



**Effective Alcohol Marketing Regulations**  
**A proposed framework to evaluate existing alcohol marketing regulations**

Avalon de Bruijn  
 Ina Johansen  
 Anouk van den Broeck

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Avalon de Bruijn, Ina Johansen, Anouk van den Broeck\*  
STAP - Dutch institute for alcohol policy  
EUCAM – European centre for monitoring alcohol marketing

Postbus 9769  
3506 ET Utrecht  
The Netherlands  
+31306565041  
\* email: [avandenbroeck@stap.nl](mailto:avandenbroeck@stap.nl)

[www.stap.nl](http://www.stap.nl)  
[www.eucam.info](http://www.eucam.info)

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## 1. Introduction

### Alcohol use among European adolescents is a public health issue

Although levels of alcohol consumption have been falling, Europe is the heaviest drinking region in the world (WHO, 2004). In most EU Member States, there has been an increase in binge drinking among young people over the last 10 years. Among 15- and 16-year-old European students over 1 in 8 have been drunk more than 20 times in their life and over 1 in 6 have been involved in binge drinking (> 4 units of alcohol) during the previous month. European youth tend to start drinking earlier in their lives (Anderson & Baumberg, 2006). The total tangible cost of alcohol to the EU society in 2003 is estimated to be €125bn which is equivalent to 1.3 percent of the GDP (Anderson & Baumberg, 2006).

Adolescent's early onset of drinking is associated with later alcohol dependence and use, abuse/dependence on other drugs (Grant & Dawson, 1997; Grant, et al., 2005; Hingson, Heeren, & Winter, 2006; Pitkanen, Lyyra, & Pulkkinen, 2005). The association is not entirely explained by genetic factors and suggests that environmental factors contribute to transitions from early onset of drinking to use and dependence on alcohol and other substances. Exposure to alcohol marketing practices is supposed to be one of these environmental factors (Anderson, de Bruijn, Angus, Gordon, & Hastings, 2009).

### Variety in types of alcohol marketing regulations in Europe

A large variety of both content and volume restrictions in alcohol marketing regulations aim to protect young people against the harmful effects of alcohol marketing. Regulations can be embedded by law (legislation or statutory regulation), by voluntary codes of conduct of a company or a sector (self regulation or non statutory regulation), or by a combination between state and non-state regulation (co-regulation). An investigation made by STAP, the Dutch Institute for Alcohol Policy (2007b) showed many variations between European countries' laws, regulations and administrative provisions on the advertising of alcohol products. All 23 European countries studied, had at least one regulation that covers alcohol marketing and advertising with a total of 74 regulations. Of the 71 regulations, 45 were (partly) fixed by law and 26 were self regulatory codes.

### Testing the effectiveness of alcohol marketing regulations

An investigation made by STAP in the European ELSA (STAP, 2007b) project showed that hardly any scientific study that tested the effectiveness of alcohol marketing regulations was found in the literature search (STAP, 2007c). More importantly, no integrated theoretical framework to evaluate the effectiveness of existing alcohol marketing regulations was found. The current paper tries to fill this gap by providing a framework to evaluate alcohol marketing policy interventions. The main focus of this framework is to provide a tool to examine the interventions' potential effectiveness. The expected influence on drinking behaviour of children and adolescents is crucial in identifying elements within the framework.

### The focus of this paper

After describing the method used, the paper starts by describing the prevalence of alcohol marketing among adolescents. A brief tour through the latest marketing techniques and

products of the alcohol advertisers is provided together with some estimates of the size of youth exposure. Whether and why a high prevalence of alcohol marketing in society and heavy youth exposure to this marketing is problematic is described in chapter 3. Chapter 4 and 5 provide an overview of various ways to restrict the content and volume of alcohol marketing. Advantages and disadvantages of different approaches are described. Chapter 6 outlines criteria for an effective regulation system that supports volume and content restrictions that were mentioned in chapter 4 and 5. All this information is used to come up with a framework that is elaborated in chapter 7. In chapter 8 a framework to evaluate existing alcohol marketing regulations, followed by a conclusion and discussion section in chapter 9.

## 2. Method

### Examining a complex phenomenon

Alcohol marketing and its regulation are complex phenomena and a large variety of regulations can be found throughout Europe (STAP, 2007b). Given the complex nature of testing the effectiveness of alcohol marketing regulation, different methodological tools have been used in the preparation of this paper. Also different methods of collecting data and sources of data have been used. It is not likely that any one method of gathering data will be sufficient (Cooke, et al., 2004). The use of both qualitative and quantitative data and multiple sources of data allow the use of triangulation, which increases the validity of the research.

### Literature search

A literature search is carried out by the authors within PubMed, Medline, PsychINFO, and Google Scholar to examine literature that was published between 1998 and 2009. The following search terms have been entered within the databases: [self regulation OR regulate OR govern OR manage OR control OR limit OR confine OR prohibit OR restrain OR prevent OR preclude OR constrain OR forbid OR hinder OR ban OR check OR monitor OR oversee OR control OR record OR detect OR supervise OR regulating OR regulation OR statutory OR law OR directive OR legislation OR restrictions] AND ["alcohol advertising" OR "alcohol marketing" OR "alcohol advertisement" OR "alcohol commercial communications" OR "alcohol promotion" OR "alcohol sponsoring" OR "alcohol promotional item" OR "alcohol brand communication" OR "alcohol product communication"]

Additionally, a "snowball" technique was used to identify relevant missing papers. This literature search was added by a search for grey literature from governmental organizations, NGOs and alcohol industry related organizations: literature from the World Health Organization, European Commission, Institute of Alcohol Studies, NOSAM, International Centre for Alcohol Policy, European Forum for Responsible Drinking, European Advertising Alliance. See figure 1 for more information.

Although grey literature on this topic can contain essential information, as is shown in an analysis by Babor and Xuan (2004) there are risks involved in including conclusions of grey literature. The analysis performed in some grey literature fail to meet quality standards of good research. Therefore, we decided to include grey literature in the report, but to separate these articles from peer-reviewed articles in a second reference list. Moreover, we categorize the reference list of grey literature by the publishing institution. In this way, authors working for an alcohol industry related organization will be separated from nonprofit organizations, public bodies and academic institutions. A journal is perceived as peer-reviewed when included in the PAIS International Peer Reviewed Journals List<sup>1</sup>. Although this list contains almost 900 titles, this list is not exclusive.

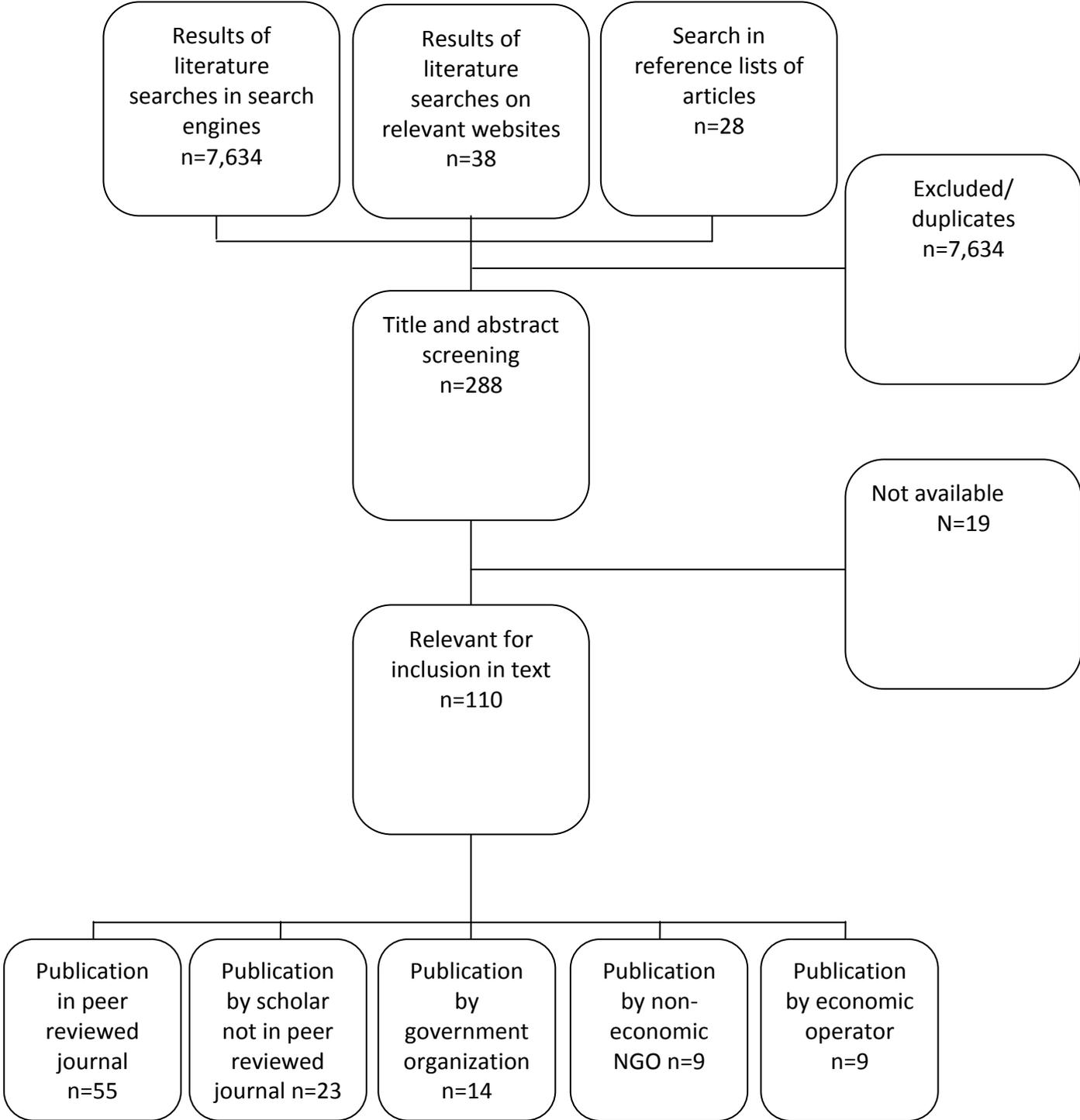
It is aimed that conclusions of the study derive directly from the data collected in the study. Since most articles only mention regulation of alcohol marketing briefly in a broader context little information is gathered from most of these articles. Findings from an overview of the

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<sup>1</sup> <http://www.csa.com/factsheets/supplements/paispeer.php>

literature are presented in chapter 2 to 6 and result in an analytical framework that is set out in chapter 8.

Figure 1. The number of articles found



### 3. Alcohol Marketing is everywhere

#### How Europe deals with alcohol marketing

Europe is the world's heaviest drinking region. Alcohol but also alcohol marketing plays an important role in the continent. European youngsters are exposed to large numbers of alcohol marketing (Gordon, Hastings, & Moodie, 2010; Hope, 2009) through many different channels. Alcohol marketing is mostly restricted at the country level. To protect adolescents from the harmful influences of alcohol marketing exposure, a large variety of volume and content restrictions exist throughout Europe. These regulations can be embedded by law (legislation or statutory regulations), by voluntary codes (self regulation or non statutory regulations), or by a combination of the two (co-regulation).

In 2001, the by the European council and parliament formulated Council Recommendations (CounciloftheEuropeanUnion, 2001) state among other things that alcoholic beverages should not be designed or promoted to appeal to children and adolescents. The recommendations note several characteristics that are found to be specifically appealing to young people, for example the use of styles associated with youth culture. Almost every European Member State has adopted these recommendations in statutory regulations, implemented at the national level (STAP, 2007b). Also in self regulatory regulations, similar content restrictions are to be found.

The Council Recommendations are not legally binding and the content restrictions are in practice open to interpretation. The singular binding regulation at the European level is the Audio Visual Media Services Directive (EuropeanParliament&theCouncil, 2010). This directive regulates different types of television marketing of which the content of promotion of alcoholic beverages on television. It prohibits televised alcohol advertising specifically aimed at minors or depicting minors consuming alcohol and suggestions that the consumption of alcohol will lead to social or sexual success. Volume restrictions or restrictions of alcohol advertising other than televised advertising is not addressed in European law.

The European Forum for Responsible drinking has set up some guidelines for self regulation codes at the European level to regulate alcohol marketing in different media<sup>1</sup>. The European Advertising Standards Alliance has written regulations that specifically address alcohol marketing on the internet<sup>2</sup>.

<sup>1</sup>[http://www.efrd.org/efrdinaction/docs/EFRD%20CommStand-09-EN\\_v2.pdf](http://www.efrd.org/efrdinaction/docs/EFRD%20CommStand-09-EN_v2.pdf)

<sup>2</sup><http://www.easa-alliance.org/Publications/Best-Practice-Guidance/page.aspx/356>

#### Introduction

The promotion of alcohol is an enormously well-funded, ingenious and pervasive aspect of modern life (Osterberg, 2004). Alcohol advertisers argue their main target group are young adolescents from 21 to 24 (Insights, 2007). In practice, however, large numbers of young people are exposed and attracted to alcohol advertising and promotion in everyday life including minors (CAMY, 2007). Jernigan (2001) notes that the alcohol industry has intensified their targeting of young drinkers in recent years. The alcohol beverage industry has introduced an array of inexpensive products such as alcopops, alcoholic "energy" drinks, pre-mixed cocktails, and so on, with recipes and packaging that appeal to young people (Jernigan, 2001).

