

Background Document for the  
DEEP SEAS / FAR SEAS Thematic Capacity Building Workshop 1:

*Alcohol Advertising and Sponsorship in Traditional and Digital Media*



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Background Document for the  
DEEP SEAS / FAR SEAS Thematic Capacity Building Workshop 1<sup>i</sup>  
*Alcohol Advertising and Sponsorship in Traditional and Digital Media*

## Executive summary

### Background to the workshop

#### Introduction

Europe has the highest level of alcohol consumption and alcohol-related harm in the world, including alcohol-attributable cancer<sup>1</sup>; and there is a growing awareness of the significant role that alcohol plays in the European burden of disease, premature mortality, costs of healthcare and human suffering (including cardiovascular diseases<sup>2</sup>, communicable diseases<sup>34</sup>; and mental health disorders, including depression<sup>5</sup>), even in moderate amounts.

Alcohol diminishes personal security and impairs human capital, achievement and productivity<sup>6</sup>; and also impacts on the social environment, increasing criminality and violence.<sup>78</sup> A recent economic study in a high income country has estimated the costs of alcohol to be higher than those of all illicit drugs combined and similar to the costs of tobacco.<sup>9</sup>

At the same time, spending on alcohol advertising, through a multitude of channels both off- and online, is a major expenditure of the alcohol industry, because it promotes alcohol consumption<sup>10 11 12</sup> and increases sales. Unfortunately, this promotion of alcohol products also contributes to the unnecessarily high level of alcohol-related harm and cancer in the European Union.

#### Capacity building tasks in the DEEP SEAS and FAR SEAS Contracts

[DEEP SEAS](#) and [FAR SEAS](#) are tendered service contract awarded by the European Commission to a coordinated group of institutions lead by the CLÍNICA Foundation for Biomedical Research (FCRB, Barcelona). DEEP SEAS is foreseen to continue and extend the work undertaken by RARHA (Joint Action – Reducing Alcohol Related Harm), and counts on the support of the international scientists, organisations and Member States representatives who

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<sup>i</sup> This background paper has been prepared under the DEEP SEAS and FAR SEAS service contracts ([www.deep-seas.eu](http://www.deep-seas.eu), Contract No. 20177113/ [www.far-seas.eu](http://www.far-seas.eu), Contract No. 20187106) with the Consumers, Health, Agriculture and Food Executive Agency (Chafea), acting under the mandate from the European Commission (DG Santé). The information and views set out in this report are those of the author(s) and do not necessarily reflect the official opinion of the Commission/Chafea. The Commission/Chafea do not guarantee the accuracy of the data included in this study. Neither the Commission/Chafea nor any person acting on the Commission's/Chafea's behalf may be held responsible for the use which may be made of the information contained therein. The scientific reviews and writing of the papers has been undertaken by Wim van Dalen, from European Centre for Monitoring Alcohol Marketing (EUCAM), with Hanneke Hendriks and Giulia Ferrarese, from the Amsterdam School of Communication Research. Scientific and stylistic revisions and the executive summary has been written by Fleur Braddick, from the Clínica Foundation for Biomedical Research (FCRB), on behalf of the DEEP SEAS and FAR SEAS coordinators. The EC review has been carried out by Ana Sarasa-Redeno of the EC Joint Research Council (JRC). Independent peer-review of the papers has been carried out by Gerard Hastings, Sterling University (for the work on traditional and online media) and Emmi Kauppila, University of Helsinki (for the work on online media).

were involved in the Joint Action, as well as extending the geographical scope of this group. FAR SEAS focuses attention on the prevention of fetal alcohol spectrum disorders.

Among other tasks, **DEEP SEAS and FAR SEAS** aim to support European Member States in knowledge gathering, sharing best practice and capacity building for evidence-based alcohol policy and harm-reduction across multiple sectors, in adopting a **health in all policies approach**. For this end, with the support of hosts in selected EU member states, and within the frame of the prevention strand of the [EU beating cancer plan](#), topic experts have developed these evidence-based briefing documents to support a series of 5 multi-sectoral thematic workshops for knowledge exchange and capacity building, throughout 2020-2021:

- **WS1 – Alcohol Advertising and Sponsorship in Traditional and Digital Media** – regulating to reduce harm (Host: Charles University / Bureau of CZ Government, Czech Republic) – December 2020, online:
- **WS2 – Alcohol and its relation to Socioeconomic Inequalities, Nutrition & Obesity and Cancer** (Host: SICAD, Portugal)– February/March 2021 (date and format TBC)
- **WS3 – Alcohol Taxation, Pricing and Cross-Border Policy** (Hosts: NTAKK / LT Drugs, Tobacco and Alcohol Control Department, Lithuania) – May/June 2021 (date and format TBC)
- **WS4 – Alcohol Agricultural Policy to Protect Health** (Host: NIJZ, Slovenia) – October/November 2021(date and format TBC)
- **WS5 – Assessing National Prevalence of FASD** (Host: PARPA, Poland) – February/March 2022 (date and format TBC)

### [Workshop 1 - Alcohol Advertising and Sponsorship in Traditional and Digital Media<sup>ii</sup>](#)

The first event in the series comprises a series of 4 online sessions with up to 50 active invited participants (and a number of ‘observers’ who learn from the discussions), which address 4 key sub-topics relating to alcohol marketing both online and offline:

- Wednesday 9th December – Regulating traditional media – television, print, sponsorship
- Monday 14th December – Warning messages and consumer information to counter harm
- Wednesday 16th December – Tackling online media promotion of alcohol
- Monday 21st December – Regulating low-strength alcohol product marketing – closing loopholes

Actors from different policy areas (e.g. health, education, technology, culture), with shared concerns or overlaps, will share experiences and tackle specific questions and challenges which are key to regulating alcohol marketing both online and offline. The idea is to facilitate clear communication and exchange of perspectives and priorities and to establish sustainable connections which can endure after the events to enhance and promote health in all policy initiatives. The long-term goal is to support EU Member States in applying European directives, developing viable policy options and implementing comprehensive action plans for regulating alcohol marketing, which promote health and reduce alcohol-related harm including alcohol-attributable cancer. This background document aims to brief the participants on key issues in these topics.

### [Process to develop this briefing document - literature reviews and mapping exercises](#)

The scientific findings and evidence summarised in this document have been synthesised from two rigorous literature review processes (described in the detailed sections below), undertaken by a high-level topic expert in this field (Ir. Wim van Dalen) and peer-reviewed by expert reviewers, independent to the DEEP SEAS and FAR SEAS contracts. The policy examples used to illustrate the messages and recommendations have been identified through a grey literature search by the topic expert and through a multi-stakeholder mapping process, the DEEP SEAS Mapping Exercise, which is carried out through an online questionnaire disseminated through a targeted strategy to relevant policy actors and other policy stakeholders. This is also a source of grey literature and

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<sup>ii</sup> The workshop is co-hosted and supported technically by the the Department of Addictology, First Faculty of Medicine, of Charles University in Prague, and the Office of the Government of the Czech Republic.

country-level information for the background documents, as well as contributing to the agendas, discussions and proposed participants lists of the thematic capacity building workshops.

## Introduction to the topics of the workshop

Until around 2008, regulations on traditional alcohol advertising in the European Union were primarily aimed at limiting alcohol advertising through media such as television, billboards, in films, etc. Most of these regulations were relatively effective; although there were and still are weak points such as the regulation of alcohol brand sponsorship of cultural and sports events.

The regulation that the European Union has laid down in its legislation with regard to alcohol marketing is part of broader European legislation in the field of communication, which was formerly the regulation 'Television without Frontiers'. The Audio-Visual Media Services Directive (AVMSD), first brought into force in 2010, governs EU-wide coordination of national legislation on all audio-visual media, both traditional TV broadcasts and on-demand services. Formally, this European regulation has been designed in such a way that it leads to a minimal level of harmonization of the regulations of member states with the aim, inter alia, that cross-border transmissions would not contravene national regulations.

However, as the EC recognises: "The media landscape has shifted dramatically in less than a decade. Instead of sitting in front of the family TV, millions of Europeans, especially young people, watch content online, on demand and on different mobile devices."<sup>13</sup> As a result, the AVMSD was revised between 2016-2018, to address not only traditional media, but also online media sources, such as websites, social networking sites, social media, video-sharing platforms and user-generated content.

At the same time, the rise of alcohol advertising via the internet and digital media has multiplied dramatically; and its adverse influence on alcohol consumption, especially of young and vulnerable populations, has led many policymakers to review the scope and impact of existing regulations. Many countries in Europe are developing legislation that starts to touch on the digital sphere or are looking into adopting targeted legislation addressed at these digital phenomena.

Although effective policy action to tackle the potential harms generated by alcohol advertising and promotion should necessarily take a comprehensive and global approach, considering both traditional and new media channels; key messages in each of these spheres have been identified in the DEEP SEAS and FAR SEAS review and mapping work, as well as challenges common to all types of media and points of overlap across multiple policy sectors (for summaries of these cross-sector overlaps, please see the relevant sections of each background document).

### Key messages on the regulation of alcohol marketing and advertising (both traditional and digital media)

The scientific briefing documents highlight a number of key messages which are relevant to the regulation of alcohol advertising through any media channel:

- Decades of scientific evidence indicate that **increased exposure to alcohol marketing across all types of media increases consumption of alcohol, leading to higher levels of alcohol related harm (ARH).**
- **Alcohol advertising regulations are extremely variable in the EU**, although underpinned by the minimum requirements of the Audio-Visual Media Services Directive (AVMSD).
- **Self-regulation** by the alcohol industry and affiliated bodies is mainly concerned with the content and channels of alcohol adverts, and **has been widely found in scientific studies to be ineffective** in reducing drinking, alcohol-related harm (ARH) or underage drinking. Similarly, co-regulation, combining statutory regulation and self-regulation, has not been found to be effective in limiting exposure of children to adverts, curbing underage drinking or reducing ARH.



- When properly enforced, **alcohol marketing restrictions are a cost-effective strategy for reducing alcohol-related harm (ARH)**, and for this reason banning alcohol advertising is one of the WHO ‘best buys’ for alcohol policy.<sup>14</sup>
- **Effective regulation has to be coherent and comprehensive** - applied and enforced across multiple media channels (including traditional print and broadcasting media, view on demand and other online media).
- Mandatory **warning messages accompanying alcohol information**, if carefully developed and displayed on rotation to avoid habituation, are a valid policy regulatory tool, which could raise public health awareness and alcohol health literacy and result in societal and industry behaviour change and improved population health.
- **Lower, low- and non-alcohol products** -There is some evidence that encouraging drinkers to switch to lower alcohol products could result in broad societal public health gains.<sup>15 16</sup> Specifically, unpublicised *reformulation* to lower the alcohol content of existing products shows more promising results than offering new low- or non-alcohol products. Regarding the latter, the regulation of non-alcohol products presents challenges in terms of a) dissociating brand visual identity for alcohol and low-/non-alcohol products; and, b) prohibiting promotion to minors, to prevent ‘gateway’ use.
- **Toolkits and guidance** have been developed by the EC JRC, WHO and Nordic Council, to support Member States with a range of policy landscapes in implementing more effective regulation on alcohol advertising, to reduce alcohol-related harm.

#### Key messages on regulation of alcohol marketing through *traditional* media

- Adverts, product placement and depictions of drinking all seem to exert an influence through many different media channels; but **the strongest associations have been found for television, movies, sponsorship and branded merchandise**, indicating a need to especially tighten regulations in these areas.
- The current **special status of wine** in some EU countries with regards to promotion and advertising needs to be re-examined and brought in line with health priorities.

#### Key messages on regulation of alcohol marketing through *digital* media

- **Digital media, and particularly social networking sites (SNS), are the perfect environments for marketing companies** to invest in since they can be used to track real needs and interests of users who are potential consumers, or even co-opt consumers and influencers as part of the marketing team. In addition, digital media content can now be *targeted* to an individual level, based on users’ preferences and tastes; and delivered to the target through a number of different devices, such as a tablet, phone or computer. The update review carried out for FAR SEAS affirms the association between exposure to digital marketing and drinking outcomes.
- Moreover, even though regulations exist in regard to the way alcohol can be promoted through traditional media and sponsorship, **only a few countries have adopted new measures to be applied to digital media, and there is a notable lack of legal guidelines on advertising through influencers on social media.**
- **Social Networking Sites (SNS) and, in particular, video sharing platforms** have been found to result in the highest awareness of alcohol advertising, which is an established predictor for the impact marketing on consumption and drinking behaviours.
- **User-generated content** in particular poses challenges to the regulatory frameworks, in order to enforce restrictions on alcohol promotion whilst ensuring that the democratic principle of freedom of expression is reasonably protected.

## Agenda of the workshop

### Session 1 – Wednesday 9th December – Regulating traditional media – TV, print & sponsorship

14:00	Start of the session, welcome and Introduction: Toni Gual (chair) / EC & Czech hosts <ul style="list-style-type: none"> <li>- Welcome by the Deputy Health Minister of the Czech Republic</li> <li>- Frame of EU Beating Cancer Plan (DG SANTE)</li> <li>- Audio-Visual Media Services Directive (AVMSD) (DG CNECT)</li> <li>- JRC Marketing Codes of Conduct Toolkit (JRC)</li> </ul>
14:30	Evidence update - <b>Key messages from science on regulation of alcohol advertising in traditional media</b> – Wim van Dalen (EUCAM) & Gerard Hastings (Stirling, UK)
14:45	Country/EU multi-stakeholder experiences – <b>France, Estonia, FYFA Project (EU)</b>
15:10	Summary by sub-topic expert + Breakout discussions – <i>How can MS be supported to ban alcohol advertising to protect young people, given that self-regulation has been found ineffective? (3 top priorities)</i>
15:50	Feedback to whole group + Wrap up by hosts and session-topic experts
16:40	Close of Session 1

### Session 2 – Monday 14th December – Warning messages and consumer information to counter harm

14:00	Start of the session, welcome back and Introduction: Toni Gual (chair) / EC & Czech hosts <ul style="list-style-type: none"> <li>- Welcome by the Czech National Drug Coordinator</li> <li>- Raising awareness of cancer (EU Cancer Plan – DG SANTE)</li> <li>- Warning messages in the AVMSD (DG CNECT) and JRC Marketing Codes of Conduct Toolkit (JRC)</li> </ul>
14:30	Evidence update - Sub-topic 2: <b>Mandating health information and warning messages</b> – Eva Jané-Llopis (ESADE, ES) & Mariann Skar / Sandra Tricas-Sauras (Eurocare)
14:45	Country/European multi-stakeholder experiences – <b>Ireland, Czech Republic, Slovenia</b>
15:10	Summary by sub-topic expert + Breakout discussions – <i>How can we gather support for accurate and effective warning messages across different governmental sectors? How can messages be tailored to MS?</i>
15:50	Feedback to whole group + Wrap up by hosts and session-topic experts
16:40	Close of Session 2

### Session 3 – Wednesday 16th December – Tackling online media promotion of alcohol

14:00	Start of the session, welcome back and Introduction: Toni Gual (chair) / EC & Czech hosts <ul style="list-style-type: none"> <li>- Frame of EU Beating Cancer Plan (DG SANTE)</li> <li>- Online aspects of the AVMSD (DG CNECT) and JRC Marketing Codes of Conduct Toolkit (JRC)</li> <li>- Welcome by the vice-Dean of Charles University, Prague</li> </ul>
14:30	Evidence update - Sub-topic 2: <b>Impact and regulation of online marketing</b> – Nathan Critchlow (Stirling, UK) & Hanneke Hendriks (STAP, NL)
14:45	Country/European multi-stakeholder experiences – <b>Finland, Czech Republic, Lithuania</b>
15:10	Summary by sub-topic expert + Breakout discussions – <i>Which are the key policy tools needed to overcome challenges in regulating online alcohol marketing? How can member states support each other in this?</i>
15:50	Feedback to whole group + Wrap up by hosts and session-topic experts
16:40	Close of Session 3

### Session 4 – Mon 21st December – Regulating low-strength alcohol product marketing – closing loopholes

14:00	Start of the session, welcome back and Introduction: Toni Gual (chair) / EC & Czech hosts <ul style="list-style-type: none"> <li>- Frame of EU Beating Cancer Plan (DG SANTE)</li> <li>- Drinking levels and cancer (Jürgen Rehm)</li> </ul>
14:30	Evidence update - Sub-topic 4: <b>Science to support policy on low-strength and non-alcoholic product marketing</b> – Peter Anderson (Maastricht, NL) & Carmen Voogt (Trimbos, NL)
14:45	Country/European multi-stakeholder experiences – <b>Norway, Belgium, EPHA (EU)</b>
15:10	Summary by sub-topic expert + Breakout discussions – <i>How can we promote the switch to low- and no-alcohol alternatives, whilst strengthening regulation of alcohol marketing? – 5 Key points for coherent policy.</i>
15:50	Feedback to whole group + Wrap up by hosts and session-topic experts
16:40	Close of Session 4

## Executive Summary - References

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# Topic 1: Marketing and advertising, including existing (voluntary) codes on alcohol marketing/advertising in the EU Member States

Based on the scientific review

## *Regulation of alcohol marketing in the European Union as a tool for effective alcohol policy<sup>1</sup>*

Lead Author: W.E. van Dalen, European Centre for Monitoring Alcohol Marketing



## Background

### **Alcohol consumption and mortality in Europe**

Although the differences in alcohol consumption across European countries are considerable (with less alcohol consumed in the North and South of Europe than in countries in the central region<sup>2</sup>), the region has the highest alcohol consumption in the world, with an average of 11.3 litres of pure alcohol consumed per capita by adults (15+).<sup>3</sup> It is therefore not surprising that the European alcoholic beverage industry is one of the largest in the world.<sup>4</sup>

According to the WHO, 10% of all deaths in the WHO EURO Region in 2016 were due to alcohol consumption. In the age group 15-19 years 19% died as a result of alcohol consumption and in the age group 20-41 years 23.3%. It is noteworthy that, despite various policy efforts, alcohol consumption in Europe did not decrease between 2010 and 2016, although there are differences between countries.<sup>5</sup> One of the factors that explicitly played a role in positive developments lagging behind is the impact of alcohol marketing.

### **Alcohol advertising is the artery of the alcohol industry**

Alcohol is one of the most "marketed" products in the world<sup>6</sup>. Recent estimates assume an annual worldwide budget for alcohol advertising of more than 1.1 trillion Euros.<sup>2</sup> A study from the USA showed that alcohol advertising media expenditures for all alcohol beverages increased by almost 400% between 1972 and 2012<sup>7</sup>. The two annual sales of the largest alcohol beverages companies range from \$ 9.4 billion in Denmark to \$ 56.4 billion in Belgium<sup>8</sup>. In Sweden, between the years 2000 and 2014, alcohol advertising expenditure increased by over a thousand percent, from 0,77 million Euros to 132 million Euros.<sup>9</sup> Based on the size of marketing spending, it is clear that alcohol advertising is of vital importance to the alcohol industry. A number of studies have mapped the arguments used by the industry to shield this practice from statutory regulation.<sup>10</sup>

The alcohol industry claims not to target youth and only advertise to compete with rival brands for increased market share<sup>11</sup>. One way the alcohol industry downplays the impact of alcohol marketing and aims to negate a need to limit advertising activity, is to argue that young people's drinking is influenced by a complex number of interacting factors including role models among family, peers and media, cultural norms and government policies. Therefore, it is argued, rather than banning advertising, which has proven successful in many countries for tobacco, a complex range of solutions and the involvement of different stakeholders are needed to reduce the potential risk for harm<sup>12</sup>.

