman, P. C. et al. (2022). A rapid review of the evidence for children's TV and online advertisement restrictions to fight obesity. *Preventive Medicine Reports*, 101717.

^x Figures are for Q1 2022. Ofcom (2022). Media Nations 2022: Interactive report. *Ofcom*.

<https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/media-nations-reports/media-nations-2022/media-nations-2022-interactive-report>

^{xi} Ofcom (2004). *Alcohol Advertising. Consultation document*. London: Ofcom.

https://www.ofcom.org.uk/data/assets/pdf_file/0026/47249/alcohol_adverts.pdf

^{xii} Olsen, J. R. et al. (2021). Exposure to unhealthy product advertising: Spatial proximity analysis to schools and socio-economic inequalities in daily exposure measured using Scottish Children's individual-level GPS data. *Health & Place*, 68, 102535

^{xiii} Olsen, J. R. et. (2019). Children's mobility and environmental exposures in urban landscapes: a cross-sectional study of 10–11 year old Scottish children. *Social Science and Medicine*, 224, 11-22.