Besides developing products that are affordable and attractive to youngsters, alcohol advertisers use a broad range of marketing tools to which adolescents in both developed and developing countries are exposed. This marketing strategy results in a variety of alcohol

advertising and promotion practices to which adolescents are exposed that ranges from broadcasted alcohol advertisements to sponsoring and to advertisement in new media (Gordon, 2009; Hope, 2009). A recent study by the National Youth Council of Ireland (Hope, 2009) shows that Irish adolescents were exposed to alcohol advertising and promotion through sixteen different communication channels such as televised advertisements, sponsoring, outdoor advertising and alcohol advertising on the internet.

Publicly available data on the prevalence of alcohol marketing in society is scarce. In the United States, alcohol producers report the marketing expenditures to the Federal Trade Commission (2008). In most other countries, this practice is non-existing. Consequently, there is not a lot data available on the total size of alcohol marketing and even less about youth exposure to alcohol advertising. The little data available consists out of marketing expenditures of the so called “measured” advertising which covers advertising on TV, radio, magazines and billboards.

### **Prevalence of measured marketing**

The Federal Trade Commission (2008) examined alcohol advertising expenditures of 12 large alcohol producers in the United States in 2005. In this overview the 12 companies reported over \$3 billion in alcohol marketing expenditures in 2005. According to their estimates, alcohol advertisements on TV, radio, magazines and billboards accounted for 42% of all alcohol marketing expenditures (FTC, 2008).

Television advertisements accounted for over just 25% of all marketing expenditures and almost 60% of the measured media in the US in 2005 (FTC, 2008). An analysis of alcohol advertisements on TV by the Center for Alcohol Marketing and Youth (CAMY, 2007) found a 32% increase in spending on televised alcohol ads and a 34% increase in the number of alcohol ads on television from 2001 to 2005, youth (ages 12 to 20) exposure to those ads increased by 41%, young adults (ages 21 to 34) exposure increased by 39% and adult (age 21+) increased by 48%. Alcohol advertising expenditure figures of nine European countries show that televised alcohol advertising contribute to more than half of the total measured alcohol advertising expenditures (EACA, 2009).

Whether alcohol advertisers specifically target youngsters in magazine advertisement is highly debated in the literature. Garfield, Chung and Rathouz (2003) opened the discussion by publishing an article that finds a correlation between the placement of alcohol advertisements in magazines and adolescent readership. Nelson made efforts to refute these findings (2005, 2006). In his studies he includes more explanatory variables and uses the data of Garfield (2003) and more recent data. He failed to find a relationship between adolescent readership and alcohol advertisement placement in magazines. According to Siegel et al (2008), however, Nelson made important errors in compiling his data. The authors question the findings of Nelson and re-ran the models of Nelson with corrected data. Siegel et al (2008) have found that the relative amount of alcohol advertisements in magazines increased with a larger number of young readers.

### **Prevalence of unmeasured marketing**

The most recent Federal Trade Commission report (2008) makes a first attempt to estimate the expenditures of “unmeasured” alcohol marketing in the United States (Jernigan, 2008). According to this report (FTC, 2008), in 2005 58% percent of all alcohol marketing expenditures is not advertised in general media (TV, radio, magazines, newspapers) or on

billboards. Large amounts are invested in point-of-purchase advertising (19% of advertising and promotion expenditures) where consumers are targeted in supermarkets and other points of sale. Sports sponsorship accounts for 11%. Sponsorship of other than sports covers youth events, concerts, cultural events, and national events or celebrations and account for 5%. It helps to promote the suggestions that alcohol consumption has to be an essential part of life in society.

Sponsorship of events is positive for the alcohol industry for many reasons: it opens up doors politically and the industry is seen as a corporate “good citizen”; bridges cultural differences in the global-local market (invest in/capitalize on favourite local events and brands); formulates strategic alliances (with suppliers, distributors, and other key groups); permits the exploitation of under-developed markets (that will respond to the sponsorship techniques developed in mature markets); and locks out other competitors (Monteiro, 2007).

Other important marketing instruments that are reported in the FTC overview (FTC, 2008) are promotional items (13%), promotional funds to wholesalers or retailers (7%), internet promotions (2%). Expenditures in new media are relatively low. According to the FTC this reflects the relatively low costs of internet marketing rather than its potential reach (30). According to Jernigan (2001), this spending does not go increasingly (as in earlier eras) to direct advertising such as television, radio and print campaigns, but rather to “below-the-line” expenditures that are designed to embed brand names and products in the every-day activities of the target audience. Viral marketing, and promotions in clubs and bars are, however, not reported in the overview of FTC (2008).

Arino (2007) of Ofcom (the regulatory body of advertising in the UK) wrote in a report on communications and strategies that consumers are increasingly involved and create audiovisual content. Applications and services are not just rivals, but mutually enhancing (40% of YouTube's videos are viewed on MySpace). The consumer increasingly plays a central role in the marketing approach. Consumers actively look for content as opposed to waiting for the content to be pushed to them, that they not only consume, but also create, alter and share that content (Arino, 2007). However, advertising at this grass root level is often not spontaneous and initiated by the consumer but is coordinated by economic operators. A good example of this is the Captain Morgan pose off, in which consumers of Diagio's Captain Morgan Rum were asked to upload pictures of themselves in the same pose as the brand's mascot Captain Morgan. The campaign included a gallery of all the uploaded pictures, a virtual spokes person, and instruction videos by Playboy's 'girls next door' (example taken from EUCAM trend report (2009)). According to (Smith & Foxcroft, 2009), most people are highly motivated to share marketing messages to others. A strong connection to the brand is not necessary (Smith & Foxcroft, 2009). Marketers can thereby connect to a large audience by word-of-mouth marketing (WOM). Additional benefits of WOM is that consumers perceive recommendation by other consumers as more trustworthy than those of experts (Huang & Chen, 2006).

### Shift to immature markets

The discussed marketing techniques offer a brief tour through the latest techniques and products of the alcohol advertisers who reach adolescents in mature markets. However, the alcohol industry is paying increasing attention to the prevalence of marketing instruments in immature markets (Assunta, 2001; Jernigan, 2001). Although in this paper emphasis is put on the prevalence and regulation in high income countries and especially in European countries,

effective regulations on alcohol marketing and monitoring and enforcement are at least as important in less lower-income countries.

### **Conclusion**

Alcohol advertisers use a broad range of marketing tools to which adolescents are exposed. However, only a fraction of alcohol advertising expenditures are publicly registered and youth exposure to alcohol advertising is scarcely monitored. Although alcohol advertising on television, billboards, magazines and radio is widely used in most European countries. There seems to be an increasing shift towards more non-traditional and so called “below the line” advertising (Jernigan, 2001). Advertising expenditures and youth exposure figures are almost non-existing.

## 4. Effects of exposure to alcohol advertising

### Effects of the volume of exposure to alcohol marketing

Whether a high prevalence of alcohol marketing in society and heavy youth exposure to this marketing is problematic, depends largely on its effects to attitudes and even more on its effects on behaviour of youth. In recent years, several new longitudinal studies on the effects of exposure to alcohol marketing have been published. Anderson et al (2009) reviewed thirteen longitudinal studies which were mostly conducted in New Zealand, Australia and the United States. The studies measured exposure to advertising and promotion in a variety of ways, including estimates of the volume of media and advertising exposure, ownership of branded merchandise, recall and receptivity, and expenditure on advertisements. Twelve of the thirteen studies found an impact of exposure on subsequent alcohol use, including initiation of drinking and heavier drinking amongst existing drinkers. Although variation in the strength of association occurred, these studies suggest that exposure to media and alcohol marketing is associated with the likelihood that adolescents will start drinking alcohol, and with increased drinking amongst baseline drinkers. This conclusion is supported in a review by Smith & Foxcroft (2009) and Jernigan (2008). Table 1 gives an idea of the effect of the volume of exposure to alcohol marketing on drinking behaviour of adolescents as it was found in the literature.

### Effects of the content of exposed alcohol marketing

Alcohol marketing practices concentrate not solely on showing the product itself but also on portraying drinking in a cultural context. Within advanced branding strategies images of attractive lifestyles and spare time activities are associated with the different brands in hopes of targeting different groups of drinkers. Marketing is found to influence alcohol consumption indirectly by an affective response to the exposure of marketing practices (Austin, Chen, & Grube, 2006). Desirable images in alcohol advertising is related positively to the desire to imitate the images (Austin, et al., 2006; Austin & Knaus, 2000). Research shows that attractive advertisement increases the effect on purchasing alcohol by youngsters. Exposure to alcohol advertisements that are perceived as attractive increase alcohol consumption of adolescents (Casswell & Zhang, 1998). The intention of youngsters to purchase alcohol is predicted by how appealing youngsters find the advertisement (Casswell & Zhang, 1998). This attractiveness is constructed by the use of humor, celebrities and animals. Commercials mainly focused on product qualities contribute to a lower intention to purchase alcohol (Chen, Grube, Bersamin, Waiters, & Keefe, 2005). Alcohol advertisements are perceived as more attractive to those who expect social and physical pleasure from alcohol (Proctor, Babor, & Xuan, 2005).

### Differences between adolescents

Studies on the effects of exposure to alcohol marketing are mostly conducted in the United States, Australia and New Zealand. A German study on exposure to alcohol portrayal in movies show similar effects on drinking behaviour among German students (Hanewinkel & Sargent, 2008). It is expected, although not tested, that the effects of exposure to alcohol marketing is generalizable to other cultural contexts.

Although children from a very young age have the capacity to understand the persuasive intent of advertising (Moses & Baldwin, 2005), until reaching adulthood young people are especially susceptible to advertising due to a late maturing of the brain system (Pechmann, Levine, Loughlin, & Leslie, 2005). Impulsivity and self-consciousness of adolescents make them more eager to use heavily advertised products and to choose brands associated with a desired image (Pechmann, et al., 2005). By advertising alcohol as an attractive product that provides immediate gratification and/or is associated with a desired life-style, adolescents are tempted to use this risky product (Kelly & Edwards, 1998; Pechmann, et al., 2005). It is, however, suggested that the effect of the volume of exposure and the content of exposed alcohol marketing is not consistent for all adolescents. No single form of alcohol advertising dominates for all youth. According to a longitudinal study among middle school adolescents in the US, the relationship between drinking and advertising differs according to prior experience with alcohol (Ellickson, Collins, Hambarsoomians, & McCaffrey, 2005). Prior never drinkers are influenced by advertisement at places that are encountered during the course of everyday life. Advertising in common venues such as supermarkets, convenience and corner stores predicts future drinking among prior never drinkers; advertising in less common venues such as magazines and sports and music events predicts more frequent alcohol use among those with previous drinking experience.

The effect of the content of alcohol advertising differs as well between established heavy drinkers and others. Youngsters with established heavy drinking patterns react more strongly to alcohol advertisements (Tapert, 2003). The advertisement content is been conditioned with drinking experiences, which makes attractive advertisements even more harmful to youngsters who are most at risk.

## Conclusion

Literature on the effects of alcohol advertising on adolescents show that young people are especially susceptible to advertising due to a late maturing of the brain system. Exposure to alcohol portrayal in media and alcohol advertising is associated with the likelihood that adolescents will start drinking alcohol, and with increased drinking amongst baseline drinkers. Exposure to alcohol advertising that youth perceive as attractive increases the likelihood of purchasing alcohol.

Table 1. Overview of the effect of the volume of exposure to alcohol advertising\*