It is clear that alcohol advertising and sponsorship causally promotes consumption across the lifespan,<sup>13</sup> and is therefore of vital importance to raising alcohol industry profits, which is why the industry strongly opposes effective legal restrictions and instead advocates for self-regulation measures that many studies have found to be ineffective, also in protecting young people.<sup>14</sup> The alcohol industry is involved in actively lobbying

against statutory regulation in many countries, both Ireland (opposing new regulation) and France (watering down the existing Loi Evin<sup>15</sup>) being key examples.

### **Alcohol advertising is versatile, targeted and innovative**

The way in which the use of alcohol is promoted by alcohol producers and alcohol sellers is very versatile, summarized as the “four Ps”<sup>i</sup>. The Institute for Alcohol Studies describes how each of the 4Ps can be successfully used to influence drinking behavior.<sup>2</sup> Esser and Jernigan emphasize the fact that, globally, the alcohol industry is now (successfully) focusing its marketing efforts specifically on groups that typically have higher rates of alcohol abstention, including women and young people<sup>14</sup>. In addition to increased online marketing activity (addressed in detail by the FAR SEAS contract in the latter part of this briefing document), online alcohol *ordering* and home delivery are increasingly being promoted (in particular in recent times with the widespread lockdowns as a result of the COVID-19 pandemic<sup>16</sup>).

### **The European Union AVMSD**

The Audio-visual Media Services Directive (AVMSD)<sup>17</sup> has been designed as a minimum harmonization Directive with regard to alcohol advertising, and includes an article allowing EU member states to adopt stricter regulation in the field of alcohol advertising. However, the Directive also includes country-of-origin rules, enabling television providers to circumvent national legislation by establishing themselves in another country.

The revised regulations of the AVMSD are exclusively about the content of advertising messages and are not aimed at reducing the overall amount (volume) of advertising messages. An important purpose of the rules on alcohol advertising contained in the AVMSD is to prevent the content of alcohol advertising from specifically targeting minors. However, studies have shown that many advertisements that are not specifically aimed at young people, for example advertising with humour and images of young men and women, can still be very appealing to young people.<sup>18</sup>

The latter limits the practical effect of the article allowing Member States to adopt stricter rules. In contrast to alcohol and food marketing, the AVMSD prohibits all forms of tobacco advertising; but has no rules for limiting advertising of gambling. The AVMSD applies to media such as TV, radio and online advertising but not to sponsorship, cinema advertising, billboard advertising, retail at point of sale and price promotions. In other words: the AVMSD is only involved in a limited part of the extensive advertising practice of alcohol producers. A growing number of countries have decided to maintain or adopt legislation that is more encompassing than that imposed at the EU-level.

The AVMSD was adjusted in 2018 to go beyond traditional media such as television and cover more modern online audio-visual media providers such as YouTube and Netflix. Member States were encouraged to have transposed the revised AVMSD into their own national legislation by September 19, 2020 at the latest. The Commission’s Joint Research Council (JRC) have developed a toolkit and guidance to support Member States developing codes of conduct in the context of the transposition of the revised AVMSD and beyond.<sup>19</sup>

### **Some comments on the revised AVMSD**

#### *Circumventing regulation using the “Country of Origin” Principle*

Advertising creators who feel restricted by national regulations can still choose to advertise their messages from broadcasters based in countries with less restrictive rules. For example, alcohol advertisements aimed at a Swedish audience are broadcasted from England to Sweden on several TV-channels. The Swedish government has issued a formal complaint about this in line with the process envisaged in the AVMSD, but the complaint was rejected by the European Commission on the grounds that Sweden did not manage to prove that national rules had been circumvented<sup>20</sup>(43).

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<sup>i</sup> The 4 Ps: Product (flavor and packaging), Price (incl. price promotions), Place (advertising at sales locations) and Promotion (advertising via radio, TV, internet, sports events, music festivals and product placements in films and TV Shows).

### *Increase in the volume of advertising to youth*

The previous version of the AVMSD stipulated that a maximum of 12 minutes of TV advertising could be broadcast per hour at any time of day. The revised AVMSD gives advertisers considerably more flexibility: the same 20% limit applies but this is now an average limit between 6:00 AM and 6:00 PM, and again from 6:00 PM to midnight. So, provided this average is not exceeded, broadcasters and advertisers can exceed the 20% limit in any particular hour. The consequence of these more flexible rules is that young people can be exposed to more advertising, and, consequently, more alcohol advertising.

### **European Commission attention to regulation of alcohol marketing**

At the end of 2006, the Commission launched its Communication on alcohol, a strategy to support Member States in reducing alcohol related harm.<sup>21</sup> The Commission also funded two Europe-wide projects:

- the ELSA project (2005-2007)<sup>ii</sup>, which aimed, among other things, to test the EU alcohol strategy, and found that, a) alcohol advertising in Europe is attractive to young people, b) that little research has been done into the adherence of existing regulations and c) that the regulations regarding alcohol advertising in Europe are very diverse;
- the FASE project (2007-2010)<sup>iii</sup>, which prepared a scientific analysis of effective marketing regulations, indicated, among other things, that the legal limitation of the volume of alcohol marketing is essential to protect young people and that advertising that is difficult to monitor should be banned (such as advertising on the internet). It also emphasised the need to avoid ambiguous restrictions that are open to interpretation, and, instead, recommended following the example of the Loi Evin<sup>22</sup>, which stipulates on what *is* allowed to be said or shown in alcohol advertisements *instead of what is not permitted*.

In 2009, the Commission initiated the discussion on improving the regulation of alcohol advertising by setting up the Science Committee of the European Alcohol and Health Forum (AHF). Although the scientists and public health NGOs would later withdraw from the AHF in protest at industry manipulation, the Science Committee concluded in 2009 that "alcohol marketing increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol".<sup>23</sup> This helped build a consensus around the idea that the regulation of alcohol advertising helps to reduce harmful alcohol consumption. This conclusion was confirmed by the third European project, the AMMIE project<sup>iv</sup> which monitored the existing commercial communication practices; and discovered a range of shortcomings of the self-regulation system in the 5 participating countries. The conclusion of AMMIE is that the most protective measure would be a comprehensive EU-wide ban on alcohol advertising.<sup>18</sup>

In 2015, the European Commission published the results of the study on the exposure of minors to alcohol advertising on linear and non-linear audio-visual media and other online services, including a content analysis. One of the main conclusions was that the viewers from 9-17 years of age perceived a quite substantial level of exposure; perceived awareness of alcohol advertising increased with both age and online activity<sup>24</sup>.

In addition, the EU-funded AMPHORA project (2009-2012)<sup>v</sup>, which looked broadly at different alcohol policy areas and the impacts on public health, found evidence for the link between exposure to alcohol advertising and youth drinking. The project also confirmed the effectiveness of tightened advertising regulations in reducing alcohol consumption.<sup>25</sup>

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<sup>ii</sup> Enforcement of National Laws and Self-regulation on Advertising and Marketing of Alcohol (ELSA)

<sup>iii</sup> Focus on Alcohol Safe Environments (FASE)

<sup>iv</sup> AMMIE: Alcohol Marketing Monitoring in Europe

<sup>v</sup> AMPHORA (Alcohol Measures for Public Health Research Alliance)

## World Health Organization attention to regulation of alcohol marketing

### 2010: WHO Global Strategy: Limit Alcohol Advertising

The WHO Global Strategy to Reduce the Harmful Use of Alcohol (2010)<sup>26</sup> was endorsed by all 193 Member States of the WHO, and identified marketing as a key policy area that required action at the national level in order to reduce the harm caused by alcohol. The strategy emphasized the importance of limiting the influence of alcohol advertising, especially for the health of young people; and concerned the four Ps of marketing, as well as sponsorship of sports and cultural activities and advertising through new techniques. The WHO refers to both regulation of the content and volume of alcohol marketing; and recommended in 2010 that all advertisements for alcohol should preferably be regulated on a statutory basis (although also leaving room for self-regulation or co-regulation<sup>vi</sup>). Attention was also given to monitoring by independent bodies and to enforcement of violations.

### 2017: The three best buys

In 2017, the WHO published an updated version of the Global Action Plan for the Prevention and Control of Non-communicable Diseases.<sup>27</sup> Three cost-effective interventions were mentioned (the ‘three best buys’) for the reduction of alcohol problems: Increase the relative price of alcohol beverages (through taxation or minimum unit pricing), enact and enforce bans or comprehensive restrictions on exposure to alcohol advertising, and enact and enforce restrictions on the physical availability of retailed alcohol.

### SAFER (2018): marketing ban or comprehensive restrictions

In 2018 the WHO introduced a package of 5 proven cost-effective policy measures (SAFER) with the aim of limiting harmful alcohol consumption and negative consequences for health and society.<sup>28</sup> One area of policy measures recommended is the introduction of a ban on alcohol marketing including comprehensive restrictions on alcohol advertising, sponsorship and promotion.

### Update of the WHO in 2020

In its latest policy report: “Alcohol marketing in the WHO European Region”, the WHO reiterates the enormous need for statutory regulation of alcohol marketing: “Bans or comprehensive restrictions on alcohol advertising are one of the three most effective and cost-effective interventions to address the harmful use of alcohol and digital marketing should be included in the regulatory frameworks”.<sup>29</sup>

The report also points to the importance of systematically monitoring alcohol marketing to children through both traditional and modern marketing methods. Both the WHO<sup>30</sup> and the Nordic Council of Ministers<sup>31</sup> have developed tools to support this.

According to WHO, regulation of alcohol marketing is a matter of political will and if a complete ban on digital marketing is not feasible, partial statutory restrictions on the content of posts published online should be implemented. The WHO also stresses the importance of effective age-limits control if a complete ban is not feasible: “Member States should take a consistent stance on the obligation of marketers to accurately tag media content and ensure that inappropriate content does not reach children.

### Industry self-regulation

The alcohol industry also has its own regulations (2011)<sup>32</sup> which, formally, are mainly aimed at preventing minors from being reached and addressed by alcohol marketing. More recently (2020), the ICAP rules regarding self-regulation have been amended due to the rise of digital media, which refers, among other things, to the mandatory presence of an age verification system.<sup>33</sup>

As is detailed below, a number of studies have found self-regulation systems to be inadequate in protecting young people from exposure, as well as stemming the promotion of alcohol consumption.

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<sup>vi</sup> a combination of statutory regulation and self-regulation, as in the UK

## Methodology

### Evidence-synthesis process

The scientific findings and evidence on effective policy options to regulate alcohol advertising have been synthesised through 3 parallel processes:

- A rigorous and recent literature review, undertaken by a high-level topic expert in this field – the DEEP SEAS review;
- A grey literature review undertaken to map existing Member States' policy action documented by European institutions, and policy recommendations for Europe, to complement the scientific evidence review;
- A consultation of policy stakeholders in the field through online questionnaires – the DEEP SEAS mapping exercise survey and call for expressions of interest from relevant policy actors.

### The DEEP SEAS Review

The aim of this review was to update the evidence and provide a much-needed overview of all studies on the relationship between alcohol advertisements through traditional media and alcohol consumption, thereby providing input for potentially effective policy measures.

The review built on the existing body of evidence and systematic reviews on alcohol advertising through traditional media channels, and supplemented these with a new search for primary studies that investigated the relationship between exposure to alcohol marketing through traditional media channels and drinking behaviour. More specifically, the channels selected for inclusion were television (including product placement), magazines, sponsoring (of sporting and cultural events) and in-store promotions. Cross-sectional, longitudinal, experimental and qualitative studies were included.

*Search strategy<sup>vii</sup>*: Several databases were used as to collect articles, respectively: PubMed, Taylor & Francis Online, Jstor, Web of Science and Science Direct. Only studies from 2000 on were eligible for inclusion. Sixty-eight studies were selected for inclusion based on publication date (2000-2019), media type (traditional media only), and relevant variables and relationships (i.e., the independent variable had to be alcohol marketing/alcohol commercial/alcohol advertising/alcohol sponsoring, and the dependent variable had to be drinking behaviour/alcohol use). Thirty-nine articles were finally retained for the study after eliminating duplicates.

### Grey literature review to map existing Member States' policy action and recommendations

The following reports and website gave a recent overview of the current regulations regarding alcohol marketing in Europe.

1. Alcohol marketing in the WHO European Region; update report on the evidence and recommended policy action; WHO, Regional Office for Europe 2020.
2. Promoting Good health from childhood; Reducing the impact of alcohol marketing on children; Alcohol Focus Scotland 2017.
3. The website of the European Center for Monitoring Alcohol Marketing ([www.EUCAM.info](http://www.EUCAM.info)).

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<sup>vii</sup>The search string slightly varied according to the database but overall the terms were the following: alcohol ad\* OR alcohol sponsor\* OR alcohol market\* OR alcohol message\* OR alcohol commercial\* OR alcohol-related sponsor\* OR alcohol-related ad\* OR alcohol-related commercial\* OR alcohol-related message\* OR alcohol-related market exposure to alcohol advertising OR alcohol marketing OR traditional media alcohol marketing OR beer ad\* OR alcohol ad\* OR beer commercial OR wine commercial OR spirit ad\* OR spirit sponsor OR spirit commercial OR wine commercial OR wine ad\* OR wine sponsor OR alcohol marketing in movies OR alcohol marketing on television OR alcohol marketing in movies OR wine OR beer OR spirits AND traditional media OR television OR radio OR magazine OR outdoor OR campaign AND exposure to alcohol marketing OR alcohol advertising OR traditional media alcohol marketing.



4. L.M. Nijkamp, L. van Leeuwen (2017); Alcohol marketing and restrictive measures; a quick scan of scientific literature and statutory regulation in the Netherlands and Europe. Trimbos-Institute, Utrecht, The Netherlands (only in Dutch).

The grey literature review to map policy advice includes recommendations derived from three World Health Organization reports on alcohol marketing<sup>29, 3,34</sup>, the factsheet Marketing and Alcohol from the Institute for Alcohol Studies<sup>2</sup>, the special issue on alcohol marketing of the magazine Addictions<sup>35</sup> and information about the current alcohol marketing regulations on the EUCAM website.

### The DEEP SEAS mapping exercise

Further policy examples used to illustrate the messages and recommendations have been identified through a multi-stakeholder mapping process, which is carried out through an online questionnaire disseminated through a targeted strategy to relevant policy actors and other policy stakeholders. The DEEP SEAS Action in Alcohol Topics Mapping Exercise Survey was designed in collaboration with the experts in each topic to gather information on the alcohol policy topics; including stakeholder input on key actors, specific policy issues, sectors involved and examples of national policy and practice. This information along with that gathered through a similar survey developed to call for expressions of interest in the workshops, also contribute to the agendas, discussions and proposed participants lists of the thematic capacity building workshops.

## Scientific review on alcohol advertising in traditional media

### New studies identified

A total of 39 studies published after 2000 were included in the review of new papers. The media reported on are: television, magazines, billboards, sponsorship, and in-store promotions.

The sample sizes of studies ranged from 31 participants in a focus group study, to 70,922 in a longitudinal study, with a total of 156,939 respondents in all (both males and females, although one study looked at male university students only<sup>36</sup>). The age of participants varied between 10 and 51 years old, with the majority being between 12 and 25 years old. Most studies included school children and university students whose behaviour ranged from never drinking to binge drinking.

Variables and media types: the independent variable was exposure to alcohol advertisements, alcohol portrayals, and alcohol sponsorships and the dependent variable was participant's drinking behaviour, also described as alcohol use or consumption. Several studies reported the age of initiation and the number of drinks per occasion, including binge drinking.

### Findings of the literature review

#### The scale of the problem

Consumers are exposed to approximately 4000 advertisements per day<sup>37</sup>, mostly through social media and traditional media channels, including television, radio, outdoor campaigns, sport events, popular music concerts, product placement in movies and TV shows, and in supermarkets.

#### Resistance from the alcohol industry

As already indicated, there is considerable opposition from the alcohol industry, and also from the advertising industry, to statutory regulation of alcohol advertising. Bans on alcohol advertising would have adverse effects on alcohol industry and on media and advertising providers. The industry's formal stance is that there is no evidence of a causal relationship between advertising and the level of consumption and the amount of alcohol-related harm.<sup>2</sup>

## Influence of alcohol advertising on the drinking behaviour of young people and other vulnerable groups

There has been compelling evidence for many years that exposure to alcohol advertising affects young people's knowledge, attitudes and behaviour.<sup>538</sup> In 2016, the first European longitudinal study was conducted in 4 European countries (Germany, Italy, Netherlands and Poland), establishing the significant relationship between alcohol advertising and drinking behaviour of adolescents.<sup>39</sup>

Other non-European studies confirm this connection: In the special issue on alcohol marketing in *Addiction*<sup>40</sup>, Jernigan and his colleagues provide a summary of 12 recent studies on the influence of alcohol advertising among more than 35,000 young people under the age of 18. All 12 studies confirmed a significant association between alcohol advertising and drinking behavior.<sup>40</sup> Some studies indicate that advertising causes young people to drink at a younger age, and other studies show a link between advertising and binge drinking<sup>viii</sup>. A study by Anderson et al. shows the importance of the impact of the amount of alcohol advertising: "Young people with greater exposure are likely to increase their alcohol use as they age into their mid-twenties, whereas young people with less exposure are likely to reduce their drinking sooner".<sup>41</sup> A study from the UK on exposure to television alcohol advertising indicated that 10-15-year-olds in the UK were significantly more exposed to alcohol advertisements per viewing hour than adults (25 years and older)<sup>42</sup>. In addition to studies determining the effect of exposure to alcohol advertising, there is also evidence that certain types of content have a stronger impact than other. For example, an American study shows that children and teenagers respond particularly positively to TV advertisements featuring animals, humour, music and celebrities.<sup>43</sup> This means that effective regulation of alcohol advertising must be based on a demonstrable reduction in the amount of alcohol advertising and the use of content that is less appealing to children, in the advertising that still remains.

