

Summary Report

REALISING OUR RIGHTS

How to protect people
from alcohol marketing



A REPORT BY THE ALCOHOL
MARKETING EXPERT NETWORK
JUNE 2022

KEY POINTS

- In Scotland, alcohol is responsible for nearly 1 in every 15 deaths.
- Alcohol marketing causes alcohol consumption, so its contribution to this significant burden of harm must be recognised and addressed.
- The World Health Organization has identified restricting alcohol marketing as one of the three 'best buys' for alcohol policy.
- Alcohol marketing affects us all, by encouraging positive attitudes towards alcohol, changing individual behaviours and by creating and sustaining social norms that alcohol consumption is normal and desirable.
- We are all regularly exposed to alcohol marketing, including those who are most vulnerable to its effects.
- Exposure to alcohol marketing causes young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels.
- People with (or at risk of) an alcohol problem are more likely to notice alcohol adverts and to find them appealing which can translate into increased alcohol use. People in recovery from an alcohol problem tell us that alcohol marketing is a risk to their recovery.
- Alcohol-related harm is a human rights issue: people have both a need and a right to be protected from alcohol marketing.
- Current self-regulatory approaches are failing to protect people from alcohol marketing; governments must learn from the experience of other countries and introduce comprehensive statutory restrictions.
- The Scottish Parliament should use its significant powers to legislate to restrict marketing to protect the population. This includes restricting: advertising outdoors and in public places; sports and event sponsorship; merchandise; retail display; price promotions; and advertising in print publications.
- Restrictions should cover any features synonymous with an alcohol brand (including fonts, colours and straplines, not just the brand name).
- People want change: there is support for taking action to restrict marketing among the general public, people in recovery and children and young people.

“Where do we see alcohol? Everywhere!”

9-11-year old,
Member of Children's Parliament



THE NATURE OF ALCOHOL MARKETING

Alcohol marketing is all around us all the time. Alcohol is marketed through a sophisticated network of activities intended to reach and engage us in different ways and points along the consumer journey. This network of marketing activities, often referred to as the 'marketing mix', traditionally includes **promotion, product, place, and price:**

Promotion covers all the ways in which a business communicates with its current and potential customers to persuade them to buy their goods or services. Advertising is the most visible form of promotional activity,⁴ and has traditionally focused on mass media, such as television, radio, billboards, newspapers and magazines. Other forms of promotional activity include, but are not limited to, digital marketing; sponsorship of sports, events and people; branded merchandise; giveaways; competitions; and point-of-sale promotions.

Product refers to the features of a product that are used to appeal to specific markets, encouraging trial and purchase. For alcohol, these elements include its taste, alcoholic strength, colour, size, shape, and packaging design. For the purposes of this report, the Network has focused on product packaging.

Place concerns a product's distribution strategy and includes the number and types of places selling the product, as well as how it is positioned and promoted within the retail environment. The Network's focus is on the promotional activities of retailers.

Price refers not only to how much is paid for a product but also to promotional activities that encourage a perception of value for money. The Network is focusing on price as a promotional tool, rather than other mechanisms to control price.

The way in which companies influence consumers has evolved and become increasingly sophisticated. Marketing campaigns vary how they utilise promotion, product, place, and price to shape people's thoughts and feelings about a brand in a way that encourages them to associate themselves with it, including purchasing, consuming and displaying it.⁵ Marketing has a range of effects on people's psychology, their behaviour, and on society at large, with these effects working together to ultimately guide people towards a particular action and choice.

Alcohol advertising has shifted from a predominantly product sales model to brand marketing, with a focus on building brand identity and emotional connection with the consumer over the longer term. Branding is where an identity for each brand is developed and integrated with the lifestyles and interests of target audiences.⁶ Branding goes beyond brand names and logos. Marketers establish visual cues which become synonymous with the brand, such as font type, straplines, colour and shape. According to researchers, the brand is now the dominant feature of contemporary marketing, to the point that it has become the real product.⁷

ABOUT THIS REPORT

In September 2020, Alcohol Focus Scotland reconstituted an international expert network on alcohol marketing to update and expand on the recommendations made in its 2017 report on alcohol marketing, [Promoting Good Health from Childhood](#),¹ and inform action by the Scottish Government. The Network ran to June 2022, involving international experts in alcohol marketing research, law and policy as they relate to the protection of public health.

This report builds on the Network's first report by:

- increasing the scope of the alcohol marketing activities considered;
- expanding the populations of interest beyond children and young people to include people with (or at risk of) an alcohol problem and the general population;
- utilising an expanded evidence base and hearing directly from people affected by alcohol marketing;*
- framing the case for statutory regulation of alcohol marketing as a human rights issue; and
- presenting recommendations on how countries can best regulate alcohol marketing as well as specifying how these can apply in Scotland.

A [literature review](#)² and [case study research](#)³ commissioned to support this work have been published alongside [the full version](#) of this report.

* Quotations attributed to Member of Children's Parliament are from Children's Parliament (2019). "It's all around you, all the time." *Children's Parliament investigates: an alcohol-free childhood*. Other quotations from young people and people in recovery have been obtained through focus groups, interviews and surveys facilitated and supported by AFS, in collaboration with partner organisations, in late 2021 and early 2022.



"People buy fantasy and desire, not liquid."