<p>Connolly et al (Connolly, Casswell, Zhang, &amp; Silva, 1994)</p>	<p>Examined is the impact of the number of advertisements recalled at ages 13 and 15 on average and maximum amounts of alcohol consumed on an occasion and on frequency of drinking. There was no significant relationship found with wine and spirit consumption. For males, number of alcohol advertisements recalled at age 15, but not 13, predicted average (<math>P = 0.047</math>) and maximum amounts of beer (<math>P = 0.008</math>) consumed on an occasion. For females, the number of commercial advertisements recalled at age 13, but not 15, predicted frequency of beer consumption (<math>P = 0.029</math>)</p>
<p>Stacy et al (Stacy, Zogg, Unger, &amp; Dent, 2004)</p>	<p>Each 1 standard deviation increase in alcohol advertising exposure associated with 44% increase in odds of beer drinking (95% CI: 27%–61%), 34% increase in odds of wine/liquor drinking (95% CI: 17%–52%) and 26% increase in odds of consuming three or more drinks on one occasion (95% CI: 8%–48%) during previous 30 days</p>
<p>Ellickson et al (Ellickson, et al., 2005)</p>	<p>48% of 1206 grade 7 non-drinkers consumed alcohol in previous year at grade 9. Controlled for main confounders, including exposure to all different types of advertisement and the impact of the prevention programme, exposure to beer concession stands at sports or music events predicted drinking onset for non-drinkers in previous 12 months (OR = 1.42, <math>P &lt; 0.05</math>), whereas exposure to TV beer adverts (OR = 1.05, <math>P &gt; 0.05</math>), magazines with alcohol advertisements (OR = 1.12, <math>P &gt; 0.05</math>) and exposure to in-store advertisements (OR = 1.06, <math>P &gt; 0.05</math>) did not. of 1905 grade 7 drinkers consumed alcohol in the previous year at grade 9. Exposure to beer concession stands at sports or music events predicted the frequency of drinking amongst existing drinkers in previous 12 months (coefficient = 0.09, <math>P &lt; 0.05</math>), as did exposure to magazines with alcohol advertisements (coefficient = 0.10, <math>P &lt; 0.05</math>), whereas exposure to TV beer adverts (coefficient = -0.01, <math>P &gt; 0.05</math>) and exposure to in-store advertisements (coefficient = 0.02, <math>P &gt; 0.05</math>) did not.</p>
<p>Snyder et al (Snyder, Milici, Slater, Sun, &amp; Strizhakova, 2006)</p>	<p>For those aged &lt;21 years, each additional alcohol advertisement seen increased the number of drinks consumed in the previous month by 1% (event rate ratio = 1.01, 95% CI: 1.001–1.021). Each additional dollar spent on alcohol advertisements increased the number of drinks consumed in the previous month by 2.8% (event rate ratio = 1.028, 95% CI: 1.002–1.056). Seeing more or fewer advertisements in a particular month than he or she typically saw is a predictor of drinking (event rate ratio = 1.002, 95% CI: 1.001–1.003)</p>
<p>Collins et al (Collins, Ellickson, McCaffrey, &amp; Hambarsoomians, 2007)</p>	<p>17% reported past year beer drinking at grade 7. OR (95% CI) for beer drinking were: ESPN cable network (an American cable TV network dedicated to broadcasting and producing sports-related programming 24 h a day) 1.08 (0.83–1.42); other sports beer ads 1.19 (1.01–1.40); other TV beer ads 1.13 (0.95–1.34); magazine reading 0.96 (0.87–1.06); radio listening 1.17 (1.00–1.37); beer concessions 1.01 (0.91–1.13); in-store beer displays 1.03 (0.92–1.14); beer promotional items 1.76 (1.23–2.52). Joint effect of exposure to ads from all sources: <math>F(8, 28) = 8.36</math>, <math>P &lt; 0.0001</math>; and from three TV sources: <math>F(3, 33) = 3.35</math>, <math>P &lt; 0.05</math>. Twenty percent of youth in 75th percentile of alcohol marketing exposure at grade 6 reported past year beer drinking at grade 7, compared with 13% in 25th percentile.</p>
<p>Fisher et al (Fisher, Miles, Austin, Camargo, &amp; Colditz, 2007)</p>	<p>611/3283 girls (19%) and 384/2228 boys (17%) initiated alcohol use. The odds ratio of alcohol initiation during the 12-month period was 1.74 (1.37–2.19) for girls and 1.78 (1.36–2.33) for boys for those who owned or were willing to use an alcohol promotion item compared with those who did or would not. 149/611 drinking girls (24%) and 112/384 drinking boys (29%) engaged in binge drinking. The odds ratio of binge drinking amongst drinkers was 1.79 (1.16–2.77) for girls and 0.87 (0.51–1.48) for boys for those who owned or were willing to use an alcohol promotion item compared with those who did or would not.</p>
<p>Pasch et al (Pasch, Komro, Perry, Hearst, &amp; Farbaksh, 2007)</p>	<p>On average, each school site had 14.8 alcohol advertisements within 1500 feet (457 m). 2027/2586 (78%) students followed up were non-users of alcohol at baseline, but the initiation of alcohol use was not reported. Exposure to alcohol advertisements at sixth grade did not predict alcohol behaviour amongst sixth grade alcohol users and non-users at eighth grade, but, amongst sixth grade non-users, did predict at eighth grade intentions to use (e.g. 'do you think you will be drinking alcohol in the next month'), <math>f = 6.29</math>, <math>P = 0.01</math> and outcome expectancies, <math>f = 4.62</math>, <math>P = 0.03</math></p>
<p>Wills et al (Wills, Sargent, Gibbons, Gerrard, &amp; Stoolmiller, 2008)</p>	<p>Viewed alcohol use in movies averaged 31 min at baseline, 35 min at 8 months, 30 min at 16 months. Movie alcohol exposure at baseline predicted alcohol use at 8 months (coefficient = 0.1). Movie alcohol exposure between baseline and 8 months did not predict alcohol use at 8 months (coefficient = -0.03), but did predict alcohol problems at 16 months (coefficient = 0.13). Movie alcohol exposure between 8 and 16 months predicted alcohol use at 16 months (coefficient = 0.08). At all times, alcohol use predicted alcohol problems and there were significant indirect and independent effects of movie exposure at baseline, 8 and 16 months on alcohol problems at 24 months.</p>

<p>McClure et al (McClure, Stoolmiller, Tanski, Worth, &amp; Sargent, 2009)</p>	<p>ABM ownership increased from 11% at baseline to 20% at 16 months. 10% of adolescents tried drinking for the first time and 5% tried binge drinking during each of the two 8-month periods. There was a reciprocal relationship between susceptibility and ABM ownership. Ownership of ABM at baseline did not have a significant direct impact on alcohol initiation at 8 months (HR = 1.41, 95% CI: 0.98–2.01), nor on alcohol initiation between 8 and 16 months (HR = 1.57, 95% CI: 0.99–2.5), but did on initiation of binge drinking at 8 months (HR = 1.80, 95% CI: 1.28–2.54), but not initiation of binge drinking between 8 and 16 months (HR = 1.44, 95% CI: 0.90–2.31). New ownership of ABM at 8 months had a significant direct impact on alcohol initiation at 16 months (HR = 2.31, 95% CI: 1.6–3.35) and initiation of binge drinking at 16 months (HR = 2.22, 95% CI: 1.49–3.32)</p>
<p>Henriksen et al (Henriksen, Feighery, Schleicher, &amp; Fortmann, 2008)</p>	<p>29% of never drinkers at baseline had initiated alcohol use at follow-up. Brand recognition, OR = 1.15 (1.02–1.29); brand recall, OR = 1.16 (1.05– .29) and high receptivity to alcohol marketing, OR = 1.77 (1.27–1.48) predicted initiation. When receptivity to alcohol marketing was controlled, recall and recognition no longer statistically significantly predicted alcohol initiation.</p>

\* Table 1 is partly detracted from Anderson et al (Anderson, et al., 2009). Studies which included the effects of exposure to media and alcohol portrayal in movies but did not include exposure to alcohol advertisements were not included in this overview.

## 5. Effective content restrictions

### “What’s possible with a content restriction”, an example from France

France is, together with Sweden, the only country in Europe with strong content restrictions, which have a large effect on the appealingness of alcohol marketing in this country.

#### *The Loi Evin*

In France alcohol marketing is regulated by statutory as well as self regulatory regulations (STAP, 2009a), of which the one with the most impact on alcohol advertisements is the so-called Loi Evin. This ‘code de sante publique’ (code for public health) stipulates, in contrary to all other European alcohol marketing codes, what can be displayed and allows only objective product information: “The authorized advertising for alcoholic beverages is limited to the indication of the degree of alcohol by volume, origin and name of the product, name and address of manufacturer, agents and custodians and the method of production, terms of sale and consumption mode of the product”. Also the package of alcoholic beverages must comply with these rules (Code for public health). With this last added aspect to the code all forms of alcohol advertisement are covered.

#### *Other regulations and the regulatory framework*

The code for public health also stipulates that alcohol advertisement can’t be targeted at young people, that it is not allowed on TV and in cinema’s and that sponsorship of cultural or sportive event is prohibited (Rigaud & Craplet, 2004). It obliges also a health warning messages or pictogram on all packages of alcoholic beverages. The second alcohol marketing code in France pays attention to sale to minors, sale in petrol station, happy hours and offering free alcoholic beverages. Furthermore alcohol advertisement can only be broadcasted/published in programmes or magazines that are used by adults.

All regulations are overviewed by and evaluated by the Court of Justice, violations of the codes can be punished with financial sanctions. The two institutions who monitor alcohol marketing practices in France are: the CSA (Conseil Superieur de l’audiovisuel) monitors routinely and systematically and independent from commercial interests, but nevertheless only TV and radio communications. The ARPP (Autorité de regulations Professionne Ile de la Publicité) monitors all commercial communications, but not independent from commercial interests (STAP, 2009a).

#### *Evaluation of the regulation process and code*

In theory and mostly also in practise, all alcohol marketing are covered by the Loi Evin. This basically means that it became impossible to advertise with appealing alcohol marketing. According to ANPAA (Rigaud & Craplet, 2004; STAP, 2009a) is the Loi Evin unambiguous, and easy to apply (Johansen, 2009). Nevertheless the international websites on the internet are impossible to regulate (STAP, 2009a). Rigaud and Craplet (Rigaud & Craplet, 2004) of the French National Association of Prevention of Alcoholism and Addiction (ANPAA) stress that consumption of alcohol in Western countries is very often associated by alcohol advertisers with personal, sexual and social success. According to these authors, the restrictiveness of the Loi Evin was the only way to change this basic and easy seductive language. The effectiveness of the Loi Evin on alcohol consumption is difficult to disentangle from other trends in alcohol marketing and has not yet been analysed adequately.

Industrial stakeholders are trying to get around the law and challenge it from time to time. For example in 2004, the Loi Evin was taken to European Court by Bacardi for being contrary with ‘the freedom of the provision of services’. Foreign football clubs refused to let them rent the boardings around their fields, because it would be impossible afterwards to broadcast the match on French television. The court judged nevertheless that the French legislations doesn’t go further than what is necessary to fulfil its objective: protect public health (Johansen, 2009).

The French wine industry has reacted on this regulation by pressing the French government to reclassify the wine as food. This would enable wine producers to avoid the restrictions placed upon it by the Loi Evin (Boella, Legrand, Pagnon-Maudet, Sloan, & Baumann, 2006). This amendment was rejected in 2005. Wine is not perceived as food but as an alcoholic beverage.

## Introduction

Studies in countries with a minimal level of regulation and enforcement of alcohol advertising regulations show a high frequency of alcohol advertisements with themes as relaxation, national symbolism, conformity and humour (Pinsky & Silva, 1999). Critics believe that the guidelines on advertising of harmful products such as alcohol, are too vague to be useful, and generally ineffective (Hawkes, 2005). The regulation of the content of alcohol marketing is, however, regulated in various ways, all with different degrees of effectiveness.

## Identifying attractive elements to youth

One way in which alcohol marketing regulations are thought to protect young people against attractive alcohol advertisements is by restricting elements that are particularly attractive to youth. Hawkes (Hawkes, 2005) recommends that advertising codes should restrict on use of celebrities and cartoons. In a WHO report, Jernigan (2001) underlines this advice and adds that also the creation of products should not be oriented to young drinkers and the appropriation of activities, images and language

such as games, and slang to promote alcoholic beverages. Most of these elements are included in the European Council Recommendation (Council of the European Union, 2001) that aims at protecting youth against appealing alcohol advertising. Other elements in alcohol advertisements that are found to be attractive by adolescents are humour and sex (Geuens & De Pelsmacker, 1998; Waiters, Treno, & Grube, 2001). These elements are, however, not restricted in most alcohol advertising regulations (STAP, 2007b). Research among US students by Geuens and De Pelsmacker (1998) shows that the level of humour and warmth used in the alcohol ads contribute to a positive attitude towards the ad and towards the brand, but to a far lesser extent influence purchase intention directly.

Content restrictions that are included in most self-regulatory codes but also in the European AVMSD directive ((European Parliament & the Council, 2010); see text box 1) have a more narrow definition and limit their restrictions to elements that are specifically attractive to youth. Most attractive elements to adolescents are also attractive to adults. Consequently, the Federal Trade Commission in the US recommends that the content restrictions should be raised by prohibiting ads “with substantial appeal to underage consumers, even if they also appeal to adults, or by targeting ads to persons 25 and older” (FTC, 2008).

### Text box 1. European content restrictions:

In June 2001, the European Union released its Council Recommendation on alcohol (Council of the European Union, 2001). Guidelines on alcohol marketing are addressed specifically in these non-binding paper which says a.o. that:

to ensure that alcoholic beverages are not designed or promoted to appeal to children and adolescents, and paying particular attention inter alia, to the following elements:

- the use of styles (such as characters, motifs or colours) associated with youth culture;
- featuring children, adolescents, or other young looking models, in promotion campaigns;
- links with violence or antisocial behaviour;
- implications of social, sexual or sporting success.

The only binding regulation at the European level is the Audio Visual Media Services Directive (AVMSD) (European Parliament & the Council, 2010) which was called the Television Without Frontiers Directive prior to 2008 (Council of the European Union, 1989). This directive regulates different types of television advertisements. Article 15 says:

Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

### Testing the content in its context

Arino (2007) raises an important difficulty of the adjudication process which is especially relevant for content restrictions. If strictly applied to the content of the advertisement, the concept of platform neutrality implies that the same piece of content or service should be regulated in a similar manner, regardless of the platform or device through which it is consumed or the conditions under which consumption takes place. This idea, however, does not suit well with the basic principle that content rules need to be applied in context, and that the level of protection that might be required critically depends on the conditions of access and use of the content service (5). It is important to evaluate the advertisement in the context in which it is perceived by the audience. Desal (2003) notes in a WHO report the importance of young people's perspectives on the content of alcohol advertisements, and the creativity and unique knowledge of the situation that youngsters possess. The alcohol industry is succeeding because it has an intimate knowledge of its customers; the public health community needs to develop the same level of understanding (Jackson, Hastings, Wheeler, Eadie, & Mackintosh, 2000).

### Other difficulties of content restrictions

Not only the adjudication process of content restrictions is challenging, also systematic monitoring of the content of all alcohol marketing practices is problematic, especially new

developments in alcohol marketing provides big challenges for independent monitoring bodies to monitor the adherence to content regulations. It is difficult to get a good overview of all available alcohol advertisements on for example the internet. A limitation that holds also for restricting the volume of alcohol advertising, but is highly prevalent for content restrictions: restricting the content of cross-border marketing is difficult from a juridical point of view making the legal and regulatory task of deciding on suitable and unjustifiable economic discrimination extremely difficult (Marsden, 2008).