### The DEEP SEAS study of new papers

The 39 new studies showed, among other things, that young people between the ages of 10 and 19 are significantly more exposed to alcohol advertising than adults. Several studies explicitly confirm the link between exposure to alcohol advertising and increases in alcohol consumption. White and colleagues, for example, found that being exposed to alcohol advertisements increased the likelihood of drinking in the past month by 10% and the likelihood of engaging in risky drinking in the past week by 16%.<sup>44</sup> The impact of alcohol advertising on behaviour varies depending the gender and age of the viewer. It has been found that males are more exposed to traditional forms of alcohol advertising than females, and age also plays a role: the older an individual is, the more intensive the exposure; although there is some evidence that the youngest age groups seem to be more *influenced* by the adverts they see, at least in broader studies of marketing.<sup>45</sup>

Alcohol marketing via television has been the most studied, followed by advertising via films. To a lesser extent, research has been conducted into alcohol advertising via billboards and in-store promotion. Most studies focus on the effect of the amount of advertising on the drinking behaviour of young people. Although this 'volume research' (studying the degree of exposure), across all sectors of society, remains the most important in public health terms, it is also crucial to continue to investigate the risks of the content of advertising messages, also where it concerns other at-risk groups (such as young people, pregnant women and those in recovery from addiction problems), in particular using participatory research methods with the groups themselves. What is clear is that in translating this evidence into policy, regulations which stipulate exactly what factual information can be mentioned in marketing (such as the previous *Loi Evrin* in France), and do not enter into negotiations about what is depicted by what content, are less open to manipulation and side-stepping by the highly creative alcohol industry marketers.

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<sup>viii</sup> Binge drinking definition: The consumption on one occasion of 5 or more drinks for men and 4 or more drinks for women.

## Do the effects of alcohol adverts depend on the medium?

Among all 39 studies, several types of traditional media were encountered, respectively: television (17 studies), movies (including brand placements and alcohol portrayal – 5 studies), in-store promotions (including price reductions – 4 studies), (sports)-sponsorship (2 studies). The other 11 studies were not specifically focussed on one medium; among them they studied the impact of alcohol adverts in magazines, newspapers, outdoor campaigns (including posters and billboards), and promotions in bars and pubs.

Considering ten articles which compared impacts from TV commercials and other media, a number of them found that alcohol marketed through television was the most strongly associated with higher alcohol consumption<sup>46474849</sup>, although results were not highly robust, with some studies not finding this association<sup>5051</sup>. The studies show that alcohol advertising that reaches young people via television has the most influence out of the traditional media studied. TV shows can be viewed both instantly and on demand; so, policies limiting alcohol advertising at certain times of the day, as is the case in some countries, are only partially effective.

However, marketers work with the ‘marketing mix’ of different media available, and will also adapt to continue marketing even if one advert in one channel is strongly restricted or banned. Therefore, although TV alcohol adverts may be the most widely seen to date, the prohibition of alcohol advertising via television is likely to only result in upscale of efforts via another channel. A comprehensive ban or restrictions is the only effective way to in reducing exposure to vulnerable groups and consequent alcohol harm.

## What is the harmful effect of alcohol advertising through sponsorship?

A systematic review of seven studies (2016) exploring alcohol sports sponsorship shows a positive association between exposure to such marketing and alcohol consumption, with two of the studies reviewed showing this relationship held for schoolchildren.<sup>52</sup>

Adolescents and young adults often watch TV, attend sport and music events and are highly mobile in their cultural environments, where they can come across outdoor and indoor alcohol advertisements. This increases their exposure to alcohol advertisements, especially given the relaxed regulation of this from of advertising; and, as studies suggest, consequently increases their alcohol use.

Studies reviewed found that members of sports clubs receiving sponsorship, such as event naming, product marketing, payment of club fees, providing uniforms and travel costs, among other actions, were associated with increased odds of being classified as a hazardous drinker and scored higher on the Alcohol Use Disorders Identification Test (AUDIT) than those whose clubs do not receive sponsorship<sup>50 53 54 55</sup>

As in many other European countries, in the UK a lot of high-profile events broadcast are currently sponsored by alcohol brands. Examples from the UK are: the UEFA Champions' League, Rugby World Cup and Formula 1. Concerns have been raised about the high number of children this advertising may reach.<sup>56</sup> Formula 1 racing has been found to have the highest level of alcohol brand exposure of any sports event reported in peer reviewed literature.<sup>57</sup> During the 2014 FIFA World Cup Tournament 87 alcohol advertisements were shown in 20 matches.<sup>58</sup> It appears that violations of IARDs (International Alliance for Responsible Drinking) Guiding Principles<sup>32</sup> were highly prevalent (86.2% of all unique alcohol advertisements contained at least one violation). Research from Scotland found that alcohol sport sponsorship could involve a sophisticated range of interconnected activities that goes far beyond alcohol branding on uniforms and advertising in and around stadiums. It can also include: exclusive ‘pouring rights’ within the stadiums, limited edition products, extensive social media activity (including interactive content), competition tie-ins; and players, managers or coaches featuring in adverts.<sup>59</sup>

A recent European project on alcohol and football (FYFA<sup>60</sup>) showed that the “regulation of alcohol marketing and sponsorship within football is really reliant on industry self-regulation, with bans circumvented by the alcohol industry”. Of the 36 sport federations reviewed only 2 have banned marketing and sponsorship by the alcohol industry and 13 have no alcohol policy at all, giving alcohol marketing companies free rein to promote their products.

## Self-regulation by the industry

Alcohol producers worldwide have their own regulations on the promotion of their products. The International Alliance for Responsible Drinking (IARD), an alcohol industry-funded organization, has promoted the Guiding Principles (36), which are intended to be a model for alcohol self-regulatory codes. At the national level, producers and advertisers have laid down the most important of these rules in a system of national self-regulation. The regulations primarily concern the content of the advertising messages. Roughly speaking, this concerns three principles:

- Alcohol advertising must not contain elements that are specifically attractive to young people under the age of 18.
- Alcohol advertising may not be broadcast through media or programs with a target audience of more than 30% minors.
- Alcohol advertising must be decent and therefore aimed at promoting the responsible use of alcohol.

Recently, the rules regarding self-regulation have been amended due to the rise of digital media, which refers, among other things, to the mandatory presence of an age verification system.<sup>33</sup>

A recent comprehensive review study on the effectiveness of self-regulation shows that a significant proportion of alcohol advertising messages contain content that is attractive to young people and that young people are also disproportionately exposed to alcohol marketing.<sup>61</sup> None of the studies concluded that self-regulation was effective. The findings of this review suggest that the current self-regulatory systems that govern alcohol marketing practices are not meeting their intended goal of protecting vulnerable populations.

The UK has a co-regulation system when it comes to alcohol marketing, a combination of statutory regulation and recognized self-regulation<sup>ix</sup>([www.eucam.info](http://www.eucam.info)). A recent European report about the functioning of the self-regulation system in the UK, published by Alcohol Change UK, indicates that the current system is not working adequately.<sup>62</sup>

## Mapping of existing actions

### Types of regulation of alcohol advertising in the European Union

When properly and efficiently enforced, alcohol marketing restrictions have been shown to constitute a cost-effective strategy for reducing harmful use of alcohol, costing less than 85€ (US\$ 100) per healthy life year gained in low-income countries and less than 425€ (US\$ 500) in high-income countries.<sup>63</sup> These conclusions are confirmed in a recent review study about cost-effective interventions<sup>64</sup>

An American study found that heavy advertising by the alcohol industry in the US has such considerable influence on adolescents that its removal would lower underage drinking and binge drinking in particular. The analysis suggested that the complete elimination of alcohol advertising could reduce monthly drinking by adolescents from about 25% to about 21%, and binge drinking from 12% to around 7%. The only measure which would have a greater impact, the analysis suggested, would be a significant increase in the price of alcohol.<sup>65</sup>

However, the regulations for alcohol advertising and enforcement of these in the EU differ greatly between countries. Since 1989, the European Audio-visual Media Services Directive (AVMSD) has laid down EU-minimums rules for alcohol advertising on television.<sup>17</sup> As far as the content and impact of the AVMSD are concerned, the protective level of the AVMSD is comparable with self-regulatory rules of the alcohol industry, being primarily aimed at the content of advertising messages. At the national level, many different additional legal rules for alcohol advertising apply in Europe.<sup>66</sup> Examples include: limiting television and radio broadcasting times (e.g., Spain, the Netherlands, Finland), banning advertising for spirits (Poland), tightly

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<sup>ix</sup> In the current UK co-regulation system, the Portman Group has a regulatory role, alongside the independent Complaints Panel and the implementation of the Code of Practice on the Naming, Packaging and Promotion of Alcohol Drinks.

controlled content of advertising (France), banning sports sponsorship (France), restricting commercial digital alcohol advertising (Finland) and a total ban on alcohol advertising (Norway, Estonia and Lithuania).

### **Examples of statutory regulation of alcohol marketing in the European Union**

Most EU Member States have implemented policies to protect the youngest and other most vulnerable segments of the population from the effects of alcohol advertising. The sets of regulatory policies implemented range from complete bans to voluntary codes of conducts.<sup>29</sup> Regulations regarding alcohol and sponsorship are scarce in Europe.

#### **France – positive stipulation and reducing the glamour of alcohol**

Created in 1991, the French law 'Loi Evin' only permitted advertisement of product characteristics; in the case of alcohol, "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 sales and the method of production, terms of sales and consumption mode of the product". This means that, instead of describing what cannot be shown in an alcohol advertisement, the French code stipulates what *is* allowed. Alcohol sponsorship is not allowed. Despite some weakening of the law in 2005 to allow certification of quality and origin of produce, studies have still found that, in France, young people are less exposed to alcohol adverts associated with personal, sexual and social success.<sup>15</sup>

#### **Estonia – mandatory inclusion of warning messages**

Estonia has statutory as well as voluntary alcohol marketing restrictions. The statutory restrictions concern content and volume marketing via TV and radio from 7:00h-20:00h, outdoor, printed media, cinema, digital media, promotional items and sport sponsorship. Alcohol advertising is banned in cinemas, theatres and concert halls, at events specially targeted at minors and on social media networks. Alcohol advertising also has to include the warning message: "Attention! This is an alcohol beverage. Alcohol may cause damage to health".

#### **Finland – a "pioneering" comprehensive ban, including new media**

Alcohol advertising in Finland was prohibited from 1977 - 1995, when Finland became a member of the EU. Since 1995, the marketing of alcoholic beverages containing up to 22% alcohol by volume is permitted, with the restriction that minors should not be addressed or depicted. In 2015 Finland's "pioneering" laws banned outdoor alcohol advertisement, while radio and TV are only allowed to broadcast adverts for alcohol beverages after 22h. Finland also introduced a ban on online advertising, including use of prize competitions and marketing lotteries and sharing of advertisements on social media. Brands are also not allowed to use user-generated content or to produce content that is explicitly intended for sharing.

#### **Iceland – watershed for portrayals of alcohol**

Since 2011, the state broadcaster is obliged to limit any portrayals of alcohol, which are deemed unsuitable for under-12-year-olds, to be shown only after 10:00 PM. Transgressions of this law are dealt with by the 'media committee' of the broadcaster, but not often punished.

#### **Ireland – protecting children and warnings about cancer**

Since November 2019 alcohol advertisements in Ireland have been banned in or on public service vehicles, at public transport stops or stations, and within 200 meters of a school, crèche or local authority playground. Alcohol advertising is banned in association with films that can be viewed by minors, in cinemas or in non-licensed premises. From November 2020, advertisements for alcohol products in specific licensed premises will be exclusively confined to designated areas. In November 2021, further restrictions will follow with a ban on alcohol advertising in or on a sports area during a sporting event and all alcohol advertising (and sponsorship) at, or of, sporting events aimed at children and in which the majority of participants or competitors are children.



While the Public Health Alcohol Act enacted primary legislation on the labelling of all alcohol products, provisions such as obligatory informing the public of the direct link between alcohol and fatal cancers have yet to be ordered by the Minister for Health. These regulations must be submitted to the EU Commission for further scrutiny before implementation. It is anticipated that this may happen in 2021.

#### Lithuania – a comprehensive ban across all media and promotions

Since 2018 Lithuania has a near-total ban on alcohol marketing, including digital marketing. There are only a few exceptions such as producer's logos in sales areas. The new Alcohol Control Law came into force on January 1, 2018. Since 2017 the use and advertising of discount campaigns for alcoholic drinks in shops are prohibited.<sup>67</sup>

#### Norway – Comprehensive restrictions and care over non-alcoholic products (at least within borders)

In Norway, any form of mass communication for the purpose of marketing alcoholic beverages, including advertisements in printed matter, films, radio, television, telephone networks, internet, social media etc. is prohibited. This includes a ban on the advertising of non-alcoholic beverages under the same brand names as alcoholic beverages.

But the industry has found a loophole in this case. Marketing from abroad is difficult to prohibit. Editorials are still possible, as long as the written pieces are not initiated or funded by the alcohol producer<sup>22</sup>

#### The Netherlands – AVMSD implemented as self-regulation by the industry

Since 2009, the main statutory restriction in The Netherlands is a radio and TV time ban from 6 am to 9 pm. Subsequent research has shown that in 2010 the number of alcohol advertisements in the permitted period (i.e. after 9pm) increased by 150% for radio; and 250% for TV compared with 2008. The Netherlands is the only EU-member state which implemented the AVMSD restrictions as self-regulation. This means that, when alcohol marketing practices are in conflict with the AVMSD rules in the Netherlands, complaints rely on self-regulation procedures and therefore decisions of the complaints committee have no legal basis.

#### Spain

At the state level, the General Law of Audio-visual Communication and the General Law of Advertising are applicable to alcohol; and prohibit the advertisements of beverages over 20% ABV, and alcoholic beverages with less than 20 degrees, between 6 am and 8.30 pm, unless advertising is an indivisible part of the acquisition of rights and the production of the broadcaster. Numerous regional laws and municipal ordinances limit the places where alcoholic beverages may or may not be advertised, and regional or municipal rules may be more or less restrictive. This results in a number of transgressions and frequent resulting sanctions imposed for non-compliance with advertising regulations.<sup>68</sup>

#### Sweden – warning messages and extended youth group

Sweden has an alcohol marketing ban on radio, TV, outdoor, cinema advertising and restrictions on content in newspapers and magazines where only products up to 15% abv are permitted to be advertised if accompanied by a health warning text. Sweden has a ban on the targeting of alcohol advertising towards people aged 25 or below.

## Main policy areas of overlap

### **Centrality of Health in All Policies (HIAP) for addressing alcohol related harm.**

As mentioned in the introduction to this paper, alcohol-related harm (ARH) is evident in multiple sectors of society, reaching beyond the burden of health, making a strong “business case” for coming together to reduce overall alcohol consumption in European populations. Likewise, the determinants of ARH can be found in many different spheres of society, from culture to economics. Therefore, reducing alcohol-related harm is best done by incorporating the health concerns into other policies, e.g., marketing, taxation, agriculture, education and others; and also taking account of the priorities and perspectives of these non-health sectors in addressing health challenges.

Corporate interests channelled from non-health sectors, can be powerful in permeating the policy dialogue and could undermine government actions to promote health<sup>x</sup>, yet they could potentially also support them, if health objectives are aligned with industry interests (e.g., keeping employees healthy and productive, etc.), although there are reasons to have serious doubt over whether this alignment is truly possible<sup>xi</sup>.

Here, we aim to summarise the issues of this topic which present overlaps across policy areas (between health, education, employment, agriculture, marketing, finance, communication, culture, competitiveness, agriculture and foreign affairs – also beyond the EU), and the Commission departments which represent these sectors’ interests; with the aim of discussing these in the thematic workshop, and identifying possible future intersectoral actions which benefit EU societies as a whole.

#### EC departments and agencies as stakeholders of the alcohol advertising in traditional media topic:

- DG SANTE - Health and Consumer Protection
- DG AGRI - Agriculture and Rural Development
- DG COMP - Directorate-General for Competition (EU policy on competition and enforcing EU competition rules)
- DG CONNECT - Directorate-General for Communications Networks, Content and Technology
- DG EAC - Education (and training), Youth, Sport and Culture (and media)
- DG EMPL - employment, social affairs, skills, labour mobility
- DG GROW - Internal Market, Industry, Entrepreneurship and SMEs
- JRC – Joint Research Centre - the Commission's science and knowledge service
- DG JUST - Justice and Consumers (justice, consumer rights and gender equality)
- DG TAXUD - Taxation and Customs Union
- DG TRADE - trade with countries beyond the EU's borders
- EACEA - Education, Audio-visual and Culture Executive Agency
- EU-OSHA - European Union information agency for occupational safety and health (health and wellbeing of employees)
- OLAF - European Anti-Fraud Office

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<sup>x</sup> Leppo K., Ollila E., Peña S., Wismar M., Cook S. (Eds). (2013). Health in All Policies. Seizing opportunities, implementing policies. Ministry of Social Affairs and Health, Finland, 2013

<sup>xi</sup> See the comment of the peer-reviewer relating to this section.