### **Product information**

As is explained above, addressing specific elements in alcohol advertisements that are restricted due to their expected attractiveness to especially youngsters has important limitations. It is difficult to assess all elements that are attractive to adolescents when perceived in a context, and there is a great overlap in what minors and adults find attractive. Countries such as Sweden and France specify what content is allowed in alcohol advertisements instead of what is not allowed. In both countries, only the use of product information in alcohol advertisement is allowed.

Research by Kelly et al (Kelly & Edwards, 1998) shows that image advertisements are found to be significantly more attractive by youngsters than a basic description of the product. Findings show that restricting only the use of images has already an effect on the short term. The authors conclude that it is reasonable to assume that this effect is larger on the long term and if advertisement is restricted to use only product information without images or texts on lifestyle.

### **Conclusion**

Exposure to alcohol marketing that young people perceive as appealing, increases adolescents' intention of alcohol consumption and affects the actual drinking behaviour of youngsters (Casswell & Zhang, 1998; Chen, et al., 2005). Consequently, limiting exposure to attractive advertisements can be an important alcohol marketing restriction. However, to be effective, content restrictions should satisfy the following criteria:

Content restrictions should address all elements that have shown to be appealing to young people (e.g. lifestyle images, humour).

Content restrictions should limit advertisements that young people find appealing even if these are not specifically targeting minors or are specifically appealing to minors (but to adults as well).

Alcohol advertisements should be evaluated according to young people's interpretation and not according to the intention of the advertiser. Allowing alcohol advertisements that contain solely product information is an example of a content restriction that fulfils these criteria.

## 6. Effective volume restrictions

### **“Comprehensive volume restriction are possible in Europe”, an example from Norway**

Norway has the most stringent alcohol marketing restriction concerning volume, namely a complete ban on alcohol advertisements.

#### *Content of the regulations*

The Alcohol Act “Prohibition against advertising of alcoholic beverages” bans all forms of alcohol marketing (Alcohol Act chapter 9). This means that types of mass communication for marketing purposes are prohibited, regardless of how it is carried out. Beverages with less than 2,5% alcohol are not considered to be alcoholic.

In 2003 the ban on alcohol marketing was discussed when the magazine Vinforum (a magazine for wine fans) declared that the law was in violation with EU Trade Agreements (de Bruijn & Roseth, 2009; STAP, 2010b). In this year the Vinforum wanted to test the law by printing several advertisements for alcoholic beverages. While they first got a financial penalty of 25,000 euro’s, they could uphold their claim when they took it to the Oslo court. The Norwegian Supreme court judged nevertheless that an alcohol marketing ban is a suitable instrument to protect consumers health and therefore should be maintained (de Bruijn & Roseth, 2009; STAP, 2010d).

#### *The regulatory system*

Since 1975 the alcohol marketing code of Norway remained unchanged. This code consists of one statutory regulations which is supervised by the Helsedirektoratet (Health committee) or the local authorities in case of local matters (STAP, 2010c). Because alcohol marketing is not allowed, there is no pre-screening system the sanctions in case of violations are financial penalties (STAP, 2010c). The law is monitored by AV-OG-TIL, who monitors independently from any commercial interests and on an routinely and systematical base.

#### *Evaluation of the regulation process and code*

This law comes with a few exceptions as channels broadcasting from abroad (when complying with the regulations of the country from which is broadcasted) and magazines imported in Norway (when the main purpose isn’t to sell the products in Norway) which can be both directed at the Norwegian market, can promote alcoholic beverages. Also to keep track on online marketing and to see whether a certain website is directed at the Norwegian public is hard for the authorities (STAP, 2010c). Despite the strict regulations, alcohol advertisers try to find ways to market their product. For example by replacing the brand name itself for marketing purposes; Carlsberg used the slogan “Probably...” on the uniform of soccer players instead of the whole slogan “Carlsberg: Probably the best beer in the world” or its logo.

Also marketing a non-alcoholic drink of an alcoholic counterpart of the same brand name, by user-generated alcohol advertisement (e.g. Facebook). In addition, are editorials about (eg.) alcoholic products or producers still allowed, as long as the editorial wasn’t initiated by the producer/importer/dealer. Although the background of the sender is hard to proof, the Norwegian NGO concludes from their monitoring activities that editorials are often used as advertorials (STAP, 2009c). This way, young people can still be reached by alcohol advertisements (ØstfoldCountyCouncil, 2010).

Although Norway has only statutory regulations, the Norwegian alcohol industry rates the importance of voluntary rules endorsed by industry related stakeholders as a 10 (out of 10 points) (STAP, 2010d). In complete contradiction with a Norwegian NGO, the industry states that the effectiveness of self regulations can be rated as a 10. Furthermore considers the alcohol industry recommendations as important and effective sanctions (10), whereas the NGO rates this sanction as “2” and prefers restricting broadcasting rights and financial penalties as more important and effective (both 10 points) (STAP, 2009c) .

## Introduction

If regulation systems are solely concerned with regulating the content of marketing of individual marketing practices, no attention is given to the cumulative effects of marketing campaigns that often reach consumers by several sources (Hawkes, 2005). Content regulations could, if effective, protect young people and adults against misleading or deceptive alcohol advertisements, but they do not protect people against the quantity or location of alcohol advertisements that reach young people. Desal (Desal, 2003) recommends that young people should not be exposed to promotional messages about alcohol in any medium and that the WHO should assist countries in taking all legislative or regulatory steps necessary to ensure that young people are not exposed to promotional messages about alcohol.

Literature on the effects of volume restrictions is heavily dominated by two research groups. Firstly the team of Nelson and colleagues (Nelson, 2003; Nelson & Young, 2001) who are sceptical towards an effect of alcohol marketing bans. And on the other hand the team of Saffer and colleagues (Saffer, 1991, 2002; Saffer & Dave, 2006) who have found strong effects of alcohol advertising bans. In this paper these and other studies are described together with benefits and disadvantages of different types of volume restrictions. Restricting the volume of alcohol marketing young people are exposed to can have different forms and can be implemented in various degrees. Advantages and disadvantages of different types of volume restrictions are discussed in this chapter. There are different ways in which the volume of alcohol marketing can be partly restricted. Partly bans that are described in the paper are: ban on marketing certain products, media restrictions, time-period restrictions and target group restrictions.

## Restricting marketing of certain products

In some countries there are more stringent regulations for some categories of alcoholic beverages than for others. If differentiation between different alcoholic products is made, there are often more stringent regulations on the volume of alcohol marketing of distilled products. Giesbrecht et al (Giesbrecht, Johnson, Anglin, & Greenfield, 2004) warn that lifting this restriction will unite liquor, wine and beer with broadcast and advertising interests. They argue that an alliance of these interests might make passage of future marketing regulations more difficult (Giesbrecht, et al., 2004). On the other hand, excluding some types of alcoholic drinks from a volume restriction may lead to an increase in the overall volume of alcohol advertisements.

## Media restrictions

Alcohol advertisers use a broad mix of marketing tools to market their product. A large diversity of types of media is used in this marketing strategy. Regulations that restrict the advertisement of alcohol on one of these types of media are often found in (European) statutory regulations (STAP, 2007a). The reaction of alcohol advertisers to the introduction to these partly bans shows their flexibility. The analysis of Frank (2007) on advertisement by the spirit industry in the US suggests that a restriction on alcohol advertisement in some media might be ineffective due to a substantial change in the used media mix.

The results of the time analysis suggest that among consumers as a whole, the medium of television is substitutable for print advertising (Frank, 2008). There is, however, no data available to specifically evaluate the substitutability of the ban of alcohol advertisement on TV among young adults and adolescents (Frank, 2008). The results of a study by Nelson

(Nelson, 2003) on the effect of bans of spirit advertising through time in US States also shows limitations of banning alcohol advertising in only one type of media. The empirical results indicate that bans of billboard advertising increase consumption of spirits and wine, and reduce the demand for beer (Nelson, 2003). The author suggests different explanations for this somewhat unexpected finding. It seems likely that the results of the study may reflect either unsuccessful attempts to enforce the ban or there may be substitution towards non-banned advertising media. Nelson (Nelson, 2003) notes that the net effect of the billboard ban on the total alcohol demand is positive prior to 1989, and zero thereafter. One reason for this small effect is that billboards account for only 8 percent of the total alcohol advertising. Consequently, the elimination of this media would not be expected to substantially affect alcohol consumption, which implies that such bans may be merely symbolic policies.

### Time-period restrictions

One way to restrict the volume of alcohol marketing practices that reach children and adolescents is by the introduction of time-period restrictions during times when large numbers of children are watching (Hawkes, 2005). Especially time-period restrictions on alcohol advertisements on TV are frequently introduced in statutory regulations in Europe (STAP, 2007b). There are, however, two important limitations of these ‘watersheds’. Firstly, children and especially adults watch often at the same times as adults. Evidence suggests for example that children's viewing hours in New Zealand are very similar to adult viewing hours, and many children watch TV until 10.00 pm or after (McGee, Ketchel, & Reeder, 2007). Potential exposure to televised alcohol ads to 13-17 year olds were similar to the potential exposure to 18-29 year olds (Winter, Donovan, & Fielder, 2008). However, there were several examples where 13-17 year olds were found to be at a greater risk to being exposed to alcohol ads on TV than their older counterparts. Apparently, a self-regulated time-period restriction in Australia could not prevent this over-exposure. In most countries the time-period restriction of alcohol marketing covers only alcohol commercials and does not include alcohol imagery. Under the line marketing, such as product placement, is used to circumvent alcohol advertising bans (Babor & Caetano, 2005; Monteiro, 2007). Research in New Zealand shows that while marketing alcoholic products may only be broadcasted from 8.30 pm, others containing alcohol imagery were shown earlier (McGee, et al., 2007).

The restriction of alcohol imagery and product placement in TV programmes might be difficult to restrict and might even be seen as undesired from an ethical point of view where editorial freedom is limited. However, time-restricted bans which cover not only alcohol commercials but also alcohol sponsorship on TV can be an important tool to protect young people from being over-exposed to alcohol marketing on TV.

### **“Media, beverage and time restrictions next to each other”, an Polish example**

According to the “Act on upbringing in sobriety and counteracting alcoholism” only the promotion of beer is allowed on TV and radio, in cinemas, outdoor, in magazines and newspapers and by sponsoring. On TV, radio and in cinemas advertising for beer is prohibited between 6 am till 8 pm except for sponsor messages.

Because (eg.) internet and other new media direct marketing; and promotions from selling points (bars and restaurants) or catering industry magazines aren't covered by this code (STAP, 2009d), the Spirit industry endorses a voluntary code which stipulates (concerning the protection of minors), that alcohol advertisements can only target persons who have the legal drinking age (with some other additional restrictions).

#### Text box 4. The introduction of a time-period restriction on TV and radio in the Netherlands

For years, the Netherlands was the only country in the European Union with no statutory regulations on alcohol marketing (STAP, 2007b). On the January 1st 2009 this has changed by the introduction of a time ban for alcohol marketing on TV and radio in order to protect youngsters from exposure to alcohol marketing. From the beginning of 2010 no alcohol commercials are allowed between 06:00-21:00 hrs.

A look at audience data in 2007 (STAP, 2008), before the introduction of the time ban, shows that approximately half of all alcohol advertisements on TV were broadcast before 21:00 hrs and the other half between 21:00-0.00 hrs. Before 21:00 hrs, 36% of all Dutch minors between 12-17 years old are exposed by alcohol ads on a weekly basis. Between 21:00-22:00 hrs this group is even larger, 43%, of all minors is exposed by alcohol ads on TV. Between 22:00-23:00 hrs an average of 38% of all the 12-17 year olds is reached by alcohol ads on TV.

The time ban restricts alcohol commercials on TV till 21:00 hrs. However, after nine o'clock a substantial amount of youngster are still being exposed to alcohol advertisements. It needs to be evaluated, but in worst case scenario, the introduction of the time ban might even increase adolescents' exposure to alcohol ads on TV. It is likely that after the introduction of a time ban, a shift will occur and more alcohol ads will be broadcast after 21:00 hrs, at a time that a large group of minors are still watching TV.

#### Target group restrictions

In self regulation codes of alcohol marketing there is an emphasis on regulating the content of the marketing (STAP, 2007b). In general, volume restrictions are heavily opposed by the alcohol industry (Babor & Caetano, 2005). However, we see that the alcohol industry is more heavily opposed to some volume restrictions than to others. If there are volume restrictions included in self regulation codes, it often concerns a volume restriction which does not limit the total volume of alcohol marketing but restricts over-exposure of vulnerable target groups such as children and adolescents by identifying different audiences or places in which alcohol advertisement is limited.

Hawkes (2005) recommends that codes should prohibit branded promotional activity in specific locations and especially in schools. The Outdoor Advertising Association of America (OAAA) adopted a voluntary code in 1991 (Hackbarth, et al., 2001). The code aimed to ensure that outdoor advertising of alcohol and tobacco is at least 500 feet from schools, playgrounds and places of worship. Billboards near areas where children congregate were supposed to be voluntarily labelled with a sign representing the international symbol of a child, indicating that age-restricted products would not be advertised. The chosen benchmark of 500 feet is critical. An inventory by the Loyola University in Chicago 500-foot zone shows that 500 feet offers little protection, since children can easily view billboards from that distance (Hackbarth, et al., 2001). If the 500-foot zone had been carefully maintained, fewer than 10% of the alcohol billboards would have been excluded. Instead, a 1000-foot zone would have displaced 49% of billboard advertising alcohol in Chicago.

Besides identifying alcohol advertising free zones, over-exposure of minors to alcohol advertisements is also addressed in self-regulatory codes by defining acceptable audience figures. Most advertising codes prohibit the placement of advertisements in media where "most of the audience" is expected to be below drinking age (Gentile, Walsh, Bloomgren Jr, Atti, & Norman, 2001). Different definitions of acceptable audience figures can be found in

the literature. The relative number of young people that is allowed to be reached by these different thresholds differs substantially.

In 1999, the Federal Trade Commission (Evans, 1999) in the US expressed its concern on the standard that permits advertising placement in media where just over 50 percent of the audience is 21 or older. Due to political pressure, most major alcohol companies in the US have now agreed not to advertise on radio and other media when the proportion of youth aged 12–20 years exceeded 30% of the audience (Jernigan, 2006). However, a standard in which the proportion of youth aged 12–20 years exceeded 15% of the audience corresponds to the proportion of the U.S. population aged >12 years who are aged 12–20 years (Jernigan, 2006). The threshold of 15% is similar to the recommendations of the National Research Council and the Institute of Medicine (NRC/IOM). A third threshold, proposed by Jernigan et al (2006), that might protect young people even more against over-exposure is a level based on the proportion of the audience aged 12–20 years within a given local marketing.

A problem with these thresholds is the number of absolute young people that is still allowed to be reached by alcohol advertisements. In all the figures mentioned above, large amounts of minors are allowed to be reached by alcohol advertisements as long as a sufficient number of adults is exposed as well.

Research shows that not solely minors but also low-income (Alaniz, 1998; Giesbrecht, et al., 2004) and minority groups (Alaniz, 1998; Duerksen, et al., 2005; Giesbrecht, et al., 2004; Kwate & Lee, 2007) are over-exposed by alcohol advertisements. These groups should be extra protected by the regulations from harmful exposure to alcohol marketing regulations (Alaniz, 1998).

### Overall ban on volume

Many countries have partial restrictions on alcohol advertising, and some have total bans (Babor & Caetano, 2005; STAP, 2007b). Babor et al (2005) note that although these restrictions do not have a major effect on drinking, countries with the greatest restrictions on advertising tend to have less drinking and fewer alcohol-related problems.

There are, however, methodological difficulties in measuring the effects of alcohol advertising bans. It is difficult to isolate the effect of advertising due to complex alcohol control policies in most countries (Nelson & Young, 2001). Most econometric studies find effects of advertising bans, but direct studies of short-term impacts have generally found no effect on total alcohol consumption (Babor, et al., 2003; Monteiro, 2007). Others, for example the study by Nelson and Young (2001) find no evidence for the effectiveness of total bans. Nelson and Young (2001) reviewed fourteen studies on the effectiveness of alcohol advertising bans. Findings do not support a statistically significant or material effect of alcohol advertising bans, including selective bans of outdoor media and comprehensive bans of broadcast media and other print media. Except for Saffer's (1991) study, that found that bans on the broadcast advertising of alcohol have been shown to be associated with lower per capita consumption and fewer motor vehicle accidents, the evidence according to Nelson and Young (2001) is neither mixed nor inconclusive. There is evidence that suggests that some bans result in substitution between beverages or media, but there is no convincing evidence that selective or more comprehensive bans have significant effects on market wide demand for all alcohol beverages. Nelson and Young (2001) found an import side-effect of alcohol advertising bans. The study suggests that a ban on persuasive alcohol

advertising could urge alcohol producers to decrease their prices to make their product more attractive compared to products of other brands. In this way, advertising bans could lead to an increase of alcohol consumption. The latter finding shows the importance of looking at unintended side-effects of alcohol marketing regulations. It is important that prices of alcoholic drinks do not decrease when an advertising ban is introduced.

All studies included in the reviews mentioned above, are conducted on the state or country level and do not examine effect of advertising bans on drinking behaviour in young people. The study by Saffer & Dave (2006) examined the effect of banning all local advertising (which corresponds to a reduction of about 28% of all advertising) on drinking behaviour in adolescents. The simulation used in the study assumes that expenditures on other marketing techniques are not increased (no substitution effect). The estimates show that a 28% reduction in total advertising would reduce monthly alcohol participation from about 25% to between 24 and 21%. Binge participation would fall from about 12% to between 11 and 8%. The authors conclude that the complete elimination of all alcohol advertising with restrictions on additional expenditures on other marketing techniques or the elimination of all forms of alcohol marketing would undoubtedly result in further decreases in monthly alcohol participation and binge participation. Earlier studies by Saffer & Dave (2002) found similar results. By using the outcomes of this study, Hollingsworth et al (2006) estimated the effects of several intervention including advertising bans. According to their findings, the most effective intervention to reduce alcohol related deaths by harmful drinking was a complete ban on advertising, equivalent to a 16 percent decline in alcohol-related life years lost. The effectiveness of this intervention among 20 year olds in the US was followed by increased alcohol taxation. The study of Chisholm et al (2004) provides an explanation for this somewhat surprising finding.

Chisholm et al (2004) examined the impact of several interventions in 12 WHO regions. In regions with a high prevalence of heavy drinking the most effective and cost-effective intervention was taxation. In regions with a lower prevalence of heavy drinkers, taxation is estimated to be less effective compared to more targeted strategies such as advertising bans.

An important lesson can be learned from the ban on tobacco advertising. The introduction of a general advertising ban on tobacco within the EU is evaluated by the European Commission in 2008 (DGHealthandConsumers, 2008). In this evaluation it is concluded that due to the EU-wide ban, traditional tobacco brand advertising and direct sponsorship of a cross-border nature has ceased within the European Union. On the other hand, the report concludes, there are indications that tobacco promotion has intensified in local merchandising and at points of sale, especially in Member States that either allow it or do not effectively control it.

Although the Directive on Tobacco Advertising seems wide enough to cover changing patterns of cross-border tobacco advertising and sponsorship, virtual environment is a big challenge. The evaluation addresses the difficulty to control because of the covert nature of advertising and the fact that the wrongdoers can easily relocate themselves. The evaluation of the law on tobacco advertising emphasizes the importance of harmonisation in regulations: Mechanisms for cross-border enforcement need to be developed and strengthened. However, support at the national and local level is crucial in the enforcement

of the overall ban. Legislation should be updated regularly to cover new developed types of alcohol marketing.

### Conclusion

The volume of exposure to alcohol marketing practices will affect drinking behaviour. Youngsters who are more exposed to alcohol marketing will start earlier with drinking alcohol, drink more frequently, and will drink more units of alcohol during one occasion (Anderson, et al., 2009; Smith & Foxcroft, 2009). Volume restrictions aim to protect young people against the quantity or location of alcohol advertisements that reach them.

Partly bans which are enforced will only decrease the total volume of alcohol advertisements to which young people are exposed and consequently are expected to decrease the total alcohol consumption of adolescents when:

- the bans proposed are not merely symbolic policies but contribute substantially to the reduction of the total volume of alcohol advertising to which adolescents are exposed; AND
- no significant substitution effects arise;

Partly bans that are described above are mostly established to protect young people from being exposed to alcohol advertisements in measured media such as TV commercials, print advertisement and radio commercials. Further regulations are needed to provide a factual basis for other promotional tools such as sponsorships, product placements, clothing with logos, point-of-purchase promotions, marketing in new media, viral marketing and other forms of unmeasured marketing (Hawkes, 2005). One way in which legislators try to cover more types of alcohol marketing tools and to circumvent potential substitution effects is by implementing an overall ban on alcohol advertisement. Econometric studies by Saffer and colleagues (Saffer, 1991, 2002; Saffer & Dave, 2006) on the effectiveness of total bans show that overall bans of alcohol marketing can be successful in decreasing total alcohol consumption of adolescents. However, attention should be paid to potential harmful side-effects of alcohol marketing bans. The study by Nelson and Young (2001) suggest that alcohol advertising bans could decrease prices of alcoholic beverages, which in turn could increase total alcohol consumption. In addition, policy makers should be aware of a potential shift to new unregulated types of alcohol marketing as we have seen with tobacco advertising.

## 7. Effective regulatory systems

### “Self regulation within a co-regulatory framework”, an example from the UK

The UK is the only EU country which has a legal backstop which is set to action when the self regulation code is (possibly) violated. This way it's easier to sanction violations.

#### *Regulation system*

From 2004 onwards, broadcast advertising was no longer regulated by the statutory regulator Ofcom<sup>1</sup>. The Communications Act of 2003, required Ofcom to explore other regulatory alternatives to decrease the regulatory burden. In November 2004, the self-regulatory body ASA (Advertising Standards Authority) obtained responsibility for maintaining standards for broadcast advertising in the UK. In practice, this means that the ASA is responsible on a day-to-day basis for broadcast advertising content standards. The self regulatory organisation Broadcast Committee of Advertising Practice (BCAP)<sup>2</sup> is responsible for writing and maintaining the marketing codes in the UK. Additionally, ASA regulates non-broadcast advertising on a voluntary basis. The ASA reviews complaints on this code and is responsible for the adjudication process (Held & Scheuer, 2006). The Broadcast Advertising Clearance Centre (BACC) is a voluntary pre-screening of alcohol advertisements that are broadcasted on television. Radio advertisements are screened by a similar body (RACC). Other types of alcohol marketing are not included in the pre-screening process. Broadcasters are obliged to comply with the Advertising Codes under their broadcast licences from Ofcom. Where necessary and appropriate, the ASA is able to refer licensees to Ofcom for regulatory action. Ofcom is able to levy fines and revoke licenses<sup>3</sup>. Alcohol marketing that is not broadcasted, is only covered by sanctions imposed by self regulation (ASA Non-broadcasting Code).

#### *Content of the regulation*

Articles in the UK self-regulatory codes address content restrictions of alcohol advertising. Marketing Communications must neither link alcohol with seduction sexual activity or sexual success (ASA non broadcasting code). And: Advertisements for alcoholic drinks must not be likely to appeal strongly to people under 18, in particular by reflecting or being associated with youth culture (ASA TV Advertising code, ASA non broadcasting code). Volume restrictions mention that no medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age (ASA non broadcasting code).

#### *Evaluation of the regulation process and code*

The Advertising Standards Authority emphasizes the great benefits for consumers and for business of the 'one stop system', there is one easy available access points for all questions regarding the regulation of alcohol marketing and decisions on different media are taken within one organisation<sup>4</sup>. The transfer of responsibilities from the legal body Ofcom to the SRO ASA has decreased the regulatory burden. Researchers, however, emphasize the ineffectiveness of the regulation. Producers can exploit the ambiguities in the codes and push the boundaries of the system (Hastings, et al., 2010b). Content restrictions are also not adequate in covering sophisticated and subtle communications (Hastings, et al., 2010a). Researchers advice to have a regulatory system independent from alcohol and advertising industries. They recommend to formally include the rating of young people in the process and to pre-screen and regulate (within a legal basis) all types of marketing and not just broadcasted alcohol advertising. This point of view was supported by the release of a report from the British Medical Association, doctors in the UK called for a ban on alcohol advertising in the country<sup>5</sup>. In March 2010, several MPs and the Health Committee called for a pre-9am watershed ban, which was rejected by the government.

1. <http://www.ofcom.org.uk/>

2. <http://bcap.org.uk/>

3. <http://www.asa.org.uk/Regulation-Explained/Control-of-ads/Co-regulation-broadcast.aspx>

4. <http://www.timesonline.co.uk/tol/news/uk/health/article6825984.ece>

5. <http://www.guardian.co.uk/media/2010/mar/18/department-of-health-alcohol-advertising>

## Introduction

To measure the effectiveness of alcohol marketing regulations, it is important to examine to what degree the regulation protects adolescents towards exposure to large volumes of alcohol advertising and exposure to attractive alcohol advertising. Earlier in this paper, advantages and disadvantages of various content and volume restrictions were discussed. An overview of these findings is given in the framework described in chapter 8. However, the effectiveness of alcohol marketing regulations depends not solely on these restrictions but also on the system that supports them.

Restrictions can be embedded in respectively self regulation systems, co-regulation system or law. Although both statutory and non-statutory systems have specific limitations, universal determinants can be identified which affect the performance and therefore the effectiveness of the restriction. In this chapter attention will be paid to these general factors which contribute to an effective regulatory system to regulate alcohol marketing.

The advertising standards authority (ASA) in the UK used the following indicators to measure the performance of the advertising code in the UK: the number of complaints received, customer satisfaction, and the use of the website of ASA (AdvertisingStandardsAuthority, 2008). The European Advertising Standards Alliance (EASA) uses compliance to the existing regulations as their main indicator for evaluating the effectiveness of existing regulations (EuropeanAdvertisingStandardsAlliance, 2008). Organizations related to the alcohol beverage or advertising sector often mention these factors to measure the effectiveness of the existing (self) regulatory codes (EuropeanAdvertisingStandardsAlliance, 2008; EuropeanForumforResponsibleDrinking, 2007).

In most scientific literature, however, other factors are mentioned as indicators of effective regulation systems that support the effectiveness of restrictions. Described in the following overview are indicators which are mentioned frequently in peer published literature, research reports written on behalf of governmental organizations and in non scientific reports.

## Supporting legal context

Conflicts with international trade agreements

Alcohol marketing practices and trade agreements tend to cross national borders. Scientists and public health advocates often claim that alcohol marketing regulations should be internationalized to reject the industry's global operations (Jackson, et al., 2000). In practice, however, alcohol marketing regulations are mostly concentrated at the national level. Although alcohol marketing regulations normally do not distinguish foreign and domestic products, these could create conflicts with international agreements (Gould, 2005). Certain types of marketing restrictions might be considered infringements on trademark or other investment rights (Grieshaber-Otto, Sinclair, & Schacter, 2000). These international trade agreements often put commercial priorities above those of public health (Jackson, et al., 2000). Also, self and co-regulation have to be designed in a way that does not restrict the participation of foreign service providers (Held & Scheuer, 2006). Experts (Desal, 2003; Jernigan, 2001) recommend that international trade agreements must allow exceptions in order to restrain trade in alcohol and alcohol marketing, when such exceptions are taken to support the health of the public.