## Overview of cross-sectoral issues

Policy area/issue +Description of the issue	Sectors with stakeholders, interests and related policy (non-exclusive list)
<p><b>Self-regulation</b></p> <p>A national policy will determine whether or how much of the regulatory structure (including, defining regulations, monitoring, determining and enforcing compliance) is held by the industry or industry-funded bodies. The evidence indicates that self-regulation and co-regulation are not effective in ensuring compliance with regulations that protect young people from exposure or reduce consumption.</p>	<p><b>Health / DG SANTE</b> – primary interest is reducing alcohol advert exposure across all ages and, in particular, youth. In this sense, statutory regulation is a priority.</p> <p><b>Marketing and Competitiveness / GDs GROW &amp; COMP</b> – primary interest is increasing reach of promotion to increase market share (of the company or country), although the social image of both (ethical marketing) is an important element also to promote for both sectors.</p> <p><b>Communication / CNECT</b> – priority interests include safeguarding the interests of telecoms consumers, ensuring that telecoms networks and services are secure and resilient, and complying with international regulations, such as the EU AVMSD, all of which can be in line with health-promoting monitoring and regulation of alcohol marketing.</p>
<p><b>Sponsorship and branded merchandise</b></p> <p>These promotion activities, have been found to be attractive to young people, strongly influence the behaviour of consumers and increase alcohol intake; are also the least effectively regulated so far (often not included in national alcohol advertising policy). Lessons can be taken from past tobacco sponsorship (e.g., Camel sponsoring Formula 1).</p>	<p><b>Health / DG SANTE</b> – in the absence of complete marketing bans, more restrictive regulation of branded sponsorship of sporting and cultural events, and merchandise is a public health priority.</p> <p><b>Culture / DG EAC &amp; EACEA</b> – The sponsorship received from the alcohol industry is an important source of funding for many cultural and sporting events. However, there is no shortage of successful companies which could more safely and ethically sponsor such activities (and a growing trend for sponsor-free events<sup>xii</sup>)</p> <p><b>Marketing and Competitiveness / DG GROW &amp; DG COMP</b> – Europe is already a leader in world-renowned sporting and cultural events; but the development of ethical sponsorship guidelines or matching tools (helping causes and sponsors with similar values find each other), also in line with the UN Sustainable Development Goals, could move this forward in a ground-breaking way. The environmental field seems already primed for such an initiative.</p>
<p><b>Cross-border broadcasting and marketing</b></p> <p>Adverts, promotional reviews and other marketing content can be broadcast from one MS to another, bypassing national regulations. Furthermore, attempts to take such infringements to the international court</p>	<p><b>Health / DG SANTE</b> – The public health sector clearly calls for closer cooperation to restrict cross border broadcasting and marketing. Relevant health considerations in other policies include the 2017 Council Conclusions on cross-border aspects in alcohol policy – tackling the harmful use of alcohol (2017/C 441/04)<sup>3</sup>.</p> <p><b>Communication / DG CNECT</b> – Telecommunication technology is key in identifying and potentially blocking cross-border transmissions; but there are discussions to be had about the unity of media in Europe vs. MS sovereignty in this area.</p>

<sup>xii</sup> <https://www.bbc.com/news/10120490>

<p>have not succeeded, leaving the doorway open for further incidents.</p> <p>An international agreement between EU countries to facilitate cross-border monitoring and enforcement, supported by the EC, could facilitate better compliance with each national policy.</p>	<p><b>Trade and commerce / DG TRADE</b> – progress towards the UN Sustainable Development Goals can work against each other; for example, well-meaning commitments to increase trade liberalisation in SDG17 (partnerships), which are in turn leading to increasing alcohol availability.</p> <p><b>Marketing and Competitiveness / DG GROW &amp; DG COMP</b> – Article 114 of the Treaty on the Functioning of the European Union (TFEU) provides a legal basis for harmonising EU legislation to counter market fragmentation (such as different advertising regulations), requiring a high level of health protection in such legislation.<sup>69</sup></p>
<p><b>Exceptions to alcohol marketing restrictions</b></p> <p>Wine has the status of an agricultural product in a number of Member States on the basis of which the EU specifically grants subsidies to the wine sector for not only the development of vineyards and production of wine, but also the promotion (i.e. marketing) of wine and wine drinking.</p>	<p><b>Health / DG SANTE</b> – The public health perspective does not distinguish between types of alcohol, given that all alcohol products contain the main active ingredient and carcinogen (ethanol), and previous health-giving or protective claims for elements in wine have long been found to be spurious.<sup>70</sup></p> <p><b>Agriculture / DG AGRI</b> – Revisions to the Common Agriculture Policy effectively protect and promote wine growing practices and marketing activity<sup>xiii</sup>, which is in contrast to health-promoting measures.</p> <p><b>Marketing, competitiveness &amp; trade / DGs GROW, COMP &amp; TRADE</b> - The European Union is the world-leading producer of wine, and therefore wine is fiercely protected as key to the European market, despite the damage it causes to competitiveness in other domains (e.g. productivity and sustainable workforce). A number of bi-lateral and free trade agreements facilitate trade between the EU and non-EU countries.</p>
<p><b>Warning messages and information</b></p> <p>Although most research has focused on on-product labelling, there is evidence that warning messages alongside alcohol advertisements, especially raising awareness of the increased risk of cancer, could be effective in reducing alcohol consumption and harms.<sup>71</sup> Lessons from the tobacco warnings indicate that care needs to be taken in terms of warning message wording, framing and rotation to avoid habituation.</p>	<p><b>Health / DG SANTE</b> – as part of the prevention strand of the EU Beating Cancer plan, and in line with regulations on other carcinogenic products, it is a priority of the public health sector that consumers are warned about and made aware of the risk of alcohol-attributable cancer, even in small amounts, as well as the 200+ other adverse conditions related to alcohol.</p> <p><b>DG AGRI</b> – as is to be expected, the main source of resistance to making the health risks transparent comes from the alcohol production sector; but given the growing public awareness of alcohol-attributable cancer, and the possibility of switching to production of non-alcohol products, a change in this perspective must be inevitable.</p> <p><b>Marketing and Competitiveness / DG GROW &amp; DG COMP</b> – skills in this sector are key to developing effective social marketing campaigns to increase awareness of the health risks of alcohol with resulting behaviour change and gains in health.</p>
<p><b>Low- and non-alcohol product advertising</b></p> <p>There are arguably broad societal public health gains from encouraging drinkers to</p>	<p><b>Health / DG SANTE</b> - The priority for the public health sector in this area is lowering the alcohol content of existing products without ‘advertising’ the fact at all (which can have an adverse effect on consumer</p>

<sup>xiii</sup> [https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/key\\_policies/documents/ext-eval-wine-evaluation-leaflet-wine-evaluation\\_2018\\_en.pdf](https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/key_policies/documents/ext-eval-wine-evaluation-leaflet-wine-evaluation_2018_en.pdf)

<p>switch to lower alcohol products; and, the WHO's global alcohol strategy also called on the alcohol industry to contribute to reducing the harmful use of alcohol by taking responsibility for its products<sup>xiv</sup> by, for example, reducing the amount of alcohol that they contain.<sup>xv</sup> As with salt and sugar reduction initiatives, <i>reformulation</i> of existing alcohol products (rather than new low- or non-alcohol products) shows the most promising results. Two main challenges arise in allowing advertising of non-alcohol products: a) dissociating brand visual identity for alcohol and low-/non-alcohol products, to prevent these being used to promote alcohol of the same brand; and, b) prohibiting promotion to minors of low-/non-alcohol substitutes, to prevent gateway use.</p>	<p>behaviour). The case for allowing advertisements of low- and non-alcohol product is extremely weak in public health terms.</p> <p><b>Education / DG EAC</b> - with a clear priority to protect the health of younger people, the education sector has long been highlighted as central to changing social norms about alcohol.</p> <p><b>Agriculture / DG AGRI</b> – Pressures come from this sector to continue developing new alcohol products, with the EU Common Agricultural Policy subsidizing the production of alcoholic beverages (clearly to the detriment of public health)</p> <p><b>Taxation / DG TAXUD</b> - However, intelligent taxation policy and minimum unit pricing for alcohol, can favour reductions in alcohol content by producers and reductions in drinking by consumers.</p> <p><b>Marketing / DG GROW</b> – statutory regulation will be necessary to bring about changes in the alcohol industry, as this move to reduce alcohol content will be less effective if framed as corporate social responsibility (CSR).</p>
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<sup>xiv</sup> World Health Organization (2010) Global strategy to reduce the harmful use of alcohol. Geneva: World Health Organization; 2010.

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## Topics recommended for discussion

A number of key policy areas are put forward for discussion in the capacity building workshop:

### Supporting Member States implementation:

- **The content and impact of the AVMSD**, given the goal of limiting the influence of alcohol advertising on the drinking behaviour of young people. Key question: what role can we expect from the EU with regard to the protection of young people?
- **The content and effectiveness of self-regulation**. Key question: How can Member States be supported to ban alcohol advertising or bring in strong statutory regulations to protect young people, given that self-regulation has been found ineffective?

### Coherent information and consistent regulation

- **Warning messages and information for consumers**. Key question: How can we gather support for accurate and effective warning messages across different governmental sectors? How can messages be tailored to MS?
- **Is the exceptional status of wine justified?** Wine has the status of an agricultural product in a number of Member States on the basis of which the EU specifically grants subsidies to the wine sector for the promotion (read marketing) of wine drinking.
- **The influence of alcohol advertising on adults**. Key question: don't we focus too much on young people in terms of advertising regulation and not enough on other possible risk groups?

### Proactive action to drive down consumption

- **Low- and non-alcohol products**. Key question: How can we promote the switch to low- and non-alcohol alternatives, whilst strengthening regulation of alcohol marketing? Points for coherent policy.
- **Corporate Social Responsibility (CSR) initiatives**. These could be seen for all intents and purposes as a further branch of brand marketing and could be regulated accordingly. What could real CSR in the alcohol industry look like?

## Conclusions

### The vision of scientists – guiding principles for HIAP in alcohol marketing

In the special issue of the journal *Addiction* on alcohol marketing<sup>35</sup>, and the more recent thematic supplement in *JSAD* on the same topic<sup>13</sup>; experts on the influence of alcohol marketing, from both the US and Europe, conclude, among other things, the following key points:

1. Alcohol marketing increases alcohol consumption across the whole population, but especially among young people; and so, the safest response to alcohol marketing for public health is likely to be a comprehensive ban on all alcohol advertising, promotion and sponsorship.
2. If a total ban is not possible, given that self-regulation has not proven effective in protecting young people and reducing harm, the regulation of alcohol advertising and promotion should be statutory, with enforcement responsibility delegated to an appropriate public health agency, rather than self-regulation by the alcohol industry.
3. The role of monitoring of marketing exposure and impact should also be independent of the alcohol industry, and clearly protected from conflicts of interest.
4. Various marketing strategies and existing loopholes are used to undermine advertising regulations in place (in Europe, as elsewhere in the World), such as cross-border broadcasting, exploiting more relaxed regulations on non-alcohol products, and promotion of supposedly independent information sources with industry backing (users and academics).

The scientists emphasize that stricter regulation of alcohol marketing can be justified on the grounds of public health, public safety and human rights. Populations who have specific vulnerability to alcohol-related harm - such as young people, people genetically susceptible to alcohol dependence, and people in recovery - have the *right to be supported in their decisions not to drink*.

### Recommendations for policy measures

In line with the view of the scientists, the DEEP SEAS scientific reviews and mapping exercise support a number of policy recommendations in the development of regulations to reduce the harm from alcohol advertising and sponsorship in traditional media:

- 1) Blanket (and simple) ban of alcohol advertising, across all media, as in Norway and Lithuania
- 2) Comprehensive policy regulations (e.g. using the JRC and WHO toolkits as support), with the priority of minimizing exposure to alcohol marketing through every media channel (including sponsorship, branded products, alcohol portrayals in TV, viewing on demand (VOD) and movies)
- 3) Monitoring of alcohol marketing activities and adherence to regulations should be independent of the industry, rely on verifiable expenditure data from the industry, and cover both quantity and content of alcohol promotion (including alcohol portrayals in TV, VOD and movies), as in the UK.<sup>ix</sup>
- 4) As with other cancer-causing products, policies should make it mandatory to include specific warning messages on any promotional material, adverts or packaging, including:
  - a. Stipulations of what to include (as in France), i.e. not limited to age limits or pregnancy, and complete transparency of health risks, including alcohol-attributable cancer (as in Ireland);
  - b. Policy recommendations learnt from tobacco (e.g. rotating deterrent messages and images to avoid habituation, attention also to packaging and labeling), to improve impact.
- 5) Policy needs to be carefully crafted to allow promotion of non-alcoholic or low-alcohol products (and thereby contribute to providing healthier alternatives to alcohol, which can be a cornerstone to abstinence), whilst preventing alcohol marketing from profiting from these adverts/promotions – such regulations should consider two key clauses:
  - a. The regulations should ensure no promotion of non- and low-alcohol products for young people, as the impact and potential for ‘priming’ developing palates is not known
  - b. Regulations need to clearly force a dissociation between the non-/low-alcohol products and alcoholic products in terms of visual brand identity (so that non-alcoholic products cannot be used to advertise alcohol – a loophole previously exploited by industry marketers e.g., Heineken sport sponsorship).

### Limitations and recommendations for future research

The authors identify two limitations to the scientific review:

- 1) Due to the diversity of the research method in the primary studies reviewed (experimental research, surveys and qualitative methods, cross-sectional studies and follow-up/longitudinal studies), comparison of results is sometimes difficult. For example, there was variation in how exposure to alcohol marketing was operationalized among the studies, and different dependent variables were often reported. However, the overall messages are not obscured by this variation.
- 2) This review focuses solely on alcohol marketing through traditional media channels, not considering digital marketing (which is dealt with in a sister review, and in the second part of this study). However, as indicated in the findings and recommendations for policy, regulation of marketing needs to be comprehensive and joined up across traditional and new media, including social media and ‘influencers’; especially given evidence that a high majority (92%) of teens between the ages of 13 and 17 are online on a daily basis, using mostly social networking sites including Facebook and Instagram.<sup>72</sup> The reader is therefore urged to consider the two reviews as a single nit for the sake of supporting policy.

Although the current review considers that there is more than sufficient evidence for the causal relationship between alcohol marketing practices and increased consumption and binge-drinking, also among youth; there are still aspects of marketing in which further evidence through longitudinal studies could be valuable:

- One crucial aspect to untangle through future studies is the suspected causal relationship between non-and low-alcohol promotion (especially gateway products such as beer and cider) and later risky alcohol consumption.
- Further research could also study the effect of different marketing *content* on drinking behaviour, in particular, using participatory research design with specific populations (e.g. young people and those in recovery). As of yet, the majority of studies focus on effects of different types of media or the volume of such marketing. However, it is important to also develop classifications of content, to ascertain what type of imagery and content is particularly effective on individuals.<sup>7374</sup> It is important that this research should be used to define policy that positively and explicitly states what *can* be shown, rather than what cannot (to avoid innovative marketing efforts to circumvent regulation).
- Another area for future research is to conduct longitudinal studies, into variables such as exposure timing, brands and advertising content to set out the non-linear relationship between alcohol marketing and drinking behaviour.<sup>47</sup>
- As White et al. (2017) also suggest<sup>44</sup>, another priority is determining the influence of public campaigns and the effects of secular 'alcohol-free' initiatives and trends, such as Dry January, Feb Fast, Sober September and Sober October in UK and Ireland, the 'IkPas' movement from the Netherlands and 'Dry July' from Australia, as potential positive 'nudge' strategies to counteract industry promotion.
- It is also important to further investigate the relationship between *negative* portrayals of alcohol on audiences' beliefs, expectations and drinking behaviour.<sup>75</sup>

# Annexes

## Annex 1 – References for Traditional Media Paper

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## Annex 2. Peer-Review Report on the Traditional Media Paper

### DEEP SEAS - FAR SEAS Background/Briefing Document to the Thematic Workshop

This report is intended to compliment and complete the information provided in the briefing documents and executive summary; which have the aim of giving full and succinct, relevant background information to the participants of the DEEP SEAS-FAR SEAS Workshop 1 - *Alcohol Advertising and Sponsorship in Traditional and Digital Media*.

The objective of the workshop is to facilitate clear communication and exchange of perspectives and priorities and to establish sustainable connections which can endure after the events to enhance and promote health in all policy initiatives. To achieve this, participants need a grounding in the topic which enables them to join in discussions and address the most relevant overlapping cross-sectoral concerns.

<b>Title of background briefing document</b> (delete as necessary):
<ul style="list-style-type: none"><li>• Regulation of alcohol marketing in the European Union as a tool for effective alcohol policy</li><li>• The impact and regulation of digital alcohol marketing</li></ul>
<b>Name of Reviewer:</b>
Gerard Hastings
<b>Short biography</b> – Position, institution and background in the field:
Professor Emeritus, University of Stirling. I have a long-term research interest in the commercial determinants of ill health (including the impact of tobacco, alcohol, fast food and infant formula marketing on our health behaviour) and have published widely in this field.
<b>Global evaluation of the briefing document:</b>
The documents provide a good overview. There are some minor editing issues to address, plus one or two more important issues of content. These have been highlighted in the documents using track changes (now amended and detailed in the next section of the peer-review annex).
<b>Specific areas or messages to add or amend:</b>
<p>I am uneasy about the section “<i>Do the effects of alcohol adverts depend on the medium?</i>” (p.14). Marketers don’t work with different channels in isolation, but with the ‘marketing communications mix’ and channels are adjusted to complement one another for maximum overall effect. Different channels also do different jobs – TV boosts brand image for example, point of sale (POS) marketing flags up availability etc. Furthermore, if certain channels are banned, others will be used to compensate. The great example of this was in the UK when tobacco advertising on TV was banned in 1965, but media spend increased steadily throughout the decade. (the section has been amended).</p> <p>I’m a bit uneasy about this paragraph on aligning with industry interests in the section “<i>Centrality of Health in All Policies (HIAP) for addressing alcohol related harm</i>” (p. 18). I feel we need to separate out wider societal and economic interests (e.g. trade agreements, agricultural policy, taxation) and industry interests. The former can and should be considered and can help the public health (PH) case. The corporate interest, however, is much more questionable; the fiduciary imperative ensures that this will always prefer the shareholder to the citizen. The interests of PH, social welfare and, indeed, the climate are all therefore best served by keeping the multinationals well away from the policy process at all times.</p> <p>In the section on the “<i>Overview of cross-sectoral issues</i>” (p. 19), related to self-regulation, I think there is an important additional point to be made about advertising distorting editorial decisions and</p>

tendencies – e.g., magazines that take tobacco ads have been shown to give less coverage to the health consequences of smoking.

In referring to ‘Warning messages and information’ (p. 20), I don’t think the document is distinguishing sufficiently between warnings on the pack / product, and those on advertisements. Both are important and potentially useful. Most of the tobacco evidence refers to on-pack warnings.

#### **Specific areas or messages to highlight as important:**

As the documents make clear, there is an urgent need to strengthen the regulation of alcohol marketing in both traditional and digital channels across the EU. I think the power and influence of digital could be given more emphasis (see below).

The statement that ‘the environmental field seems already primed for an initiative to develop ethical sponsorship guidelines’ (p. 19) seems to me a very useful point: we should be referring to the environment and climate as much as possible. Not only is it an immensely pressing issue but it is also a very good reason for looking at ways to contain rather than encourage consumption.

#### **Further references or information of interest in this area:**

As I mentioned in track changes, the digital report would benefit from some wider context-setting about the power of digital media and the tech giants. *The Age of Surveillance Capitalism* by **Professor Shoshana Zuboff** is a great starting point for this, as is the journalism of **Carole Cadwalladr**, who broke the Cambridge Analytica story. I think there needs to be some discussion about how this technology has revolutionised advertising with mass surveillance, big data and AI (artificial intelligence), making it far more powerful than traditional media. Reference could also be made to the EU’s efforts to rein in the sector, and the fact that this technology is not just threatening individual ministries but democracy itself. (these points have been added to the digital media paper)

## Topic 2: Alcohol Marketing in Digital Media

Based on the scientific review

### *The impact and regulation of digital alcohol marketing<sup>1</sup>*



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H. Hendriks, Amsterdam School of Communication Research, University of Amsterdam

G. Ferrarese, Amsterdam School of Communication Research, University of Amsterdam

## Background

“It’s at night that our dreams come true. Don’t be afraid to discover your dark side”

(Jägermeister, 2019)<sup>2</sup>

“True passions can’t be tamed”

(Bacardi, 2014)<sup>3</sup>

As Jernigan implied in 2002, alcohol companies are not only selling whisky, but a set of values<sup>4</sup>, which they seek to align with consumption of their products. At first, this was done through TV advertisements or through radio and outdoor billboards; however, even though these are still effective channels, nowadays advertising is often done through new digital means of communication.