## Text box 7. National alcohol advertising regulations and EU law

In Europe concerns have been expressed that harmonization policies, which aim to remove or prevent obstacles to trade within the single market, will be in conflict with Member States that have imposed relatively restrictive alcohol marketing regulations.

An examination of European court cases shows that permissible alcohol advertising policy in Member States need to be (1) justified as 'proportionate' to protect public health and (2) alternatives which involve less trade restrictions should not be available (Baumberg & Anderson, 2008). The following European court cases have been described by Baumberg & Anderson (2008) which shows the conditions under which alcohol marketing regulations are permitted:

*EC vs. France (C-152/78)*: In this case a clearly discriminatory ban on advertising grain-based spirits (mainly foreign) while allowing advertising of wine-based spirits (mainly French) was struck down. However, the European Court of Justice (ECJ) here set out for the first time the legitimacy of alcohol advertising restrictions to protect health.

*Aragonesa (C-1/90 & C-176/90)*: In these two joined cases, the ECJ defended Catalonia's fines for two companies who violated a billboard advertising ban for drinks stronger than 23% ABV.

*Gourmet (C-405/98)*: The Swedish consumer ombudsman attempted to take out an injunction against Gourmet magazine, after they included alcohol adverts in a special supplement. The ECJ affirmed the previous legal reasoning but left it to the national courts to determine whether the advertising ban was proportional. Ultimately the Swedish Market Court found against the ban, and new legislation was passed outlawing print advertising for products over 16% alcohol volume, followed in January 2005 by compulsory warning labels on all print advertisements.

*Bacardi-Martini (C-318/00)*: Just before a televised Newcastle-Metz football game, FrenchTV companies panicked that they would be breaking the loi Evin (below) so removed any alcohol adverts around the pitch, violating their contractual commitments to the advertisers. The ECJ ruled that there was no need to refer this case to the ECJ, as it could be simply settled based on UK contract law.

*loi Evin (C-262/02 & C-429/02)*: The 'loi Evin' is the French law—drafted partly in response to C-152/78 above—that bans alcohol advertising on television. This includes bilateral sporting events, but not multinational ones that are outside French control (such as the football World Cup). The ECJ defended the law as proportionate to its aims.

*Pedicef (E-4/04)*: The Norwegian magazine Vinforum (a speciality magazine for wine connoisseurs) appealed a fine after publishing an alcohol advertisement. Based on a technicality (that agricultural products, which includes wine, are not covered by the relevant part of the EEA), the EFTA Court found that the relevant articles did not apply, but reaffirmed the reasoning in previous cases.

### Conflicting state law

Initiatives to restrict alcohol marketing at the local level can infringe with state laws. Restrictions of alcohol marketing in the United States can, for example, be in conflict with the First Amendment right to free speech, which also protects commercial speech to a certain degree (Giesbrecht, et al., 2004; Hackbarth, et al., 2001). National law often pre-empts regional and local laws, and many local laws may be invalidated by national legislation. An agreement on Better Law-making by the European Commission

(EuropeanParliament, 2003) states that also the use of co-regulation or self regulation must always be consistent with Community law.

National laws not concerning specific alcohol advertising may also be utilized to reduce the volume of alcohol marketing. For example, a state law in California restricts the percentage of window space that may be used for advertising to no more than 33%; some local communities have enacted their own ordinances restricting window coverage to as little as 10% (Howard, Flora, Schleicher, & Gonzalez, 2004). These efforts resulted in a reduction of the amount of alcohol advertisements in stores.

### Legal backstop

Although there needs to be enough room for private parties for self and co-regulation, like statutory regulation it needs a clear legislative framework (Zeijden, 2008). Furthermore, a self regulatory system needs sufficient incentive to be effective. There is no reason to believe that the industry will participate out of selfless reasons just to improve public health (Held & Scheuer, 2006). A legal backstop of a threat of government adjudication can be a strong incentive (Hawkes, 2005; Held & Scheuer, 2006). In general, a self-regulatory system is most active where pressure from government and civil society and lawsuits were greatest and least where there was little advocacy (Hawkes, 2007).

If the self regulation is not effective, a legal backstop is even more crucial (Hawkes, 2005). In a European Round Table among the European Advertising Alliance and other interested parties it was concluded that: “If the SR sanctions do not work, an ultimate legal mechanism is needed in order to force members to comply. A similar mechanism is also needed for those traders who are not members of a code. In this section, we use the term “legal backstop” to refer to such mechanisms (DGHealthandConsumers, 2006)” They also state that it is the duty of national governments to ensure adequate and effective enforcement which cannot be replaced with the control of code owners (DGHealthandConsumers, 2006). If non-broadcast self regulation is increasingly operating within a legal framework it starts to fulfill a co-regulatory function (Brown, 2006). In this co-regulation system a legal backstop is also necessary to work properly (Held & Scheuer, 2006).

### Commitment of all stakeholders

Commitment of all relevant stakeholders is important. The European Commission (CommissionoftheEuropeanCommunities, 2001) explained in its Governance White Paper that “the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain—from conception to implementation. Improved participation is likely creating more confidence in the end result and in Institutions which deliver policies”. The representability of the parties involved is especially important in self and co-regulation. Brown (2006) claims in his report on self regulation that the ‘self’ in self regulation relates to code ownership as well as fiscal responsibility and must apply to all: a collaborative attitude from all stakeholders is necessary (Brown, 2006). Stakeholders should reflect the total value chain: from to producers to the selling points. Relevant stakeholders are for example alcohol producers, the catering and hospitality sector, retailing sector and other sectors in which alcohol beverages is made, distributed or sold.

In self regulating alcohol marketing the representation of the advertising sector is highly valuable. An active role in sanctioning of the advertising and media sector increases the effectiveness of self regulation (Brown, 2006). Giesbrecht (Giesbrecht, 2000) emphasizes that public health advocacy needs to be strongly represented around the table to counterbalance the powerful role of the commercial interests. Governments can play a role in self regulation by stimulating, cooperating and approving (Zeijden, 2008).

Relevant stakeholders can also be defined in a wider perspective. Besides relevant business sectors and governmental institutions, the earlier mentioned Round Table on advertising (DGHealthandConsumers, 2006) identifies academia, ethical authorities, consumer, family, youth and other relevant citizen organizations as possible stakeholders. The latter mentioned groups of interest, together with public health agencies, can provide a valuable addition to the group of stakeholders who are currently involved in developing alcohol marketing regulation. Jackson et al (Jackson, et al., 2000) recommend in their peer reviewed article that all forms of marketing communication should be regulated according to the message received by the consumer.

### Transparency

The Agreement on Better Law Making by the European Commission (EuropeanParliament, 2003) emphasizes the importance of greater transparency and the increased provision of information to the public at every stage of their legislative work. Also, self regulation and co-regulation should meet criteria of transparency. In the Round Table on Advertising (DGHealthandConsumers, 2006) the interested parties explained the importance of self-regulatory processes demonstrating a high-level of transparency in order to establish and maintain a high level of public confidence that will increase consumer awareness.

An overview of regulations in Europe shows a lack of transparency (STAP, 2007a). The comparative analysis of the Hans Bredow Institute (Held & Scheuer, 2006) shows that often the non-state part of co-regulation is not transparent at all. Consequently, the authors conclude that the legislative framework for co-regulation has to provide sufficient safeguards to ensure transparency.

### Required pre-screening system

Pre-launch advice is a procedure in which alcohol advertisements are screened before they are distributed to the public. It is suggested that the adherence to existing regulations is increased by these efforts since it reduces the chances that a clearly misleading, or deceptive advertisement that targets children will ever be seen (Hawkes, 2005). Additionally, it has the benefit to advertisers and their agencies that the work they commission, has an assurance that it meets the relevant code requirements (Brown, 2006). New alcoholic products and alcohol marketing practices should be scrutinized by an independent body prior to launch to prevent unacceptable offerings—such as formulations that are very appealing to minors (Jackson, et al., 2000). Generally, there are two types of pre-screening: Copy advice and pre-clearance advice.

In the case of copy advice, there is normally no element of obligation, either when seeking the advice in the first place or in following it once it has been obtained (DGHealthandConsumers, 2006). Pre-clearance, on the other hand, is the compulsory examination of an advertisement, before it is broadcast or published, to ensure that it complies with legal, statutory or self-regulatory rules. Its final purpose is not the same as

copy advice, because pre-clearance constitutes prior restraint whereas copy advice does not (DGHealthandConsumers, 2006).

### **Effective complaint system (open to public)**

According to Brown (2006), the advertising sector believes that a regulatory system should be complaint driven (by consumers, competitors or third parties). In the absence of an effective consumer complaint mechanism, code interpretation relies on an inner circle. While these may be ‘experts’, advertisements are viewed in everyday life by the public who perceive the advertisements with a different view (Hawkes, 2005). The interpretation of the general public and especially of vulnerable groups such as young people should be included in the evaluation of the advertisements. This complaint system should, where possible, have one access (Brown, 2006). Interested parties in the Round Table on Advertising (DGHealthandConsumers, 2006) recommended that it should be possible to have clear indications for consumers on how and where to complain in a very simple way.

### **Independent advertising committee (Including consumer agency)**

Both advocates and opponents of self regulation mention an independent body that makes adjudications as an important criterion for an effective regulation system (Brown, 2006; Zeijden, 2008). The Federal Trade Commission in the US concluded that self regulation can only be effective as long as there is provision for third-party review of complaints concerning breaches. Otherwise the interested persons who create and agree to abide by a code are the same ones who monitor its application (Evans, 1999; Giesbrecht, et al., 2004).

### **“(In)dependent committees evaluating their own advertisements”, a Danish example**

The Danish self regulation code is enforced by the Alcolholreclamaevnet, which consists of an independent chairman, Consumers Council, members of the alcohol industry (eg. Danish Brewer Association, Danish Distillers, V.S.O.D.(wine industry)), members of the advertising sector and members of the catering and hospitality sector. The Alcolholreclamaevnet is elected by the Danish Ministry of Business affairs (STAP, 2010a).

This advertising code committee is supposed to be independent, because of a certain construct; when a beer ad is evaluated on possible violations the representative of the brewers will not be part of the evaluation committee, which will be therefore independent. The same procedure is followed when a spirit or wine ad is judged. This way the representatives can never judge on (and speak in advantage of) their own “beverage segment”, but still assess the practices of their alcohol industry colleagues. It won’t come as a surprise that, sanctions are hardly given.

This way of ‘creating’ an independent committee is not only criticised by the Danish NGO, but also EASA (see the “EASA Summary Overview of SRO features in each MS” (Wilks. L., 2009)).

#### Text box 8. Possible consequences of a dependent advertising committee:

An example of a situation in which interested persons create and enforce existing regulations is found in the US. The industry's trade association DISCUS (Distilled Spirits Council of the United States) maintains a Code of Responsible Marketing Practices and responds to complaints about violations of the self-regulatory code.

An evaluation by Marin Institute (2008) shows that there is a significant difference between decisions made about alcohol advertisements from a company with a representative on the board of DISCUS and companies without such a representative. Advertisements of companies with a seat on the board were three times less likely to be found in violation with the code (MarinInstitute, 2008; STAP, 2010c). In addition, complaints made by industry members were found to be 12.7 times more likely to be in breach with the code than those brought by others (Marin Institute 2008).

Jackson et al (2000) argue that voluntary regulation, overseen by industry-funded bodies, needs to be replaced by independent monitoring agencies with statutory powers. The Federal Trade Commission (Evans, 1999) recommends that the industry should create independent external review boards with responsibility and authority to address complaints from the public or other industry members.

The need for the role of the interpretation of the general public was already mentioned as one of the criteria of an effective complaint system. However, their perspective is also of importance in the composition of the advertising committee. In reality, non-industry members in the advertising committees have often an expertise in marketing rather than public health (Hill & Casswell, 2004). The aim of this advertising committee should be the protection of consumers; public health is an important interest of consumers. Experts outside the advertising sector may contribute to the focus on protecting public health interests.

#### Text box 9. Round Table on Advertising

The Round Table Report on Advertising (DGHealthandConsumers, 2006) describes examples of advertising committees in which members are not or only partly dependent on the advertising sector:

Italy: The Istituto dell' Autodisciplina Pubblicitaria (IAP) has a Jury composed of eminent lawyers, academics and experts in consumer affairs and in advertising. It is independent of the advertising industry.

Spain: *Autocontrol* has also established a Jury composed by academic, experts and lawyers. The jury is appointed in 75% by the Board of Directors and 25% of them selected by the national authorities (*Instituto Nacional del Consumo*).

Ireland: The Advertising Standards Authority for Ireland's (ASAI) Complaints Committee is composed of 15 members. Members with background on the advertising industry must be superior to 50%. Moreover 4 members are appointed by the Director of Consumer Affairs."

### Sanctions

Sanctions and the threat of sanctions can contribute to the compliance (Zeijden, 2008). When non-state organizations are responsible for the enforcement of the codes, the existence of effective sanctions is crucial (Held & Scheuer, 2006). Advocates of self regulation mention the possibility of bad publicity as an effective sanction (e.g. (Brown, 2006). However, depending on the desired image, some alcohol advertisers may even profit

from this free publicity. The image of a brand attractive to rebellious youth might be reinforced by this 'bad publicity'.

Broadcasters could also have a more active role the system that makes the sanctions more effective (DGHealthandConsumers, 2006). Compliance with the broadcast codes (TV and radio) could be a condition of license for the broadcasters as is the case in the UK.

The European Advertising Standards Alliance and other interested parties discussed in a Round Table (DGHealthandConsumers, 2006) that advertisers who will not comply with the existing codes should be called in for a compliance meeting and, if necessary, referred to statutory enforcement bodies. A legal backstop which was mentioned as a first criterion is applicable not ruled out in the Round Table discussion, although they mention that available evidence here. According to the report of the Round Table (DGHealthandConsumers, 2006), the minimum sanction should be timely withdrawal of advertising copy. Financial penalties are

suggests that the business costs to companies of a withdrawal are real (reputation, share price). In the report they suppose that market penalties can be a more effective source of good behaviour than the imposition of specific financial penalties. Experience with the implementation if the EU Tobacco Advertising Directive shows that, in the case of tobacco, administrative enforcement such as financial penalties has a proven deterrent effect (DGHealthandConsumers, 2008).

#### Text box 10. Sanctions in the UK

In the UK, compliance with the broadcasting codes (TV and radio) is a condition of licence for the broadcasters. This is why the broadcasting companies have invested so heavily (currently in excess of £2 million per annum) in their pre-clearance systems, through the Broadcast Advertising Clearance Centre (BACC) for TV and similarly the RACC for commercial radio. It is the duty of these agencies to check scripts and final advertisements to ensure that, prior to transmission, these advertisements will not put broadcasters in breach of their licences (Brown, 2006).

### Monitoring

The need to monitor the adherence to existing alcohol marketing regulations is often mentioned in the literature together with the acknowledgement that there is a general lack of monitoring. The monitoring of alcohol marketing practices should be the responsibility of an independent body or a government agency and should be performed systematically and routinely (Jackson, et al., 2000; Jernigan & Mosher, 2005; Monteiro, 2007). Controls should be developed to identify breaches (Jackson, et al., 2000). Below-the-line promotions such as sales and trade promotions and point-of-sale activities (Jackson, et al., 2000) and viral marketing (DGHealthandConsumers, 2006) need to be included in the focus of monitoring. Monitoring and enforcement from outside the community will have more political power at the local level (Alaniz & Wilkes, 1998) and might be a valuable addition to monitoring at the national level.

Regulation and the monitoring of adherence to regulations needs to be guided by reliable market information that is collected adequately and independently. Although the Federal Trade Commission requires the largest U.S. tobacco companies to report annual marketing expenditures, no such accounting is required of the alcohol industry. Based on the findings of a longitudinal study on the effects of exposure to alcohol marketing, Henriksen et al

(Henriksen, et al., 2008) recommend that an agency (e.g. Federal Trade Commission in the US) should compel the largest alcohol producers to report annual expenditures on all forms of alcohol marketing. Giesbrecht (2000) concluded, however that trade organizations do not appear to have the power or willingness to monitor breaches of self regulation codes. Next to country level data, data collected at the regional level on alcohol marketing practices and the impact of alcohol marketing regulations should be available as well (Gallet, 2008).

### Coverage and flexibility

Alcohol marketing regulations should not only cover pure advertising but also other types of commercial or marketing communication. The European Advertising Alliance and other interested parties concluded in a Round Table (DGHealthandConsumers, 2006) that “The aspiration (of a self regulation system) is a global coverage for all type of marketing or commercial communication”. Also Hawkes (Hawkes, 2005) recommends that regulations should cover the entire range of forms of marketing activities that reach young people in order to avoid that advertisers simply use the new media to escape regulations.

In the European Commission’s agreement on better law making (EuropeanParliament, 2003), the value of flexibility of regulations is emphasized. It is stated that the added value of self regulation and co-regulation relies on its flexibility. In order to be effective, not only self and co-regulation but also legislation should be flexible in the way that they constantly try to cover new marketing strategies. Regulations will face challenges in the future since services will eventually fall outside the scope of the existing regulations.

Alcohol marketing regulations should constantly be updated and should be prepared to interact at future developments (Arino, 2007). The credibility of regulatory systems critically depends on whether they cover these new developments. New media technologies are currently a central challenge in alcohol marketing advertising. New media are constantly evolving. Trends in marketing to young people on new media are advertisements in computer games, social networks (e.g. MySpace), in virtual worlds on the internet (e.g. Second Life), in chat-rooms pages and blogs (e.g. Windows Life Messenger) and User Generated Advertisement (e.g. on YouTube) (StichtingReclameRakkers, 2008). Another issue of concern is the new emerging trends for “buzz marketing” and “word of mouth” (DGHealthandConsumers, 2006). This direct and often interactive type of marketing in which a dialogue is achieved with the consumer creates difficulties to regulate.

## “Rarely and often update codes give a lot of free space to advertisers”, examples from Italy and the Netherlands

The different Italian alcohol marketing codes are rarely updated, four out of five regulations have not been updated since 1992, and the oldest one dates back to 1982. Alcohol marketing regulations are hardly ever updated in Italy, this leads to a codes which doesn't cover all marketing practises. New media (since at least 1992) aren't inserted in the codes. This gives alcohol marketers a lot of opportunities to promote their products in new media (STAP, 2009b).

The many years of monitoring experience of STAP show that a regular update of the code is not is not always in disadvantage of the advertisers. In the Netherlands the regulations are updated every few year under political pressure and in reference to new developments in new media. It shows that not every update means a restriction for the advertisers. Because the code is adjusted in dialogue with the industry, they are able to push the boundaries and get more room for innovations.

### Text box 11. Challenges as a result of new media

Due to developments on the internet more television programs and advertisements are publicly available online. 'TV-like' advertisement on the internet should fall under regulations of TV advertisement or regulations of New Media (internet) (Arino, 2007). Consequently, the European Directive on advertisement on television “the Television Without Frontiers Directive” was replaced in 2007 by the “Audiovisual Media Services Directive” which covers also on-demand television (EuropeanParliament&theCouncil, 2010).

#### Challenges as a result of viral marketing:

- > Systematic monitoring of alcohol advertising of “below the line” advertising is difficult for non-economic parties because they do not have access to all channels.
- > Regulations concerning viral marketing is a challenge due to the innovative character of the advertising. The product is marketed by different parties (not simply the producer or its advertising agency) and new channels are explored.
- > Monitoring the adherence to the code is difficult as well as effective sanctioning. Sanctioning non-traditional marketers (e.g. consumers) can be problematic.

## Conclusion

Possible content and volume restrictions that are described in this paper are expected to protect young people against the harmful effects of exposure to alcohol marketing on drinking behaviour. The effectiveness of alcohol marketing regulations depends however, on the system that supports the these restrictions. Elements of an effective regulation system are:

1. A supporting legal context: no conflicting regulations on the supra-national or national level and a legal backstop to support the enforcement of the restrictions.

2. Commitment of all stakeholders to increase the support and adherence of the restrictions:

- A. policymakers;

- B. civil society (public health advocates/consumer representatives);

- C. industry related stakeholders.

If there is a supporting legal context and an effective complaint and sanction procedure, the

support of the civil society and industry related stakeholders might be less relevant.

3. Transparency: Available provisions of information to the public at every stage of the regulation process.

4. Pre-screening system: To prevent exposure to advertisements that are non compliant with the restrictions.

5. Effective complaint system: Easy access to and support from the public.

6. Independent advertising committee: Evaluation by parties independent from commercial interests (not by advertising industry related or alcohol industry related) but by judges, public health advocates or consumer representatives.

7. Effective sanctions: sanctions that are expected to be most effective are withdraw broadcasting rights and substantial financial penalties. Sanctions that are expected to be less effective are bad publicity or voluntary action.

8. Monitoring:

A. Independent from commercial interests;

B. Routinely & Systematically monitoring the content and volume of alcohol marketing;

C. Include also “unmeasured” types of alcohol marketing practices;

D. Availability Marketing data to third parties (government, academic institutes or civil society).

Including these elements is expected to strengthen the adherence to existing volume and content restrictions of alcohol marketing which will increase their effectiveness.

9. Coverage and flexibility: should cover the entire range of forms of marketing activities and should be updated continuously.

## 8. How to evaluate alcohol marketing regulations: A proposed framework

### The need for a framework to evaluate alcohol marketing regulations

There is hardly any scientific study that tested the effectiveness of alcohol marketing regulations in Europe (STAP, 2007c). Moreover, no integrated framework to evaluate the effectiveness of existing alcohol marketing regulations is available (STAP, 2007c). The alcohol industry related International Center for Alcohol Policies (InternationalCenterforAlcoholPolicies, 2001) concludes that the effectiveness of self regulation on alcohol advertising has rarely been studied systematically. Although there are some studies that focus on the effectiveness of alcohol marketing bans (Nelson & Young, 2001; Saffer, 1991; Saffer & Dave, 2006), there is no research available that evaluates the effectiveness of other statutory regulations and presents which statutory regulations are effective and which are not.

### Criteria of effective alcohol marketing regulations

As described in previous chapters, a literature search in peer-reviewed journals as well as grey literature resulted in the identification of criteria for effective alcohol marketing regulations. In this chapter, we aim to develop a framework to provide a tool to examine the alcohol marketing regulation's potential effectiveness. The expected influence on drinking behaviour of children and adolescents is crucial here.

Volume restrictions are necessary to protect people against the quantity or location of alcohol advertisements that reach young people. Volume restrictions that prohibit (a) marketing of certain types of alcoholic beverages; (b) alcohol marketing on certain types of media; (c) alcohol marketing at certain times or places are expected to be only effective if they fulfil the following criteria:

The volume restrictions proposed are not merely symbolic policies but contribute substantially to the total volume of alcohol advertising to which adolescents are exposed; no significant substitution effects arise (e.g. shift to other media or price decrease);

The effectiveness of alcohol marketing regulations depends not solely on these content and/or volume restrictions, but also on the system that supports them. Elements of an effective regulation system are:

A supporting legal context: no conflicting regulations on the supra-national or national level and a legal backstop to support the enforcement of the restrictions.

Commitment of all stakeholders to increase the support and adherence of the restrictions:

A. policymakers;

B. civil society (public health advocates/consumer representatives);

C. industry related stakeholders (If there is a supporting legal context and an effective complaint and sanction procedure, the support of the civil society and industry related stakeholders might be less relevant.)

Transparency: Available provisions of information to the public at every stage of the regulation process.

Pre-screening system: To prevent exposure to advertisements that are non compliant with the restrictions.

Effective complaint system: Easy access to and support from the public.

Independent advertising committee: Evaluation by parties independent from commercial interests (not by advertising industry related or alcohol industry related) but by judges, public health advocates or consumer representatives.

Effective sanctions: sanctions that are expected to be most effective are withdraw broadcasting rights and substantial financial penalties. Sanctions that are expected to be less effective are bad publicity or voluntary action.

Monitoring:

A. Independent from commercial interests;

B. Routinely & Systematically monitoring the content and volume of alcohol marketing;

C. Include also “unmeasured” types of alcohol marketing practices;

D. Availability Marketing data to third parties (government, academic institutes or civil society).

Coverage and flexibility: should cover the entire range of forms of marketing activities and should be updated continuously.

Although content restrictions do not account for the cumulative effects of marketing campaigns that often reach consumers by several sources (Hawkes, 2005), content regulations can protect all consumers against misleading or deceptive alcohol advertisements and in particular young people against attractive advertisements. To protect young people effectively against attractive advertisements, content restrictions should fulfil the following criteria:

Content restrictions should address all elements that have shown to be appealing to young people (e.g. lifestyle images, humour).

Content restrictions should limit advertisements that young people find appealing even if these are not specifically targeting minors or are specifically appealing to minors (but to adults as well).

Alcohol advertisements should be evaluated according to young people’s interpretation and not according to the intention of the advertiser.

### Previous attempts of evaluating alcohol marketing regulations

Although not evidence-based, previous attempts have been made to create criteria to evaluate existing alcohol marketing regulations. The Center on Alcohol Marketing and Youth (CenteronAlcoholMarketingandYouth, 2003) has presented an overview of possible volume and content restrictions in alcohol marketing regulations. Additionally, the authors reported which of these elements were included in alcohol marketing regulations in different US state legislations. The paper outlines elements of best practices of regulations. For the restriction of sponsorship of civic events this is for example:

\* prohibit alcohol industry sponsorship of college/school events;

- \* prohibit alcohol industry sponsorship of events in public venues (e.g. parks, street fairs, government buildings); and
- \* significantly limit sponsorship of events in private venues other than alcohol retail outlets.

Elements of effective alcohol advertising regulations outlined in the paper are mainly focused on the code of the regulation and not the supporting regulatory system. Since argumentation of selected elements of best practices are not presented in the paper, this is not of much help for further policy recommendations.

Most attempts to evaluate (self) regulations on alcohol advertising are made by economic operators: advertising sector related organisations as well as alcohol industry related organisations. The UK self-regulatory body Advertising Standards Authority (ASA) presents more details on how the performance of advertising regulation can be measured. Indicators of ASA concern the number of complaints and consumer awareness which means consumer satisfaction and use of the website (AdvertisingStandardsAuthority, 2008).

The European Advertising Standards Alliance is a European umbrella organization of advertising self regulation organizations such as ASA. EASA reports annually on the overall compliance of alcohol advertisers to existing codes (EuropeanAdvertisingStandardsAlliance, 2008). Adherence to existing (mostly self regulation) codes is evaluated by the following indicators: whether there had been a breach of the code; whether copy advice had been sought; and whether a complaint had been made and if so, the outcome of the complaint.