Worldwide, 43% of the population (2,438 billion people) consume alcohol; with 39.5% of drinkers frequently engaging in binge-drinking<sup>i,5</sup>. Europe has the highest level of alcohol consumption and alcohol-related harm in the world, including alcohol-attributable cancer<sup>6</sup>; and there is a growing awareness of the significant role that alcohol plays in the European burden of disease, premature mortality and costs of healthcare, not to mention human suffering. The alcohol industry invests a great deal of effort (and money) in advertising its products, and alcoholic beverages are among the most publicised of all commodities.<sup>7</sup> The total annual sales of the largest alcoholic beverages companies range from \$9.4 billion in Denmark, with the Carlsberg group, to \$56.4 billion in Belgium, with Anheuser-Busch InBev group.<sup>8</sup> Many studies have shown that being exposed to alcohol marketing on traditional media is associated with higher alcohol consumption, higher frequency of binge drinking, and earlier initiation of drinking; and that this association is causal.<sup>9101112</sup> Nowadays a large volume of alcohol marketing takes place in the digital domain. This study describes the development of the use of digital media for the promotion of alcohol consumption, its impact on vulnerable groups and the first attempts to regulate it through tighter national legal restrictions.

### **The rise of digital media (and associated problems with alcohol marketing exposure)**

We are in an era where our sensitive information is simply given away through a click and leveraged by corporations for their business purposes. This does not always mean our data are ultimately used for negative purposes, but it is the case that global tech companies like Google or Facebook accurately learnt to gather our personal information as a way to predict our behaviour, influence and modify it.<sup>13</sup> As we have seen with the Cambridge Analytica’ scandal, the problem is that when these corporations know what we like and dislike, where we live, what we buy, with what frequency and so on, they can easily exert this power

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<sup>i</sup> Defined as drinking 5 or more drinks on at least one single occasion at least once per month

on us, mostly through digital media. And we are very heavy users of such media. In 2019, 94% of young people in the EU made daily use of the internet compared with 77% for the whole population; 92% of young people access the Internet from home or work compared with 52% who used a portable computer <sup>14</sup>.

The digital world is made of many “routes” to and from users that can be exploited for marketing, such as blogs, emails, micro-blogging, online chats, and podcasts.<sup>15</sup> These routes are woven into marketing strategies that cover a combination of paid, earned, shared and owned media.<sup>ii</sup>

Of these, Social Networking Sites (SNS), interactive web-based applications, are the most often used (by 3,169 billion people worldwide<sup>16</sup>). Moreover, among teenagers, nearly half (45%) say they are online on a near-constant basis; in 2018, roughly one-third reported visiting Snapchat (35%) or YouTube (32%) most often, while 15% said Instagram and 10% of teens said Facebook (previously the most popular SNS) was their most-used online platform.<sup>17</sup> SNS have many different “scopes and functionalities”<sup>18</sup>, lending a marketing potential that is well understood by companies, who seek profitable ways of using of Facebook, Instagram, YouTube or Twitter.<sup>19</sup> User-generated content (UGC), a form of earned media, is created by a person who does not represent the company, such as a social media user when sharing a brand’s post on Instagram stories. This is a powerful channel because people tend to prefer receiving recommendations from peers rather than advertisers, and these are perceived as more credible. It is important to note that such promotion is unpredictable given the fact that neither brands nor public health organisations can control what users will write or share; and is also sometimes difficult to detect the hand of industry in such content. However, the alcohol companies are adept at using UGC for their marketing ends. For example, the alcohol brand *Ceres Cè* during the lockdown period, through a hashtag, uses a sentence that was the emblem of the pandemic, seen among many balconies throughout Italy, and around the world: “Andrà tutto bene” (everything will be fine). The sentence was changed into *andrà tutto bere* (all drink will go). This campaign was shared among more social media users and beyond with merchandising, unintentionally helping the brand gain visibility during lockdown. In another example, #Shareaspritz, by the alcohol company Aperol, encouraged people to post photos on social media drinking the beverage and using the hashtag with the chance of winning an Aperol Spritz hamper.

These online marketing efforts are not easy to monitor. As Carol Cadwalladr explains in her journalism<sup>20</sup>, the majority of all the advertisements we see on Facebook, Google, YouTube or Instagram are unrecorded, rotating and transient; when these ads disappear, they are not easily traceable except by the companies which have paid for them, making objective research into the level of exposure a difficult task.

Many young people are the focus of alcohol marketing campaigns on social media.<sup>21</sup> For example, a technique widely used on the web or on SNS to encourage individuals to engage with alcohol promotion, is to simply stimulate users to ‘like’ an alcohol post, or by soliciting user-generated content; notably, it has

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<sup>ii</sup>PESO model – Paid, Earned, Shared and Owned: <https://www.newbreedmarketing.com/blog/paid-media-vs.-earned-media-vs.-shared-media-vs.-owned-media>

- Owned media in this context is any type of content created (in-house or through sub-contract) and owned by the company itself – e.g., websites, blog posts, videos, images and infographics, podcasts, e-books, whitepapers and guides.
- Paid media is content the company has to pay to place and promote. The company has heavy influence over the content, but control will be limited by the rules of the host or publication – e.g., search Ads, paid Social, paid affiliate marketing programs, advertorials, sponsored content
- Shared media is content that is shared across social media or shared between multiple owners. The company has much less control over the reach of shared content – e.g., social media content, user-generated content, co-created partner materials
- Earned media is content created by someone else about the company that the company didn’t pay for. Consumers trust what seemingly independent individuals are saying about the company and product more than they trust what the company says about itself – e.g., backlinks, products or content being featured unsponsored in influencer posts, articles and roundups, press coverage, awards, reviews

been observed that very few of such alcohol posts address responsible or moderate drinking,<sup>22</sup> and a recent study indeed shows that influencers often show alcohol brands in their posts.<sup>23</sup>

To compound the problem, it has been shown that there are no truly effective online age filters to restrict minors' access to online alcohol marketing (age-gating).<sup>24</sup> Some alcohol brands' websites do not have age-verifying access; and those that do have, are still easily accessible. For instance, a brand website may simply ask, "Are you of legal age to drink?" leaving the user to either answer yes or no; being redirected to the official website by clicking on 'yes'. There is ample evidence that age-gating on SNS platforms is ineffective.<sup>25,26</sup>

Traditional media continue to dominate alcohol marketing; but, because Internet coverage and SNS are already largely omnipresent, it is probable that digital marketing will soon surpass traditional marketing in volume, investment and interest. In addition to this, digital media, and particularly SNS, are the perfect environments for marketing companies to invest in, since they can be used to track real needs and interests of users who are potential consumers. In fact, considering that the whole purpose of social media is to allow interactions between members, to enable connections with friends, family, and colleagues, but also to highlight and share their preferences; it is an *ideal* "habitat" for marketers to gather valuable information. As a result, digital media content can now be very accurately *targeted* down to an individual level, based on users' preferences and tastes; and promotional messages delivered to the target through a number of different devices, such as a tablet, phone or computer. This reality leads not only to more personalised content, but also to an active involvement of users and potential consumers, who can be given opportunities to really interact with marketing, even taking the marketing role on themselves.<sup>27</sup>

Moreover, even though regulations on the way alcohol can be promoted through traditional media are widespread, fewer countries (Finland<sup>28</sup>, Lithuania, and Estonia are good examples - see [www.EUCAM.info](http://www.EUCAM.info)) have consolidated and adopted new measures to be applied to digital media.

### The case of influencer marketing

Although a recent strategy, using influencers as a way to market your products is now a widely used technique. Influencer marketing is encountered when a brand or a company leverages on the wider audience a (famous) user has on social platforms, to enhance a positive attitude and consequent behaviour towards its products or services. This is often done by letting influencers participate and co-create the brand image on SNS <sup>72</sup>. Based on who is the endorser, influencers can be more or less powerful, depending on the similarity and approachability they result having with the (young) audience; they tend to be more persuasive when they are not celebrities, who are perceived as more distant <sup>21</sup>. Conversely, if an influencer is an "ordinary" person it is usually experienced as closely connected to the user rather than a stranger. The advertisement should be clear and presented in a way that consumers can recognize the brand.

The European Advertising Standards Alliance (EASA) states that marketing communications <sup>71</sup>:

*"[...] should be clearly distinguishable as such, whatever their form and whatever the medium used. When an advertisement, including so-called "native advertising", appears in a medium containing news or editorial matter, it should be so presented that it is readily recognisable as an advertisement and where appropriate, labelled as such.*

*The true commercial purpose of marketing communications should be transparent and not misrepresent their true commercial purpose. Hence, a communication promoting the sale of a product should not be disguised as, for example, market research, consumer surveys, user-generated content, private blogs, private postings on social media or independent reviews".* (ICC Advertising and Marketing Communications Code, Art. 7 — Identification and Transparency, 2018 edition, p.10).



All influencer marketing communications should therefore be designed and presented in such a way that the audience immediately identifies them as such. This identification can be done by various means (as discussed in the following section) as long as the public is made aware of the existing engagement or agreement between the advisers and the influencer each time the commercial message is being shared.

It is recommended that in their guidance the SROs (self-regulatory organization) emphasize that such “awareness” and recognition should be widespread and not attained only by a specific target group or selected audience (e.g. the followers of a particular influencer who might be “aware” of the agreement between the brand and influencer from his/her previous messages).

Disclosure of commercial intent of the influencer’s message could be made in a variety of ways, but, most importantly, it should appear instantly

The following elements of disclosure should be further defined at national level:

- Placement of disclosure
- Timing of disclosure
- Labelling of disclosure (such as particular hashtags which are accepted as a clear identification of marketing communications and the ones that are likely to confuse consumer and not be considered as sufficient by the SROs).
- Wording of appropriate disclosure (such as phrases used to correctly identify the nature of the agreement with the advertiser, e.g., “these products have been sent for free to give a review”, “the trip was sponsored by”).

In September 2017, the FTC (Federal Trade Commission) updated its Endorsement Guides<sup>73</sup>, adding some practical suggestions about the use of endorsement in social media, emphasizing some points that companies should respect. This is relevant whether or not this research is focused on Europe, given that social media have no borders. In particular, endorsers should<sup>74</sup>:

1. Clearly reveal whether they have a financial or family relationship with a brand; in particular, they cannot assume that followers know all about their business connections;
2. Not assume that using disclosure tools provided by social media platforms is adequate enough that they could not be missed or misunderstood by users;
3. Avoid using ambiguous labels such as “#thanks”, “#collab”, “#sp”, “#spon”, or “#ambassador”;
4. Not rely on disclosure placed in easy-to-miss locations or where people would see it only after a “click more” link.
5. You can’t talk about your experience with a product you haven’t tried.
6. If you’re paid to talk about a product and thought it was terrible, you can’t say it’s terrific.
7. You can’t make up claims about a product that would require proof the advertiser doesn’t have – such as scientific proof that a product can treat a health condition.
8. Use **simple and clear** language (in the following example Acme is the brand).
  - Simple explanations like “Thanks to Acme brand for the free product” are often enough if placed in a way that is hard to miss.
  - So are terms like “advertisement,” “ad,” and “sponsored.”
  - On a space-limited platform like Twitter, the terms “Acme Partner” or “Acme Ambassador” (where Acme is the brand name) are also options.
  - It’s fine (but not necessary) to include a hashtag with the disclosure, such as #ad or #sponsored.
  - Don’t use vague or confusing terms like “sp,” “spon,” or “collab,” or stand-alone terms like “thanks” or “ambassador,” and stay away from other abbreviations and shorthand when possible.
9. The disclosure should be in the same language as the endorsement itself.
10. Don’t assume that a platform’s disclosure tool is good enough, but consider using it in addition to your own, good disclosure.

## The regulation of alcohol marketing in the EU

The regulations for alcohol advertising across Europe are far from uniform. Since 1989, the European Audio-visual Media Services Directive (AVMSD) has provided a basis for European legislation<sup>29</sup>, and is primarily concerned with the content of advertising messages. The AVMSD has been designed in such a way that it leads to harmonization of regulations regarding commercial communication of Member States with the aim, inter alia, that cross-border transmissions would not contravene national regulations. Regarding alcohol, food and gambling the AVMSD provides for only a minimal level of marketing regulation, and Member States can introduce stricter measures. By contrast the AVMSD prohibits all forms of advertising of tobacco.

The AVMSD has been implemented as national legal regulation by most EU Member States. More and more countries consider the AVMSD restrictions too limited and opt for additional legal regulation of alcohol marketing. In other words, the AVMSD is gradually becoming less successful in harmonizing Member States' rules on alcohol advertising; and many different additional legal rules for alcohol advertising apply at the national level in Europe. Examples include: limiting television and radio broadcasting times (for example, Spain, The Netherlands, Finland), banning alcohol advertising for spirits (Poland), tightly controlling the content of alcohol advertising (France), banning sports sponsorship (France), the restriction of commercial digital alcohol advertising (Finland) and a total ban on alcohol advertising (Norway, Estonia and Lithuania).

The AVMSD was revised in 2018. This means that not only communication via traditional media such as television falls under the AVMSD, but also the more modern digital channels such as websites, targeted online ads, and social media (e.g., Facebook and YouTube). The European Commission set the deadline for transposition into national legislation as the 19 September 2020, but at the time of writing, this has not been completed in many countries.<sup>30</sup>

Article 5 is the main article in the AVMSD regarding alcohol marketing and applicable to all audio-visual media services:

“Audio-visual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages (article 5).

Regarding television advertising and teleshopping for alcoholic beverages the following criteria should comply (article 22):

- (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.

It's clear that the most important purpose of the AVMSD restrictions on alcohol advertising is to prevent the content of alcohol advertising from specifically targeting minors. However, various studies<sup>31</sup> have shown that many advertisements that are not specifically aimed at young people, for example advertising with humour and with cool images of young men and women (of legal drinking age), can still be very attractive to young people. It is also worth noting that the new regulations of the AVMSD are not aimed at reducing the amount (volume) of advertising messages in digital media.

## Some comments on the revised AVMSD

### *The problem with the "Country of Origin Principle"*

Advertising creators who feel restricted by national regulations can still choose to broadcast their advertising messages from another country (which is less restrictive). There have already been examples of this documented for traditional media (alcohol advertisements continue to be broadcast from England in the Swedish language to Sweden<sup>32</sup>); and this approach is even easier to use with digital media – the same rule is applied to video-sharing platforms (such as Youtube and Vimeo) and on-demand streaming services (like Netflix) as well, giving the multi-national alcohol marketers the advantage over the national regulations.

### *(Lack of) Protection of minors in on-demand or non-linear services*

Article 12 can be seen to have some serious weaknesses, exposing children to alcohol marketing in VOD services: "Programmes which "might seriously impair" the development of minors [(i.e. pornography or gratuitous violence)] are allowed in on-demand services, but they may only be made available in such a way that minors will not normally hear or see them. This could be done by the use of PIN codes or other, more sophisticated age verification systems. There are no restrictions for programmes which might simply be "harmful"."<sup>33</sup>

## Industry self-regulation

Alcohol producers worldwide have their own regulations on the promotion of their products. The International Alliance for Responsible Drinking (IARD), an alcohol industry-funded organization, has promoted the Guiding Principles<sup>34</sup>, which are intended to be a model of national alcohol self-regulatory codes.<sup>35</sup> At the national level, producers and advertisers have laid down the most important of these rules in a system of national self-regulation. The regulations primarily concern the content of the advertising messages. Roughly speaking, this comprises three principles:

- Alcohol advertising must not contain elements that are specifically attractive to young people under the age of 18.
- Alcohol advertising may not be broadcast through media or programs with a target audience of more than 30% minors.
- Alcohol advertising must be decent and therefore aimed at promoting the responsible use of alcohol.

Since 2014, the rules regarding self-regulation have been amended by the Alcohol Industry to address adverts through digital media.<sup>34</sup> Most of the new rules are comparable with the existing ones for traditional media, as in the following statements referring to digital media:

- The marketing communication should comply fully with relevant national self-regulatory codes
- Avoid the use of themes, icons, music of characters that appeal primarily to minors
- Be placed only in media which can reasonably be expected to meet stated audience composition targets, where at least 70% of the audience is of legal drinking purchase age (ICAP, 2014)

Because of the very high viewing figures, stipulating audience composition targets is not effective in protecting young people from exposure to alcohol ads. Even if the audience is less than 30% minors, many young people can still be exposed to alcohol advertising.<sup>31</sup>

The accompanying instructions from ICAP with regard to the implementation of self-regulation on the national or brand level have been expressly adapted to the use of digital media<sup>36</sup> (IARD, 2019). These instructions are mainly related to the fact that digital media, unlike traditional media, enables the alcohol industry to come into direct contact with individual consumers, who are potentially under legal drinking age. Thus, the guidelines emphasize the need for effective age verification systems, which the alcohol industry

is developing in collaboration with digital and social media providers. The ICAP also states that they cannot be held responsible for alcohol marketing communications through media that they have no control over.

A recent comprehensive review study<sup>35</sup> on the effectiveness of self-regulation shows that a significant proportion of alcohol advertising messages still contain content that is attractive to young people and that young people are also disproportionately exposed to alcohol marketing. None of the studies concluded that self-regulation was effective in protecting adolescents.<sup>35</sup> The findings suggest that the current self-regulatory systems that govern alcohol marketing practices are not meeting their intended goal of protecting vulnerable populations.

The research data that the alcohol industry itself presents on the degree of compliance with self-regulation paints a different picture. They indicate, among other things, that:

“In 2019, more than nine out of 10 profiles included age affirmation mechanisms, a forward advice notice<sup>iii</sup>, responsible drinking message, and a transparency message to make clear their commercial purpose”.

“Messages which warned consumers that posts promoting inappropriate alcohol consumption were present, appeared on more than eight out of 10 sites in 2019”.<sup>37</sup>

### **The impact of the exposure to alcohol marketing through digital media channels and drinking behaviour: the FAR SEAS review study.**

There is an urgent need to dig deeper into the association between *digital* alcohol marketing and drinking behaviours, in order to inform potential regulations regarding digital alcohol marketing. Consequently, the scientific review carried out under the FAR SEAS service contract aimed to update the evidence examining the association between digital alcohol marketing and alcohol consumption.

## **Methodology**

### **Evidence-synthesis process**

The scientific findings and evidence on effective policy options to regulate alcohol advertising have been synthesised through 3 parallel processes:

- A rigorous and recent literature review, building on existing evidence, undertaken by a high-level topic expert in this field – the FAR SEAS review;
- A grey literature review undertaken to map existing Member States’ policy action documented by European institutions, and policy recommendations for Europe, to complement the scientific evidence review;
- A consultation of policy stakeholders in the field through online questionnaires – the DEEP SEAS mapping exercise survey and call for expressions of interest from relevant policy actors.

### **The FAR SEAS Review**

The aim of this review was to update the evidence base and provide a much-needed overview of all studies on the relationship between alcohol advertisements through digital media and alcohol consumption, thereby providing input for potentially effective policy measures.

The review built on the existing body of evidence and systematic reviews on alcohol advertising through multiple digital media channels, and supplemented these with a new search for primary studies that

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<sup>iii</sup>A Forward Advice Notice (FAN) is a message directed to the individual who has downloaded the content making clear that this content should not be forwarded to, or shared with, any individuals below legal purchasing age.

investigated the relationship between exposure to alcohol marketing through digital media channels and drinking behaviour.

*Inclusion and exclusion criteria:* Included studies examined the association between digital alcohol marketing and drinking behaviour. The main restriction regarded the design of the research, since it was decided to only include descriptive, correlational and (semi-) experimental studies without including reviews and meta-analytic studies. On the other hand, there were no restrictions on the population group studied – some studies only looked at young people exposed to adverts, others only young adults or college students. Despite no age limits on the search terms, no new papers looking at older adult populations were identified. As a requirement for the FAR SEAS contract, only articles published after 2000 were included, which is also logical given the relative newness of digital media, and fast rate at which online advertising has evolved and expanded. No geographical limitations were applied.

*Variables:* First of all, we defined digital alcohol marketing as the promotion and branding of alcohol products by alcohol brands on the Internet and on social media. This includes: website pages, emails, downloadable content, smartphone applications, and social networking sites (SNS) such as Facebook, Twitter, Instagram, or YouTube. As with most studies of non-clinical populations, the drinking behaviour is always self-reported by respondents taking part in the studies.

*Search strategy:* Nine databases were used (Web of Science, PubMed, PsychINFO, ScienceDirect, Taylor & Francis Online, Wiley Online Library, Medline, Jstor, Tandfonline). The search string slightly varied according to the database, but overall relevant terms (e.g., “alcohol advertising” and “digital” and “alcohol use”) were always present, as well as terms to filter out bodies of research in other areas (e.g. ‘NOT HIV’, ‘NOT health-care’ and ‘NOT political comm\*’)<sup>iv</sup>, and articles were selected by relevance.

### Grey literature review to map existing Member States’ policy action and recommendations

The following reports and website were used to gain an overview of the current regulations regarding alcohol marketing in Europe.

1. Alcohol marketing in the WHO European Region; update report on the evidence and recommended policy action; WHO, Regional Office for Europe 2020.

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<sup>iv</sup>alcohol ad \* OR alcohol sponsor \* OR alcohol market \* OR alcohol message \* OR alcohol commercial \* OR alcohol-related sponsor \* OR alcohol-related ad \* OR alcohol-related commercial \* OR alcohol-related message \* OR alcohol-related market \* OR beer commercial \* OR beer ad \* OR beer sponsor \* OR wine commercial \* OR wine ad \* OR wine sponsor \* OR spirit commercial \* OR spirit ad \* OR spirit sponsor \* AND alcohol OR alcohol use OR alcohol consumption OR drink \* OR drinking behavior OR drinking age OR binge drinking OR alcohol abuse OR alcohol misuse AND social media OR social networking site \* OR sns OR Facebook OR Instagram OR Youtube OR Twitter OR snapchat OR My Space OR Hyves OR digital media market \*, sequentially adding, NOT HIV NOT health-care NOT political comm \* , while one article was retrieved through the string: exposure AND alcohol AND advertising AND consumption AND adolescents. On *PsychINFO* it was used a shorter search string: Alcohol AND marketing AND social media; on *PubMed* was Alcohol OR alcohol consumption OR drinking behavior OR binge AND alcohol ad OR alcohol commercial AND social media OR sns OR digital OR marketing OR Facebook OR Instagram OR Youtube OR Twitter OR snapchat OR My Space OR Hyves; on *ScienceDirect* two strings were utilised: first, alcohol ad \* OR alcohol sponsor \* OR alcohol market \* OR alcohol message \* OR alcohol commercial \* OR alcohol-related sponsor \* OR alcohol-related ad \* OR alcohol-related commercial \* OR alcohol-related message \* OR alcohol-related market \* OR beer commercial \* OR beer ad \* OR beer sponsor \* OR wine commercial \* OR wine ad \* OR wine sponsor \* OR spirit commercial \* OR spirit ad \* OR spirit sponsor \* AND alcohol OR alcohol-use OR alcohol-consumption OR drink \* OR drinking behavior OR drinking age OR binge drinking OR alcohol abuse OR alcohol misuse AND social media OR social networking site \* OR sns OR Facebook OR Instagram OR Youtube OR Twitter OR snapchat OR My Space OR Hyves OR digital, then a shorter one, alcohol market \* OR sponsor OR alcohol commercial AND alcohol OR alcohol-consumption OR drinking behavior OR alcohol abuse AND social media OR social networking site OR sns OR Facebook OR Instagram OR YouTube OR Twitter OR Snapchat OR digital \*; on *Taylor & Francis Online* two strings were used: alcohol marketing AND social media AND alcohol AND participation, and then, drinking AND adolescents AND marketing OR digital marketing OR sns AND alcohol, which was also applied for the *Wiley Online Library’s* database.

2. Promoting Good health from childhood; Reducing the impact of alcohol marketing on children; Alcohol Focus Scotland 2017.
3. The website of the European Center for Monitoring Alcohol Marketing ([www.EUCAM.info](http://www.EUCAM.info)).
4. L.M. Nijkamp, L. van Leeuwen (2017); Alcohol marketing and restrictive measures; a quick scan of scientific literature and statutory regulation in the Netherlands and Europe. Trimbos-Institute, Utrecht, The Netherlands (only in Dutch).

The grey literature review to map policy advice includes recommendations derived from three World Health Organization reports on alcohol marketing<sup>5 38 39</sup>, the factsheet Marketing and Alcohol from the Institute for Alcohol Studies<sup>40</sup>, the special issue on alcohol marketing of the magazine Addictions<sup>41</sup> and information about the current alcohol marketing regulations on the EUCAM website.

### The DEEP SEAS / FAR SEAS mapping exercise

Further policy examples used to illustrate the messages and recommendations have been identified through a multi-stakeholder mapping process, which is carried out through an online questionnaire disseminated through a targeted strategy to relevant policy actors and other policy stakeholders. The DEEP SEAS/FAR SEAS Action in Alcohol Topics Mapping Exercise Survey was designed in collaboration with the experts in each topic to gather information on the alcohol policy topics; including stakeholder input on key actors, specific policy issues, sectors involved and examples of national policy and practice. This information along with that gathered through a similar survey developed to call for expressions of interest in the workshop series, also contribute to the agendas, discussions and proposed participants lists of the thematic capacity building workshops.

## Scientific review on alcohol advertising in digital media

### Results

#### New papers identified

Through these searches, 89 articles were found, reduced to 72 after excluding duplicates. After carefully reviewing the 72 papers, 22 articles were included as relevant to the review focus.

#### Characteristics of the new studies reviewed

The study participants' ages range from 11 to 64 years old, and the sample sizes range from 120 to 9,075 study participants, resulting in 40,870 individuals studied in total. Ten studies only examine minors (11-17), whilst four exclusively analyse young adults (18-35). Four studies include in the sample both minors and young adults, and one includes people from 21 to 64 years old. Study data range from 2010 until February 2019. Eight studies were conducted in the United States, three in Taiwan, two in Germany, Poland, Italy and the Netherlands (comparison studies), one in New Zealand. Four of the reviewed studies took place in Australia, one of these making a cross-sectional comparison with India; four studies were conducted in the UK, with two of these in the West of Scotland.

Seventeen studies were conducted through online surveys, two of them combining this method with a paper and a face to face questionnaire. One was achieved through a paper survey alone, and one through a CATI (computer assisted telephone interviewing) system. Only three studies' designs were experiments, while eight were longitudinal studies and eleven cross-sectionals.

#### Frequency of exposure to and participation with different forms of digital alcohol marketing

The studies included in this updating review, tend to examine awareness of and/or participation with alcohol marketing, comparing a range of digital media (and sometimes including traditional media as well). Participation should be intended as liking an alcohol brand page or posts on social media, sharing a picture,



a tweet, or a status related to an alcohol brand, as well as following a social media page. Entering a competition, online or held on social media organized by an alcohol brand, is also considered participating with alcohol marketing. To conclude, searching for alcohol related adverts on the Internet and websites is participation with alcohol marketing<sup>25</sup>.

Self-report surveys find that young people are aware of, and participating with, a range of alcohol marketing on digital and social media, and that this is associated with increased consumption, heavy-episodic drinking, and positive expectancies of alcohol<sup>27</sup> The first element that warrants attention is that, in studies comparing different channels, promotion on SNS results in the highest awareness of alcohol advertising; and in the studies that only look at SNS, awareness of advertising is also high, indicating a strong influence on consumer behaviour. For instance, Gupta et al. report that in India 67% of the sample noticed alcohol advertisements on SNS, whilst 63% saw alcohol-related suggestions (prompts to visit or follow similar content) on SNS.<sup>42</sup> Similarly, a study conducted in the UK reports that 65% of respondents are aware of alcohol marketing on SNS.<sup>43</sup> Another study conducted in Australia reports that 87.5% of Facebook users see alcohol advertisements 1-4 times a month.<sup>44</sup>

On websites, alcohol promotion and advertisement are also often noticed, with studies reporting 72% in Taiwan<sup>45</sup>, and 55% among a USA sample aged 15-20<sup>46</sup>. Similarly, 65% of a large European sample of adolescents (9,075 participants) had noticed an alcohol-related Internet page.<sup>47</sup>

Participation with alcohol marketing (sometimes called “conscious” exposure), is less frequent than awareness. For example, in one study, even though 55% of respondents had seen an advertisement on a website, only 6% visited a website containing alcohol information or content.<sup>48</sup> Another study finds that those keener to visit an alcohol website or use (like or share) an SNS’s alcohol profile content are drinkers (18% vs.5% of non-drinkers).<sup>48</sup> In the large sample from the study by Bruijn et al.,<sup>60</sup> looking at a website is a relatively common occurrence (25% of respondents); it is even more common to interact with (visit, like or share) a profile on SNS *containing* an alcohol brand or logo (33%). Furthermore, there is evidence that watching videos either on SNS<sup>49</sup> or on the web<sup>43</sup>(created by users and the brands themselves) are even more popular than the other forms of engagement. Emails promoting alcohol, on the other hand, do not seem to be a strong marketing tool, presumably because of advances in spam filters and awareness of phishing scams etc. (although studies in Europe found a greater awareness of such attempts to engage consumers than in other regions).<sup>50 48 47 43</sup>

Although these studies cannot be considered an exhaustive comparison of marketing through digital media, it can be said that social networking sites are a medium through which a large volume of alcohol-related content is sponsored, and both minors and (young) adults notice such content. In addition, consumers know how to engage with it and consequently do so. Alcohol promotion through websites is also prominent, but unlike SNS, this is not a medium which elicits such a high level of interaction.

To sum up, SNS can be considered the most impactful medium in terms of advertising awareness and interaction, with a special focus on video viewing and sharing. This implies a negotiation with the global technology companies that maintain these platforms to successfully develop effective policy.

### What is the impact of digital alcohol advertising on the drinking behaviour of young people?

In this review, awareness, engagement or participation with marketing activities such as liking a post or downloading an app are indicators of (alcohol) marketing exposure. The results of the DEEP SEAS review confirm previous evidence that, overall, there is a positive and significant association between being exposed to digital alcohol marketing and consequent drinking behaviour. More specifically, the studies investigate the association between exposure and/or engagement with digital alcohol marketing and an increase in individuals’ drinking frequency, earlier initiation of drinking or binge drinking (also considered as ‘hazardous drinking’ or ‘heavy episodic drinking’ - HED). More precisely, nineteen of the 22 articles show a positive correlation, suggesting that digital alcohol marketing is related to drinking determinants and

behaviours. Although causality cannot be derived from the collection of primary studies gathered for the updating review, it is considered that ample evidence is already available to prove this causal relationship.<sup>9</sup>  
11 12 47

In addition, a large number of studies show that awareness/exposure to alcohol adverts is high across different digital media, with upwards of 60% of participants reporting being aware of recent alcohol promotion in emails, websites, mobile phone downloads (e.g., alcohol branded/themed screensaver) and SNS, in studies from Europe and across the globe.<sup>51 52 53 27 45</sup> Finally, a paper that observed results of several studies examining how awareness of alcohol ads is related to drinking behaviours, found that young adults' awareness of alcohol promotion has increased over time (comparing recent to previous studies), and is also higher for digital media compared to traditional media.<sup>27</sup>

Specifically, there are Scottish data showing minors and young adults starting drinking, even substantially, around the age of 12-14. Already 36% drank at 12-14 years old, rising to 62% over the next two years; among those who do not drink when they are 12-14, 30% start engaging with alcohol, and 20% start binge-drinking just two years later.<sup>54</sup> Also among young adults (18-25), 60% of regular drinkers engage in binge drinking.<sup>27,55</sup> Among these samples, the higher the awareness of digital alcohol marketing, the higher the engagement with hazardous drinking behaviour.

Although the relationship between digital alcohol marketing and drinking behaviour determinants was consistently shown in most studies, there are some differences that should be outlined based on gender, age, and country of origin that will be discussed in the next section.

#### Do effects of ads depend on characteristics of the viewer?

It is interesting to see that in the studies including only (young) adults, the association is positive for each investigation. It is true that three of the studies are experiments,<sup>51 52 53</sup> and therefore do not examine real-life exposure, but they affirm that being exposed to such content via the web 1.0 and 2.0, is positively associated with reporting higher levels of alcohol consumption, as well as higher intention to drink. In this regard, in web 0.1 it is possible to have a limited interaction between a site and a (web) user, meaning that it is essentially about receiving information in a passive way. On the other hand, web 0.2 works in a way as to facilitate and encourage the aforementioned interaction between a (social networking) site and a user. Accordingly, the latter web is focused on actively participating in the content creation on the Internet.

#### Age

The majority of real-life studies looking at age differences in impact of digital advertising on (young) adults came from the USA, with fewer from Australia and the UK. An Australian study compared drinking levels across young adults of different ages, and found that although there is no significant difference across the sample, alcohol consumption appears to increase with age, and that those consuming more alcohol were those engaging with and being more exposed to digital marketing.<sup>56</sup>

There is evidence from studies on the impact of traditional media alcohol advertising (in this case positive portrayals in movies), that those who are less "experienced" in viewing alcohol promotion, i.e., those in younger age groups, are more influenced by exposure and likely to increase drinking behaviour.<sup>57</sup> And, given that a large proportion of promotional material online takes the form of videos, we have reason to believe that the same rule holds for digital media.

To conclude, all studies analysing adults and young adults ( $M_{age} = 23.5$ ) report positive associations between exposure to and engagement with digital alcohol marketing, on the one hand, and higher consumption of alcohol or even hazardous ways of drinking, on the other; regardless of where the study was conducted.

Similarly, recent studies examining minors and done in numerous countries (including the UK and Scotland, Germany, Italy, the Netherlands, Poland, New Zealand, Taiwan, India, Australia and the United States) have

for the most part (12/14) found positive associations between exposure to and awareness of digital advertising and risky drinking behaviour among minors.<sup>27 44 45 46 47 48 50 54 56 58 59 60</sup>

Taking all the new studies as a whole, and splitting the whole sample into age categories - minors & adolescents, and (young) adults - the older group were found to drink more and be more exposed to alcohol advertising than their younger counterparts, but the younger group showed a greater susceptibility to influence from advertisements.

## Gender

Combining all the new studies, both experimental and naturalistic; males, no matter what age, consume more alcohol than female counterparts. A majority of studies (10/12) affirm that male adolescents and young adults consume more alcohol, initiate drinking earlier, and engaging more in binge drinking than women; and that this is also associated with greater exposure to and awareness of alcohol marketing.<sup>42 45 46 49 56 58 59</sup>

Apart from drinking more in general, males have been shown to be more engaged with digital alcohol marketing. For example, one study identifies both exposure to and engagement with digital alcohol marketing as *marketing receptivity*,<sup>46</sup> and describes this engagement as being positively and significantly associated with men, as well as to those consuming high quantities of alcohol beverages. In line with this, a number of other studies also found that males are more likely to be fans of alcohol marketing pages, or followers of alcohol brands and retailers on social media, as well as liking posts promoting<sup>56</sup>, and participating more with digital alcohol marketing.<sup>27 52 53</sup>

On the other hand, a smaller number of studies found females to be more *aware* of digital alcohol marketing,<sup>55</sup> and indicated that intention to consume alcohol is higher among females.<sup>51</sup> In addition, an American study, using engagement as *marketing receptivity*, maintains the fact that college females are more strongly influenced in drinking behaviour by engagement with digital marketing and also more convinced of the idea that drinking is a positive habit.

Specifically, two studies show a correlation between the level of alcohol consumption and the exposure to digital marketing, the latter leading to higher awareness.<sup>43 58</sup> However, in these cases being more aware of alcohol was influenced by being a male, therefore gender plays a role in the correlation.

To summarise (although this conclusion was derived from twelve studies, because the remaining ten studies did not analyse gender differences), it can be said that gender is an important factor to consider when analysing the relationship between digital alcohol marketing and drinking behaviour, since males seem to be more likely to engage in drinking compared to females, be more aware of marketing, and consume higher quantities of alcohol. Given that alcohol marketing efforts clearly play on gendered norms and stereotyping<sup>61</sup> (both enforcing and 'inverting' them to grab attention) to encourage drinking among consumers of all genders, often with offensive results, policy-makers could pay attention to developing guidance and codes to reduce the use of gender stereotypes including sexualisation and objectification.

## Mapping of existing actions

The strength of alcohol marketing policies varies widely across the globe, with some countries having no restrictions whatsoever. In Europe, on the other hand, the AVMSD obliges member states to institute some regulation, although this can be very varied, in 3 main categories: Voluntary regulation or self-regulation, partial statutory restrictions (on content, time and place, or particular audiences), or a complete ban. The same can be said for regulation of online and digital marketing of alcohol, with fewer countries having brought in policies than for traditional media, and a great deal of variation in the measures adopted or enforced. The five examples here illustrate a range of approaches (in alphabetical order of country name).

### Estonia – warning messages with adverts across different media types

Estonia has statutory as well as voluntary alcohol marketing restrictions. The statutory restrictions concern content and volume marketing via digital media, promotional items and sport sponsorship. Alcohol advertising is banned in cinemas, theatres and concert halls, at events specially targeted at minors and on social media networks. Alcohol advertising also has to include the warning message: “Attention! This is an alcohol beverage. Alcohol may cause damage to health”.

### Finland – lessons from a “pioneering” first attempts to regulate social media marketing

The first attempt to regulate online alcohol marketing took place in January 2015 in Finland. The Finnish Alcohol Act became an active law presenting new restrictions on alcoholic advertisements for beverages. The primary focus of this act was to restrict alcohol advertising on social media, specifically by banning any “indirect advertising and sales promotions if they involve taking part in a game, lottery or contest”. The ban also restricts the so-called user-generated content, with the aim of preventing alcohol marketers from delivering content to the public on social media, in the guise of influencers’ preferences. A recent study compares brands’ presence and content and how new legislative actions have impacted individuals in Finland and Sweden.<sup>62</sup> This concluded that the amendment did not have the desired impact on the user engagement in Finland, shown by the fact that the Finnish alcohol brands were more successful in engaging consumers in 2017 than 2014, when the Act was not into force. One explanation for the poor results to this pioneering policy is thought to be a reliance on social media accounts having integrated age-control measures, which few had done (only 28%). Indeed, Finland has seen a decrease in user-generated content on alcohol, but new restrictions have not prevented marketers and alcohol brands from developing content which is still reaching users and raising brand visibility.