The indicators of ASA and EASA describe the number of complaints made and the adherence to the codes. However, these do not offer an adequate impression of the effectiveness of alcohol marketing regulations. More factors are included in an overview of self regulation systems in Europe published by EASA (2007 Blue Book) and in a recent report to the European Commission within the Alcohol & Health Forum (Wilks. L., 2009). In both reports more attention is paid to facilities within the self regulation system in European countries. Similar factors are included in the evaluation criteria of self regulation codes formulated by the Brewers of Europe (BrewersofEurope, 2010; Wilks. L., 2009).

### Comparing evidence-based criteria with criteria of the industry

The criteria formulated by the Brewers of Europe and the European Advertising Standards Alliance. promote self regulation and are mainly focused on this type of regulation. The criteria described in the current paper cover statutory as well as non-statutory regulations. After a systematic literature search criteria are formulated that are thought to aim the protection of young people against the harmful effects of exposure to alcohol marketing. Although there are some similarities between the criteria identified, there are important differences as well. Table 1 compares the criteria of EASA (representing advertising sector), the Brewers of Europe (representing the beer industry) and criteria identified in scientific and non-scientific literature (as described in this paper).

The table shows that criteria identified by economic operators do not cover the effectiveness of the restrictions mentioned in the code. The literature search presented in this paper, however, showed that alcohol advertising regulations are only effective if both a strong code/regulation and a well functioning supporting regulatory system are in place.

Evaluations by the economic operators do not include institutional and regulatory context of the regulation. Although economic operators can not instigate a supporting legal context,

this context is essential in the actual working of the regulatory system and should be included in an overall evaluation.

Criteria mentioned by economic stakeholders are defined more narrowly than those mentioned within scientific and grey literature. For example, an independent *element* within a jury is mentioned as a criterium by EASA whereas a (*full*) independent jury is mentioned as important in scientific and grey literature. A similar point can be made about the pre-screening system of alcohol advertisements. Both economic operators mention (voluntary) copy advice as an element of effective regulation, in the literature the importance of an mandatory pre-screening system with binding advice which is available for all types of marketing practices, is mentioned.

Table 1. Evaluation criteria of advertising regulations by Brewers of Europe, European Advertising Alliance (EASA) and Evidence-based criteria\*

The code of the regulation			
	Brewers of Europe	EASA	Evidence-based criteria
Code (general)		1. Existence code (no criteria on content of the code) 2.** Media regulated by SROs (distinguished media: cinema; DVD/CD-Rom; internet; direct mail; outdoor; press; radio; television; telephone) 3.** General themes adressed in the code:legality; honesty; truthfulness; decency; social responsibility; denigration; privacy; safety; imitation; guarantees; testimonials; comparative advertising; children; environment; minorities; gender stereotyping; violence	Distinguished in volume and content restrictions (see below)
Size volume restrictions	-	-	contribute substantially to the total volume of alcohol advertising no significant substitution effects
Size content restrictions	-	-	Address all elements
Participation youth in content regulations	-	-	Limit advertisements that are appealing to youngsters Evaluated according to young peoples' perception
Code Compliance	By letter and spirit of the code	-	-
Supporting regulatory system			
	Brewers of Europe	EASA	FASE
Regulation embedded in regulatory context	-	-	no conflicting regulations on the supra-national or national level Availability legal back stop
Commitment stakeholders	-	1. Existence self-regulatory body 2 Broad consultation in code drafting (stakeholders not mentioned) 3. Stakeholder involvement (stakeholders not	Commitment of all stakeholders (Policymakers + civil society + industry related stakeholders)

		mentioned)	
Transparency	Criteria on consumer awareness of complaint system and jury decisions are included, but no other criteria on transparency.	Criteria on consumer awareness of complaint system and jury decisions are included, but no other criteria on transparency.	Available provisions of information to the public at every stage of the regulation process
Pre-screening system	Availability Copy Advice (non obligatory)	Availability Copy Advice (non obligatory)	Obligatory Pre-screening system for all marketing types
Complaint system	Decision taken within 10 days Immediate removal of non-compliant ads 3. Consumer awareness: of complaints system and jury decisions	Free handling of consumer complaints Availability appeals procedure Consumer awareness: Online complaints facility Publication of jury decisions Promotional activity website Remit includes Digital Media Communications	Effective complaint system (Easy access + support from the public)
Composition advertising committee	Independent jury Independent chair	Independent element in jury	Independent jury
Sanctions	Act as deterrent Credible	-	Substantial sanctions (act as deterrent)
Monitoring	1. systematic & ongoing of self-monitoring 2. Regular reviewing by self-monitoring	Own-initiative monitoring	Monitoring Independent from commercial interests Monitoring Routinely & Systematically Include also “unmeasured” types Availability Marketing data to third parties
Coverage	Full coverage from all actors and all marketing practices	-	Code covers entire range of alcohol marketing practices
Flexibility	-	-	Code should be updated regularly

\* Elements identified by Brewers of Europe and EASA (Wilks. L., 2009) only reflect on self regulation codes and not on statutory regulations.

\*\* These elements are distinguished by EASA to show the diversity of advertising codes, rather than testing the effectiveness of the codes. They refer to all types of advertising self-regulatory codes and not solely to alcohol advertising codes.

### The need to have alcohol marketing regulations that aim to protect public health

It is not in the commercial interest of the alcohol and advertising sector to have effective regulation system that limits the volume of alcohol marketing substantially and restricts all alcohol advertisements that are attractive to youth. An overview of existing regulations in 23 European countries shows that self regulation codes do not restrict the volume of alcohol marketing substantially. The content restrictions in the self regulation codes do not protect

young people from alcohol advertisements with attractive elements. The evaluation criteria of the Brewers of Europe and the European Advertising Standards Alliance do not include these criteria in their evaluation of self regulation systems. Additionally, the evaluation criteria of these economic stakeholders, use a narrow definition of an effective supporting regulatory system which is not in line with findings from the literature study performed. According to EASA, the self regulation system aims to protect consumers from dishonest, misleading or offensive advertising (EuropeanAdvertisingStandardsAlliance, 2003). The protection of the public health, especially of vulnerable groups such as young people, should be the interest of Public Health NGOs and governments. In order to decrease the harmful effects of youth exposure to alcohol marketing, alcohol marketing should be regulated by regulations embedded by law. These alcohol marketing regulations should meet the evidence-based criteria as described in the current paper.

## 9. Policy recommendations

Research suggests that exposure to media and alcohol marketing is associated with the likelihood that adolescents will start drinking alcohol, and with increased drinking amongst drinkers. In order to protect vulnerable groups, and especially young people, against harmful exposure to alcohol marketing, an effective alcohol marketing regulation is crucial. This report has described different elements that are essential to implement in alcohol marketing regulation systems.

Content regulations could, if adequate, protect young people and adults against *misleading* or *deceptive* alcohol advertisements. When all relevant elements are addressed, content restrictions can protect young people against exposure to *attractive* alcohol advertising. However, to protect people against the exposure to large quantities of advertisements or marketing on specific locations that reach young people, volume restrictions of alcohol marketing are necessary. If regulation systems are solely concerned with regulating the content of marketing of individual marketing practices, no attention is given to the cumulative effects of marketing campaigns that often reach consumers by several sources.

Alcohol advertisers always search for innovative ways to market their product. When introducing partial alcohol marketing bans, there is a danger that alcohol is advertised in media, on times or places which are not restricted. Substitution effects are limited by a comprehensive alcohol marketing ban that is integrated in an integral alcohol policy.

Volume and/or content restrictions in alcohol marketing regulations will only be effective when there is an adequate regulatory system that supports the restrictions. This regulatory system empowers the implementation of the restriction, its adherence and evaluation process.

Self regulation has been proven insufficient in Western countries as: Australia (Jones & Donovan, 2002; Jones, Hall, & Munro, 2008), the Netherlands (VanDalen & Kuunders, 2003); the United Kingdom (Hastings, et al., 2010b; Meier, et al., 2008); and the United States (Gomes & Simon, 2008). Self regulation codes are written by the alcohol industry and mainly rely on content restrictions that do not prevent young people from being exposed to large volumes of attractive alcohol advertising, promotion and sponsorship. These content restrictions are often ambiguous and open to interpretation. Especially with these 'vague' codes, an adjudication system independent from commercial interests with the possibility of using effective sanctions is essential.

More practical, the following recommendation to policy makers can be formulated:

1. Recognizing the effects of alcohol marketing exposure on drinking behaviour, decreasing the overall volume of alcohol marketing to which young people are exposed is desired.
2. To decrease the overall volume of alcohol marketing to which young people are exposed, a volume restriction on advertising, promotion and sponsorship is recommended.
3. In order to decrease substitution effects from restricted types of alcohol marketing to unrestricted types of alcohol marketing, a comprehensive ban is desired.

4. When alcohol marketing is allowed, alcohol marketing tools that are difficult to monitor (e.g. alcohol advertising on the internet) or reach many young people should be prohibited.
5. In media where alcohol marketing is allowed, content restrictions that address all attractive elements to young people are recommended.
6. To avoid ambiguous restrictions that are open to interpretation, content restrictions should address are allowed to be used in alcohol advertisements instead of what is not permitted. An example is the French Loi Evin which only allows only alcohol advertisements with product information.
7. Alcohol marketing regulations should be supported by a strong supporting system that guarantees effective implementation, evaluation and adherence of the evaluation process:
  - a) For the implementation of alcohol marketing regulations it is important that there are no conflicting regulations on the supra-national or national level and a legal backstop to support the enforcement of the restrictions.
  - b) The evaluation process of alcohol marketing regulations will be improved by an adjudication committee independent from economic interests from the sale of alcohol or advertisements.
  - c) The adherence to alcohol marketing regulations should be monitored regularly by the government or a board independent from economic interests of the sale of alcohol or advertisements. A mandatory pre-screening system, and a transparent complaint system and substantial financial penalties will increase the adherence to alcohol marketing regulations.
8. Since it is in the interest of public health, but not in the interest of the alcohol and advertising sector to restrict the volume of alcohol advertising substantially, alcohol marketing regulations embedded by law are necessary to protect vulnerable groups towards harmful exposure to alcohol marketing.
9. Due to the global alcohol marketing activities, harmonization of alcohol marketing regulations at the European level is desired. This will decrease the possibilities of alcohol advertisers to reach young people by international channels.

Appendix 1: EASA Summary Overview of SRO features in each MS (Wilks et al 2009)

**EASA Charter Commitment Summary 2009**

This summary sheet offers a simplified overview of national self-regulatory bodies' implementation of the commitments set out in EASA's 2004 Self-Regulatory Charter. It should be read with the understanding that it does not fully reflect the particularities of existing effective SR systems in the EU, notably in Germany and Scandinavian countries.

For more detailed information on the commitments, please see the EASA publication: Advertising self-regulation in Europe - the Blue Book 5th edition (2007).

		EU 27																											
		EU 15										EU 10					EU 2												
		D																											
Self-regulatory feature		A	B	DK	FIN	F	DW	WBZ	GR	IRL	I	L	NL	P	E	S	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SK	SL	BG	RO
Self-regulatory body		✓	✓	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	→	✓
Code		✓	✓	✓	✓	✓	n/a	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	✓	✓	X	✓	✓	✓	✓	✓
Copy advice		✓	✓	X	✓	✓	✓	✓	✓	✓	X	→	✓	✓	X	✓	✓	X	✓	X	✓	X	✓	X	✓	✓	✓	X	→
Own-initiative monitoring		→	X	X	X	✓	✓	X	✓	✓	X	X	✓	✓	X	→	✓	→	X	X	✓	X	X	X	✓	✓	X	X	X
Free handling of consumer complaints		✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	→	✓
Online complaints facility		✓	✓	X	X	✓	→	✓	✓	✓	→	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	→	X	✓
Publication of decisions		✓	✓	X	✓	✓	n/a	✓	✓	✓	→	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	X	→
Appeals procedure		✓	✓	X	✓	✓	n/a	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	X	✓	X	X
Stakeholder involvement*		✓	✓	2	2	✓	→	n/a	✓	✓	✓	X	✓	✓	✓	2	✓	✓	✓	X	✓	X	✓	X	✓	✓	✓	✓	✓
Promotional activity		✓	✓	X	✓	✓	✓	X	✓	✓	→	✓	✓	✓	✓	✓	✓	→	→	X	✓	X	✓	X	✓	✓	✓	X	→
Website		✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	→	✓
Remit includes DMCs		✓	→	X	X	→	X	X	→	✓	✓	X	✓	→	→	→	→	X	→	X	→	X	X	X	→	→	X	X	→
*Stakeholder involvement:																													
a) Broad consultation in code drafting		→	✓	2	2	✓	→	n/a	✓	✓	→	X	✓	✓	✓	2	✓	✓	X	X	✓	X	✓	X	✓	✓	→	✓	✓
b) Independent element in jury		✓	✓	X	✓	✓	X	n/a	✓	✓	✓	X	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	X	✓

**Key:** ✓ In place  
 → In development / Partially in place  
 X Not in place  
 1 Aspects of advertising self-regulation are in place in Denmark for sectors but there is no general dedicated SRO  
 2 In Scandinavian countries the ICC Code (on which there is no broad consultation) is directly translated and applied  
 n/a Not applicable - the SRO applies anti-competition law

**DW** Deutscher Werberat - deals with matters of taste and decency  
**WBZ** Wettbewerbszentrale - applies unfair competition law



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