### Latvia – partial restrictions not covering digital media

Alcoholic beverage advertisements are prohibited in various circumstances in Latvia: in educational and medical treatment institutions; on the external pages (cover) of books, journals and newspapers; and on public of transport. There is also a partial ban on alcohol advertising at sport events (alcoholic beverages can be shown, but not the name of the sponsor). However, there is no restriction on advertising for cinemas, nor digital media.

### Lithuania – a comprehensive ban across all media and promotions

Since 2018 Lithuania has a near-total ban on alcohol marketing, including digital marketing. There are only a few exceptions such as producer's logos in sales areas. The new Alcohol Control Law came into force on January 1, 2018. Since 2017 the use and advertising of discount campaigns for alcoholic drinks in shops are prohibited.<sup>63</sup>

### Norway – Comprehensive restrictions and care over non-alcoholic products (at least within borders)

In Norway, any form of mass communication for the purpose of marketing, including advertisements in printed matter, films, radio, television, telephone networks, internet, social media etc. is prohibited. This includes a ban on the advertising of non-alcoholic beverages under the same brand names as alcoholic beverages.

However, marketing from abroad is difficult to prohibit. Editorials and online adverts are still possible, as long as the written pieces are not initiated or funded by the alcohol producer (which can be near impossible to detect or prove).<sup>64</sup>

## Main policy areas of overlap in regulation of digital alcohol advertising

### **Centrality of Health in All Policies (HIAP) for addressing alcohol related harm.**

As mentioned in the introduction to this paper, alcohol-related harm (ARH) is evident in multiple sectors of society, reaching beyond the burden to health, making a strong “economic case” for coming together to reduce overall alcohol consumption in European populations. Likewise, the determinants of ARH can be found in many different spheres of society, from culture to economics. Therefore, reducing alcohol-related harm is much more effective when the health considerations are incorporated into other policies, e.g., technology and communications, marketing, taxation, agriculture, education and others; and also taking account of the priorities and perspectives of these non-health sectors in addressing health challenges. Corporate interests channelled from non-health sectors, can be powerful in permeating the policy dialogue and could undermine government actions to promote health<sup>65</sup>, yet they could potentially also support them, if health objectives are aligned with industry interests (e.g., keeping employees healthy and productive, etc.). However, there are strong arguments for doubting the feasibility of bringing corporate interests in line with those of public health in our current market systems; such as the unresolvable paradox in the fiduciary imperative giving the shareholder preference over the citizen.

In the topic of digital media, it is especially worth noting the EU’s admirable legal efforts to rein in ‘Big Tech’ (e.g., though the EU GDPR in 2018). The near-ubiquitous nature of the so-called ‘tech giants’ (for example GAFA – Google, Apple, Facebook and Amazon), and their extreme capacity to gather, analyse and use big data threatens not only the efforts to regulate alcohol marketing of individual ministries, but the whole basis of democracy.

Here, we aim to summarise the issues of this topic which present overlaps across policy areas (between health, education, employment, agriculture, marketing, finance, communication, culture, competitiveness, agriculture and foreign affairs – also cooperation beyond the EU), and the Commission departments which represent these sectors’ interests; with the aim of discussing these in the thematic workshop, and identifying possible future intersectoral actions which benefit EU societies as a whole.

### EC departments and agencies as stakeholders of the online alcohol advertising topic:

- DG SANTE - Health and Consumer Protection
- DG AGRI - Agriculture and Rural Development
- DG COMP - Directorate-General for Competition (EU policy on competition and enforcing EU competition rules)
- DG CONNECT - Directorate-General for Communications Networks, Content and Technology
- DG EAC - Education (and training), Youth, Sport and Culture (and media)
- DG EMPL - employment, social affairs, skills, labour mobility
- DG GROW - Internal Market, Industry, Entrepreneurship and SMEs
- JRC – Joint Research Centre - the Commission's science and knowledge service
- DG JUST - Justice and Consumers (justice, consumer rights and gender equality)
- DG TAXUD - Taxation and Customs Union
- DG TRADE - trade with countries beyond the EU's borders
- EACEA Education, Audio-visual and Culture Executive Agency
- EU-OSHA - European Union information agency for occupational safety and health (health and wellbeing of employees)
- OLAF - European Anti-Fraud Office

## Overview of overlapping policy issues and multi-sectoral priorities in the online alcohol advertising topic:

Policy area/issue +Description of the issue	Sectors with stakeholders, interests and related policy (non-exclusive list)
<b>Self-regulation</b> A national policy will determine whether or how much of the regulatory structure (including, defining regulations, monitoring, determining and enforcing compliance, and sanctioning) is held by the industry or industry-funded bodies. The evidence indicates that self-regulation and co-regulation are not effective in ensuring compliance with regulations that protect young people and other risks groups from exposure to alcohol promotion.	<b>Health / DG SANTE</b> – primary interest is reducing alcohol advert exposure across all ages and, in particular, youth and other specific risk groups. In this sense, statutory regulation is a priority. <b>Marketing and Competitiveness / MARKT &amp; COMP</b> – primary interest is increasing reach of promotion to increase market share (of the company or country), although the social image of both (ethical marketing) is an important element also to promote for both sectors. <b>Communication / CNECT</b> – priority interests (often laid out in a statement of strategic priorities <sup>v</sup> ) include raising the profile and competitiveness of national digital infrastructure, safeguarding the interests of telecoms consumers, ensuring that telecoms networks and services are secure and resilient, and complying with international regulations, such as the EU AVMSD, all of which can be in line with health-promoting monitoring and regulation of alcohol marketing.
<b>Age-verification</b> How well regulations of online policy will protect young people under the legal drinking age from exposure to alcohol-promoting content is determined by the capacity of digital sites to accurately verify the age of visitors. So far these systems, also important for online ordering and sales, are not at all reliable (based on simple self-reported age). Without a working age-verification system, the safest policy option is a complete ban of promotional online content.	<b>Health / DG SANTE</b> – The public health priority here is to reduce young people’s exposure to alcohol advertising (which lowers age of first drinking, and increases quantity consumes and binge drinking, with important neurological consequences), by whichever means is more effective. <b>Education / DG EAC</b> – schools can play a role in reinforcing the age limits for not-drinking, preventing underage views of alcohol content on school computers, and informing parents, with the aim of protecting students. <b>Technology / DG CNECT</b> – advances in parental control over children’s online experiences hold promise in this area, but are still not very widely known and relatively underused, with a few user pain points to address. <b>Justice / DG JUST</b> – with a central priority of reinforcing consumer safety and improving market surveillance, interests in this sector are already strongly in line with public health
<b>Owned, paid, shared and earned media</b> <small>Error! Bookmark not defined.</small> More than one of the four types of media are frequently leveraged together or in a chain in a marketing strategy; it can be difficult to untangle which type content is for regulation.	<b>Health / DG SANTE</b> – for the clearest guidance and best health gains, a complete ban on alcohol marketing could be applied to all types except “earned” media content, which would have to be carefully identified. <b>Education / DG EAC</b> – Education and training in media literacy around shared and earned media content ( <i>not</i> specifically to ward against alcohol marketing, which requires stricter measures) could improve young people’s critical appraisal of media influence on their behaviour. <b>Finance &amp; Communication/ DG ECFIN &amp; CNECT</b> – data leveraged from the financial sector and tracing of the communication pathways are necessary to untangle the web of media types and effectively regulate whilst preserving freedom of expression.

<sup>v</sup> E.g. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/842918/SSP - as designated by S of S .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/842918/SSP_-_as_designated_by_S_of_S_.pdf)



<p>In particular, regulating alcohol promotion in <i>earned media content</i><sup>vi</sup> may infringe on freedom of speech, and is often hard to identify as distinct from paid media (as payment may take various forms), but is particularly effective. Detection of paid and shared media promotion may require disclosure of financial records in detail and conflict of interest investigations.</p>	<p><b>Marketing &amp; Employment / DG GROW &amp; EMPL</b> – These sectors necessarily protect the rights of industry to compete for market share and the livelihood of media workers who make alcohol adverts; but are also concerned with the health and wellbeing of the workforce. There is a strong business case for reducing alcohol related harm and subsequent gains for productivity and prosperity.</p>
<p><b>Social networks and user-generated content</b></p> <p>As above, there is a challenge especially in regulating alcohol promotion in social networks (especially by social media influencers) and through user-generated content, without infringing on the democratic values of freedom of expression.</p>	<p>Health / DG SANTE -</p> <p><b>Marketing, Employment and Culture / DG GROW, EMPL &amp; EACEA</b> – This sector necessarily protects the livelihood of media workers including freelance ‘social influencers’ who could be held responsible for breaking alcohol promotion regulation. A formal code of ethics for these workers, with authenticity<sup>66</sup> and transparency (around sponsorship) as a central tenet could go towards aligning their work with health aims.</p>
<p><b>Country of origin and cross-border infringement</b></p> <p>Just as adverts can be broadcast from one MS to another, they can be posted online across borders, with very few possibilities to adjust to national differences in alcohol advertising restrictions.</p> <p>An international agreement between EU countries to facilitate cross-border monitoring and enforcement, supported by the EC, could facilitate better compliance with each national policy.</p>	<p><b>Health / DG SANTE</b> – relevant health considerations in other policies include the 2017 Council Conclusions on cross-border aspects in alcohol policy – tackling the harmful use of alcohol (2017/C 441/04)<sup>3</sup>.</p> <p><b>Communication / DG CNECT</b> – international interoperability of online communications is a valuable asset and democratic tool, to be protected even while national regulations are respected.</p> <p><b>Trade and commerce / DG TRADE</b> – progress towards the UN Sustainable Development Goals can work against each other; for example, well-meaning commitments to increase trade liberalisation in SDG17 (partnerships), which are in turn leading to increasing alcohol availability.</p> <p><b>Marketing and Competitiveness / DG GROW &amp; DG COMP</b> – Article 114 of the Treaty on the Functioning of the European Union (TFEU) provides a legal basis for harmonising EU legislation to counter market fragmentation (such as different advertising regulations), requiring a high level of health protection in such legislation.<sup>67</sup></p>
<p><b>Monitoring</b></p> <p>The vast, multilingual nature of the Internet, and its capacity to evolve rapidly, adding new sites, and even tools and channels to an already diverse online landscape, present major challenges for monitoring</p>	<p><b>Health / DG SANTE</b> – effective regulations to reduce exposure rely on monitoring and enforcement. <b>Finance &amp; Communication/ DG ECFIN &amp; CNECT</b> – data leveraged from the financial sector (detailed marketing expenses) and tools to screen diverse international online environments (while ensuring user privacy) are needed to accurately monitor exposure to alcohol advertising (reducing reliance on self-report).</p> <p><b>DG JUST</b> – with decades of work in this area, the European Monitoring Centre for Drugs and Drug Abuse (EMCDDA) could play a primary role in monitoring the online alcohol promotion and marketing,</p>

<sup>vi</sup> Earned media is content created by someone else about the company that the company didn’t pay for. Consumers trust what seemingly independent individuals are saying about the company and product more than they trust what the company says about itself - e.g., backlinks, products or content being featured unsponsored in influencer posts, articles and roundups, press coverage, awards, and reviews.

potential exposure to different alcohol marketing content.	
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<p><b>Warning messages and information</b></p> <p>There is evidence that warning messages alongside alcohol advertisements, especially raising awareness of the increased risk of cancer, could be effective in reducing alcohol consumption and harms.<sup>68</sup> Lessons from the tobacco warnings indicate that care needs to be taken in terms of warning message wording, framing and rotation to avoid habituation.</p>	<p><b>Health / DG SANTE</b> – as part of the prevention strand of the EU Beating Cancer plan, it is a priority of the public health sector that consumers are warned about and made aware of the risk of alcohol-attributable cancer, as well as the 200+ other adverse conditions related to alcohol, even in small amounts.</p> <p><b>DG AGRI</b> – logically, the main source of resistance to making this risk transparent comes from the alcohol production sector; but given the growing public awareness of alcohol-attributable cancer, and the possibility of switching to production of non-alcohol products, a change in this perspective must be inevitable.</p> <p><b>Marketing and Competitiveness / DG GROW &amp; DG COMP</b> – skills in this sector are key to developing effective social marketing campaigns to increase awareness of the health risks of alcohol with resulting behaviour change and gains in health.</p>
<p><b>Lower- and non-alcohol product advertising</b></p> <p>There are arguably broad societal public health gains from encouraging drinkers to switch to lower alcohol products; and, as with salt and sugar reduction initiatives, <i>reformulation</i> of existing alcohol products (rather than new low- or non-alcohol products) shows the most promising results. Two main challenges arise in allowing advertising of non-alcohol products: a) dissociating brand visual identity for alcohol and low-/non-alcohol products, to prevent these being used to promote alcohol of the same brand; and, b) prohibiting promotion to minors of low-/non-alcohol substitutes, to prevent gateway use.</p>	<p><b>Health / DG SANTE</b> - The priority for the public health sector in this area is clearly lowering the alcohol content of existing products, without ‘advertising’ the fact at all (which can have an adverse effect on consumer behaviour). The case for allowing advertisements of low- and non-alcohol product is extremely weak in public health terms.</p> <p><b>Education / DG EAC</b> - with a clear priority to protect the health of younger people, the education sector has long been highlighted as central to changing social norms about alcohol.</p> <p><b>Agriculture / DG AGRI</b> – Pressures come from this sector to continue developing new alcohol products, with the EU Common Agricultural Policy subsidizing the production of alcoholic beverages (clearly to the detriment of public health)</p> <p><b>Taxation / DG TAXUD</b> - However, intelligent taxation policy and minimum unit pricing for alcohol, can favour reductions in alcohol content by producers and reductions in drinking by consumers.</p> <p><b>Marketing / DG GROW</b> – statutory regulation will be necessary to bring about changes in the alcohol industry, as this move to reduce alcohol content will be less effective if framed as corporate social responsibility (CSR).</p>

## Topics recommended for discussion

A number of key policy areas are put forward for discussion in the capacity building workshop:

### Overcome challenges in regulating online alcohol marketing:

- Shouldn't there just be a blanket ban on all alcohol adverts (as with tobacco)?
- How can the EU/Member States monitor and regulate digital alcohol advertising effectively? The advertising strategies of digital marketing, the impact and the existing regulations.
- Which are the key policy tools needed to overcome challenges in regulating online alcohol marketing?
- How can the multi-national social media providers (including the large companies) be persuaded to enforce their own guidelines and held to account for failure to monitor, infringement and resulting harm?

### Supporting Member States implementation:

- How can member states support each other in this?
- What can the EC do to support beyond the AVMSD? Supporting international collaboration to prevent cross-border infringement of regulations?

### Technical knowledge exchange:

- What form could a valid age-verification system take?
- How can ICT support health in monitoring online advertising and promotion?

## Conclusions

### Recommendations for policy measures

The evidence discussed in this review, indicates a number of recommendations for policy and regulation of alcohol advertising in digital media:

1. A total ban on advertising through digital media (as in Lithuania), as with tobacco, and recommended as one of the WHO best buys,<sup>69</sup> is the most clear and simple message for reducing alcohol related harm brought about by advertising
2. If there is no political support for this, one very pressing point is that advertising regulations must be urgently and regularly updated to apply to the diverse methods of marketing via digital media, and ideally formulated as what marketing channels and content *is allowed*, rather than what isn't, to avoid the exploitation of loop-holes and evolutionary race with technological innovation
3. In the absence of a complete ban, it is important that *statutory* regulations (rather than self-regulation or co-regulation) be developed and enforced by a public body, with independent public health input, regularly revised to ensure the most up-to-date online monitoring methods; and monitoring of compliance should also be independent
4. Statutory regulations need to take into account the extremely numerous and diverse methods used by marketing companies to promote (alcohol) products. i.e., regulations should cover a diverse range of channels (sponsorship on websites, social networking sites, e-mails, video on demand, among others) take into account the following aspects:
  - a. Regulation (including a ban) must be flexible enough to be adapted to emerging digital channels
  - b. Social Networking Sites need monitoring and clear legal guidelines for social influencers, mandating transparent disclosure of funds received from industry actors or intermediaries
  - c. User-generated content and comments require careful attention
  - d. Warning messages, including health risks such as alcohol attributable cancer, can be mandated to accompany any alcohol promotion

- e. Care should be taken to clearly lay out regulations relating to low- and non-alcoholic product promotion, to prevent these being used to promote alcohol. Specifically, dissociating brand visual identity for alcohol and low-/non-alcohol products; and prohibiting promotion to minors of low-/non-alcohol beers, wine or spirit substitutes
- f. Regulations should be applied to owned, paid and earned media (i.e. all stakeholders in the marketing networks), to ensure comprehensive coverage and eliminate contradictory loopholes
- 5. A thorough revision of online age verification systems aimed at reducing young people's exposure to alcohol-promoting content or alcohol purchasing is urgently required, with support from front-running ICT sector institutions
- 6. Regulation should be designed with the aim of limiting volume of exposure to digital alcohol advertising for the whole population, and especially for young people and those vulnerable to alcohol marketing influence (e.g., those in recovery for AUD and with other addiction problems); at the same time, existing regulations on the content of alcohol adverts protecting children (e.g. prohibiting glamorisation) still need to be upheld and enforced
- 7. Given the global nature of the Internet, an international alcohol advertising monitoring body should be set up to foster cross-border collaboration and public health gains across all EU Member States

## **Limitations and recommendations for future research**

### **Limitations of the review**

This review and mapping paper shares limitations with much of the scientific research in this field of public health and digital alcohol marketing, in particular:

- the unreliability of real-life exposure measures based on self-reporting (except in experimental studies), and variability of how exposure is operationalized
- the unreliability of self-reported alcohol consumption in non-clinical populations
- The heterogeneity of studies included in the review in terms of study populations, study designs, variables reported
- It was not possible to realistically consider confounding factors in the associations between digital alcohol advertising and individuals' reactions, behaviour and consumption
- publication bias may have affected the studies identified for inclusion, and papers with relevant information may also have been published without explicit reference to advertising, marketing or promotion in the abstract, and so would not be retrieved by the search strategy

There are also a few limitations that are specific to this review and mapping exercise, due to the broad scope of the 'research' question and objective of the final paper (to brief and inform policy participants at the capacity building workshop on the theme):

- The majority of research is designed with academic questions and ends in mind, and, with rare exceptions, is often not easy to translate into evidence to inform policy
- As with any international research, the studies are always culture-bound, with a two-way interaction between the study participants' behaviour and the regulations governing the country in which they live
- For the policy examples, a comprehensive mapping exercise with entries from 33 EU MS would have been informative, but is beyond the scope of this task
- At exactly the time of writing and preparing for the workshop, EU Member States are working towards transposing the new revisions of the AVMSD into national regulations, and using several tools developed to facilitate this process. There is also a rapidly changing situation due to the COVID-19 pandemic, which has seen a boom in online communications. This will mean that certain data and examples change or are adjusted over the coming months, which may affect the validity of parts of this paper.

## Recommendations for new research

### *Studies of exposure across multiple digital channels:*

Given that individuals often interact with many different digital media channels each day (e-mail, phone apps, websites, SNS, digital videos on demand), and marketing companies also adopt a multi-pronged approach, there is a need for studies which quantify exposure of digital alcohol advertising across multiple devices and channels, to arrive at an accurate estimate of marketing exposure and study its impact. It is also important to study further the relative impact of advertising in different media channels, to identify those which require stricter regulation and monitoring.

### *Peer and family influences:*

An individual's social environment exerts an influence on their behaviour (e.g.,<sup>55 70 71</sup>). In addition, the use of marketing strategies through social networking sites can be seen to exert a double force – that of the marketing company as well as that of the peer or family network. Furthermore, viral marketing and peer-to-peer transmission of marketing messages blur the boundaries between commercial messages and private activity, making it difficult for users to identify commercial content. Accordingly, when researching the relationship between digital alcohol marketing and drinking behaviour, researchers should try to include peers and family's (potential) influence in the analyses - including continuing studies into how peers' social media activity may spread branded content to individuals who may not have personally interacted with the brands<sup>72</sup> - in order to have a clearer picture of the on-going phenomenon, to tease apart the different impacts on behaviour, and to regulate different media accordingly and effectively to reduce risky alcohol consumption and harm.

### *Reactions to advertising content and nuance:*

Further research could also study the effect of different marketing content, associations and contextual factors on intent to drink. It is important to develop checklists to regulate different types of content, and to ascertain what type of imagery and content has a strong effect on individuals.<sup>73 74</sup> In particular, using participatory research design with specific populations (e.g. young people and those in recovery). Such studies could compliment and strengthen longitudinal research which has demonstrated the causal impact on alcohol attitudes and behaviour. However, one key stipulation is that this research should be used to define policy that positively and explicitly states what *can* be shown (like the *Loi Evin*), rather than what cannot (to avoid innovative marketing efforts to circumvent regulation).

### *Social networking sites (SNS):*

Additionally, it seems to be essential to substantially focus studies regarding digital alcohol marketing on SNS, given the importance and trend of such medium in our current society. While existing studies are useful, future research is needed to dig deeper into diverse social networks to examine how each one of them can have an impact on individuals; as well as, crucially, to study the social influencers who dedicate their time to what is essentially marketing activity on these sites, with notable success. The higher credibility and authenticity that these influencers are able to deliver, followed by a lower resistance to messages from followers<sup>19</sup> has not been overlooked by the alcohol brands<sup>23</sup>, indicating an important area for further research and evidence-based regulation.

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## Annex 2. Peer-Review report

### DEEP SEAS - FAR SEAS Background/Briefing Document to the Thematic Workshop

This report is intended to compliment and complete the information provided in the briefing documents and executive summary; which have the aim of giving full and succinct, relevant background information to the participants of the DEEP SEAS-FAR SEAS Workshop 1 - *Alcohol Advertising and Sponsorship in Traditional and Digital Media*.

The objective of the workshop is to facilitate clear communication and exchange of perspectives and priorities and to establish sustainable connections which can endure after the events to enhance and promote health in all policy initiatives. To achieve this, we aim to give participants a grounding in the topic which enables them to join in discussions and address the most relevant overlapping cross-sectoral concerns.

<b>Title of background briefing document</b> (delete as necessary): <ul style="list-style-type: none"><li>• Background Alcohol Marketing in Digital Media</li></ul>
<b>Name of Reviewer:</b> Dr Emmi Kauppila
<b>Short biography</b>  Researcher in online alcohol marketing at University of Helsinki, background in social sciences. Four years of experience in researching the regulation of digital marketing of alcohol, HFFS foods and gambling. First author of the report: <ul style="list-style-type: none"><li>• Kauppila, E. K., Lindeman, M., Svensson, J., Hellman, C. M. E., &amp; Katainen, A. H. (2019). Alcohol marketing on social media sites in Finland and Sweden: A comparative audit study of brands' presence and content, and the impact of a legislative change. University of Helsinki Centre for Research on Addiction, Control and Governance (CEACG). Helsinki 2019</li></ul>
<b>Global evaluation of the briefing document:</b>  Overall, this is well-structured document and the topic is of pivotal importance in preparing the response to changes in media landscape. The authors articulate clearly the need to regulate digital alcohol marketing and the inadequacy of self-regulation. The authors' knowledge and expertise is evident throughout the document and in terms of scientific accuracy, I have no improvement suggestions. The revisions I suggest mainly focus on how to make the document even more useful to policy makers who may not be so familiar with the various techniques of digital marketing.  The document maps out different regulation models currently in place in Member States, bringing also geographic balance to the document. However, I would welcome a more extensive reflection on the strengths and limitations of the existing regulatory approaches and enforcement/monitoring strategies. What would improve this document even more would be summary of the marketing strategies policy makers should focus on if complete ban is not feasible: should the focus be on owned media, paid media, owned media, video sharing, user-generated content, or something else?

**Specific areas or messages to add or amend:**

I have four suggestion on areas that could be discussed in more detail:

- 1) Introduce influencer marketing in more detail – the marketing techniques, existing guidelines and the current knowledge on ad recognition. The fact that consumers can't always recognize influencer marketing as commercial content highlights the need for stricter regulation. It would also be useful to add information on existing guidelines for influencers.
- 2) Summary of the review: elaborate further how the results can be translated into policy action. Should policy makers for example pay special attention to video sharing or age and gender?
- 3) A section on monitoring and enforcement strategies – how is it done in countries with stricter regulations, what are the strengths and limitations?
- 4) List of recommendations for policy measures: add a summary of the most central marketing methods regulators should focus on if total ban is not feasible.

**Specific areas or messages to highlight as important:**

The document makes a substantial case on the importance of regulating digital alcohol marketing and summarizes the current scientific knowledge on the association between exposure to digital advertising and drinking outcomes.

The mapping out current regulations on digital media provides valuable insight into ways digital media can be regulated.

**Further references or information of interest in this area:**

I think the authors have covered the most important information in this document.

One suggestion to consider is step-by-step guidelines for monitoring food marketing on digital media, prepared by the WHO. Similar step-by-step guidelines could be useful in the context of alcohol advertising as well:

<https://www.euro.who.int/en/health-topics/disease-prevention/nutrition/activities/monitoring-of-marketing-of-unhealthy-products-to-children-and-adolescents-protocols-and-templates#463527>

## Annex 3 – Hosting Member State specificities - Alcohol marketing and its regulation in the Czech Republic

Author: Miroslav Barták



**1. LÉKAŘSKÁ  
FAKULTA**  
Univerzita Karlova

### Introduction

As Babor et al. (2010) state in their influential book, alcohol is not an ordinary commodity. The same applies to its marketing in Europe, and in the Czech Republic. Alcohol marketing is not just related to legislation, but is also an ongoing issue for academic, corporate and public discussion.

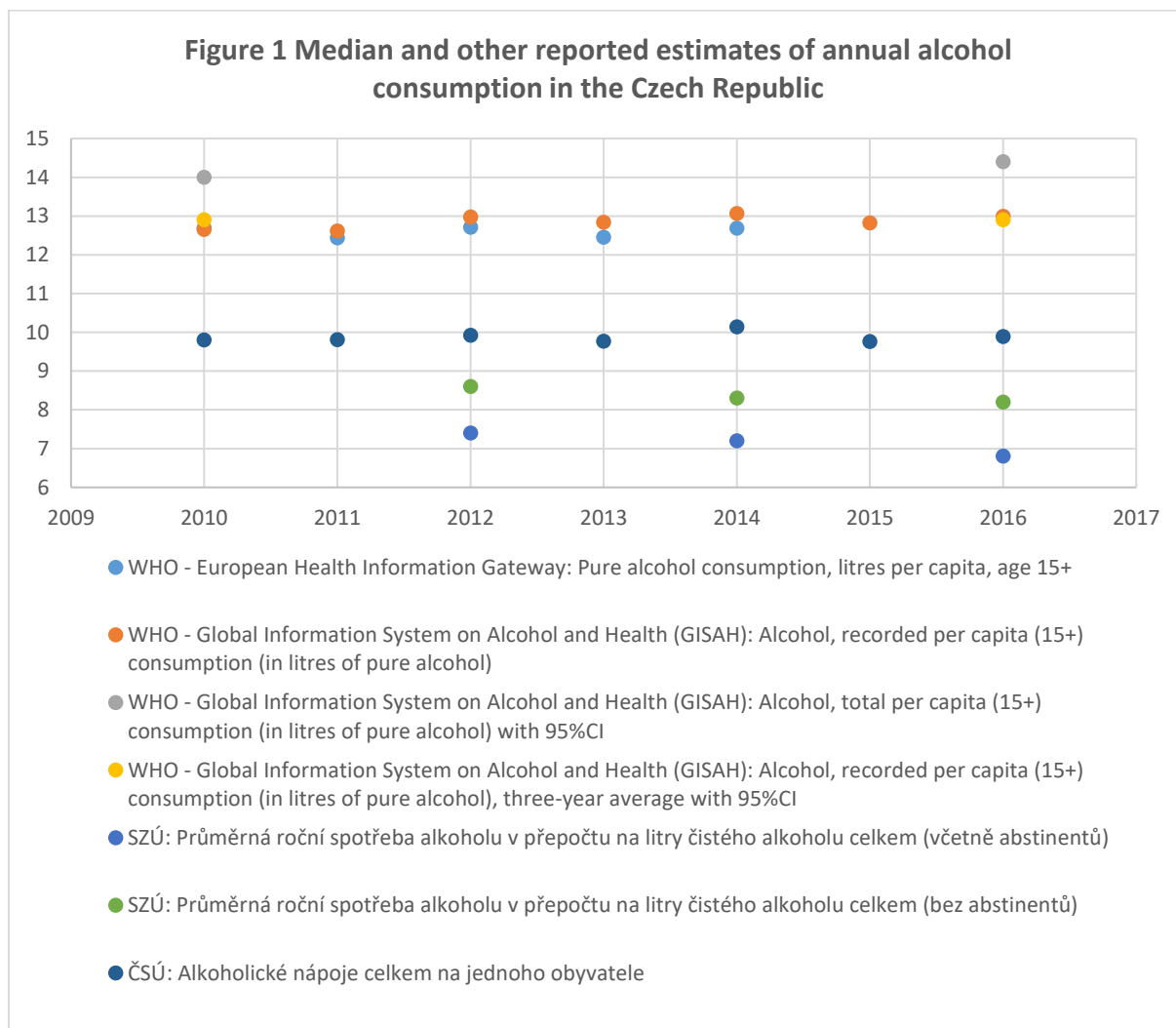
In 2019, Barták et al. published the policy brief and background material related to the WHO SAFER initiative in the Czech Republic (WHO CZ, 2019); alcohol marketing and its regulation is identified as one of the five most important issues for consideration by policy-makers. The presentation of this initiative at the 2019 Alcohol and tobacco conference in the Czech Republic highlighted the differences between the public health and commercial points of view. This was especially noticeable in the field of the marketing, as the conference, organized by the Office of Government of the Czech Republic, was open to all stakeholders, including public administration, academia, service providers and, last but not least, alcohol industry representatives. (Barták & Kulhánek, 2020).

### Alcohol consumption in the Czech Republic and its consequences

Alcohol consumption in the Czech Republic is considered high, as with most other countries in the EU and WHO European region. According to a representative survey by the State Institute of Public Health (SZÚ) in 2019 (Csémy et al., 2020) alcohol is used regularly and often by about 17,3 % of the population over 15 years of age. Average annual consumption of alcohol per capita is estimated to be 7,7 litres of pure alcohol or 8,8 litres of pure alcohol per capita (if abstainers are excluded) based on the Csémy et al. (2020) survey. Binge drinking weekly or more often was reported by 15,9% respondents (9,1% of females; 23,0% males). About 12,8% of respondents can be considered high risk drinkers and 7% of respondent problem drinkers.

There is a big difference between women and men in average annual consumption in litres of pure alcohol. In 2016 males consumed 10 litres and women 4 litres. The National Institute of Public Health data also indicates a major difference between men and women in terms of harmful drinking (average daily consumption >60g for men and >40g for women) at 13% for men and 6% for women in 2016 (Barták et al. 2019).

The following table combines all available data about alcohol consumption in the Czech Republic. The data cover both international databases and domestic sources. It should be stated that differences are caused by different methodologies and approaches to construction and collection. However according to all available data sources consumption of alcohol is high.



Source: Petruželka, B., Barták, M. (2019) own calculations based on the baseline data.

## State of the art in alcohol marketing (advertising) regulation

The policy paper and background documents prepared by Barták et al (2019) summarized the regulation of alcohol advertising (marketing activities) in the Czech Republic as follows:

Law concerning content and communication in the Czech Republic regulates alcohol advertising. The current regulation is rather weak in terms of time limitations to protect susceptible groups from exposure to alcohol commercials (e.g. evening watershed and proportion of adverts are allowed). There are no health warnings required by law for alcohol advertisements or packaging. The existing regulation applies to all type of alcohol beverages. The law generally specifies all types of media including online.

The background materials for the policy paper prepared by Barták et al. (2019) state that the Czech Republic has a general law regulating advertising in radio and TV broadcasting (Act No. 40/1995 Coll.) which also addresses the issue of alcohol advertising. The law specifically states that alcoholic beverage commercials must not promote unrestrained drinking, or portray abstinence or restraint in a negative or ironic light. Furthermore, ads must not target people under 18 years of age and must not depict models or actors who are or appear to be under 18 years of age drinking alcoholic beverages. Ads also cannot use features, people or events that target people under 18 years of age, insinuate a link between alcohol consumption and enhanced performance, depict drinking in the context of driving, create the impression that alcohol consumption helps achieve social or sexual success, claim the alcohol contained in the beverage has beneficial health effects, energizing or calming effects or that it can help solve personal problems, and last but not least, emphasize the alcoholic nature of the beverage as a positive characteristic. The same law also



defines the authorities responsible for enforcing its implementation (primarily the Council for Radio and Television Broadcasting). (Barták et al. 2019)

Another legal regulation addressing alcohol advertising is the Act on Radio and TV Broadcasting (Act No. 231/2010 Coll.) which also gives specific details on special rules applying to commercial messages regarding alcoholic beverages. According to this law, commercial messages regarding alcoholic beverages cannot: specifically target children and youth or depict children and youth drinking alcoholic beverages, pose a link between alcohol consumption and enhanced physical performance or driving, give the impression that alcohol consumption contributes to social or sexual success, claim that alcoholic beverages have medical, stimulating or calming effects or that they are a means to solve personal problems, promote unrestrained consumption of alcoholic beverages or show abstinence or restraint in alcohol consumption in a negative light or emphasise a beverage's high alcohol content as a positive characteristic of the beverage (Barták et al. 2019).

Alcohol advertising is addressed in the Audiovisual On-Demand Service Act (Act No. 132/2010 Coll.) (Barták et al. 2019)

The table prepared by Fidesová in Barták et al. 2019 summarizes the regulation framework. The table shows that the regulation of the alcohol advertising activities are defined both at the EU level in the form of directives that guide action at national, in this case Czech, level and the Czech approach to alcohol marketing regulations.

**Table no. 1. Alcohol marketing regulation in the Czech Republic – selected legal norms**

Legal norms at EU Level	Subject of regulation
Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) amended by the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018	Includes a ban on the explicit targeting of audio-visual commercial communications for alcoholic beverages to minors and a ban on encouraging the immoderate consumption of these beverages.  Defines the criteria for television advertising and teleshopping for alcoholic beverages (e.g. not associating alcohol use with driving, not giving the impression of associating alcohol use with social or sexual performance).
Legal norms at CZ level	Subject of regulation
Law No. 65/2017 Coll., on health protection from the harmful effects of addictive substances	Limits the availability of alcoholic beverages (restrictions on sales and service), determines the powers of municipalities in prohibiting and restricting sale, service and consumption in public places and events.  Regulates the conditions for the requirements and implementation of alcohol testing (orientation examination and professional medical examination). Defines the obligation for healthcare professionals to carry out routine diagnosis and brief intervention.

	Defines addiction disorders and care for persons with addiction disorders.
Law No. 40/1995 Coll. on the regulation of advertising and on changes and supplements to Law No. 468/1991 Coll. on radio and television broadcasting, as amended by subsequent provisions	Defines restrictions on the content of advertising for alcoholic beverages (e.g. encouraging abusive use of alcohol, banning advertising to people <18 years, emphasizing the positive or therapeutic effects of alcohol).
Law No. 231/2001 Coll. on radio and television broadcasting and on changes to other laws, as amended by subsequent provisions	Defines restrictions on advertising content (commercial communications) of alcoholic beverages for the purposes of radio and television broadcasting (in line with the general regulation of alcoholic beverage advertising).
Law No. 132/2010 Coll. On on-demand audiovisual media services and amending certain other laws (On-Demand Audio-visual Media Services Act), as amended by subsequent provisions	For the purposes of on-demand audiovisual services, it prohibits advertising of alcoholic beverages being directed at children or young people or encouraging immoderate consumption of such beverages.

Source: Fidesová in Barták et al. 2019, Annex

It is obvious that the current legal framework for regulating alcohol marketing in the Czech Republic needs to be further developed, as well as a professional and public discussion on this topic.

An important topic is online alcohol marketing which has been developing very dynamically in recent years. Online marketing requires, in part, the use of other methods and approaches as a result of the very rapid development of online marketing in general.

Barták et al. (2019) in the policy brief suggested some possible steps forward that may be considered, namely:

- Significantly strengthen the regulation of alcohol advertising and promotion, including regulation of the means of communication and content of advertising messages as well as regulating the timing (time of day and proportion of adverts) in all type of media.
- Pay increased attention to alcohol advertising in online media, and systematically evaluate this segment.
- Consider a ban on using alcohol for sales promotions and discounts (e.g. happy hours, free drinks promotions, contests, games that encourage binge drinking and offer drinks as a prize).
- Strengthen the regulatory framework and mechanism for its evaluation and as complementary self-regulation.
- Consider specific regulation of sponsorship activities by the alcohol industry.
- Consider introducing health warnings on alcohol advertising and packaging.
- Systematically support the evaluation of compliance with the regulatory framework for alcohol advertising, promotion and sponsorship through independent research studies.
- Promote social marketing campaigns on the harmful effects of alcohol use, particularly focusing on the long-term consequences of alcohol use.
- Consistently evaluate the effectiveness of these campaigns towards target groups through independent research.

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