Partner, Marketing Company⁸

The rise of digital media is super-charging how alcohol is marketed. It enables alcohol companies to target people with advertising and promotional messages based on their online preferences and activities,⁹ invading their private lives. It also blurs the boundaries between official marketing content and user interactions, with users becoming co-creators and distributors of alcohol marketing messages.¹⁰ This allows for drinking culture and promotional messages about alcohol to become embedded in daily communications and relationships. In addition, the use of 'buy now' buttons or 'swipe up' features on digital adverts allows for immediate purchasing unlike most other forms of advertising and promotion.



ALCOHOL MARKETING AND HUMAN RIGHTS

Not only is alcohol-related harm a significant global health problem, it also raises major human rights concerns. There is an inherent conflict between the commercial goals of businesses that sell unhealthy products such as alcohol, and the protection of the health of individuals and society. As well as harming the right to health and the right to life, survival and development, alcohol marketing also undermines people's rights to privacy and to be free from exploitation.¹¹

By approaching alcohol-related harm as a human rights issue, the rationale for intervention no longer comes only from the fact that people have a need to be protected from alcohol marketing but that they also have the right to be protected.¹² Human rights are not optional: they are anchored in law and lay down legally binding obligations on states as duty-bearers to respect, protect and fulfil people's rights.

When it comes to alcohol marketing, too often states relinquish their responsibilities to the detriment of public health, consumer protection and human rights. A key example of this is states delegating the regulation of alcohol marketing to industry through self-regulatory or voluntary codes. Evidence shows that in practice, industry codes fail to prevent high volumes of advertising and associated levels of exposure, are subject to under-interpretation and under-enforcement, and are regularly violated.^{13 14 15}

The accountability introduced by taking a human rights-based approach requires that states should regulate alcohol marketing in the public interest – avoiding actual, potential or perceived conflicts of interest and undue interference from industry actors – and end self-regulation. Instead, states should implement effective, legally binding regulation of the alcohol and advertising industries.

People have a need to be protected from alcohol marketing and also have the right to be protected

IMPACT OF ALCOHOL MARKETING ON THE GENERAL POPULATION

There is a wealth of evidence that exposure to alcohol marketing is causally linked to consumption.^{16 17 18}

Critical appraisals of alcohol marketing campaigns show that promotional activity by alcohol companies not only enables brands to retain customers and to facilitate switching between brands or products, but also serves to recruit new drinkers and increase consumption.^{19 20}

The adult population is considered by the alcohol industry to be the legitimate target of all marketing activity. There is conclusive evidence of a small but consistent association of advertising with consumption at a population level.²² Evidence shows that alcohol promotional activities consistently demonstrate an aggregative effect;²² the more people are exposed, the greater the effect.



"I don't actually like beer, but I bought it specifically because I liked the packaging."
Young adult drinker²¹

Of central concern to the Network is the aggressive, pervasive and sophisticated nature of alcohol marketing, which creates an alcohol-promoting environment where norms about the role of drinking in our society are reinforced. This helps to establish and sustain expectations around alcohol use as positive, aspirational, commonplace, and even part of a healthy lifestyle. The positive expectations around alcohol use created by marketing are predictive of consumption.^{23 24}

IMPACT OF ALCOHOL MARKETING ON CHILDREN AND YOUNG PEOPLE

Children and young people are at particular risk from alcohol marketing both due to their increased susceptibility to its persuasive messages and because they experience disproportionate physical and mental impacts from drinking alcohol.²⁹ Significantly, research published since the Network's first report has now established a causal connection between children and young people's exposure to alcohol marketing and drinking.¹⁶ Reviews of decades of research have concluded that alcohol marketing leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels.^{17 18}

Alcohol marketing provides the building blocks for current and future behaviour by affecting how children and young people think and feel about alcohol. It encourages them to develop brand preferences and positive expectations around alcohol, as well as creating and reinforcing social norms around alcohol consumption.³⁰ Marketing is not just about influencing short-term purchasing but about establishing an ongoing relationship with the brand which persists over years. The young person goes through cycles of exposure and response in which advertising messages are internalised and incorporated into their identity.³⁰

The exposure of children and young people to alcohol marketing primes their relationships with brands well before they reach legal drinking age.

Social norms are amongst the most powerful drivers of behaviour, including drinking.^{25 26} This normative effect has serious and wide-reaching consequences for the general population, as well as for vulnerable groups. There is little opportunity for messages countering these norms to cut through; public health lacks the resources (or likely sophistication of messaging) to counter industry narratives. Industry influence on social norms relating to consumption has been identified by the World Health Organization as a reason to restrict alcohol marketing.^{27 28}

High levels of brand knowledge and preferences for certain brands have been demonstrated by under-18s, including in Scotland and the rest of the UK, even before they have started to drink.^{31 32}

Nine in ten under-18s in the UK recognise at least one alcohol brand, with recognition increasing with age from 82% of 11-12-year-olds to 91% of 13-15-year-olds and 97% of 16-17-year-olds.³³

Young people's preferences for particular brands do not develop spontaneously. Industry documents reveal that new generations are a key target for alcohol advertisers and that market research with children as young as 15 has been used to guide and inform marketing campaigns.¹⁹ Ensuring early brand recognition is seen to be particularly advantageous in the drive to establish brand loyalty.¹⁰

Current approaches to regulating alcohol marketing in many countries often mandate only that adverts aren't targeted at people below the legal drinking age or that they do not have strong or particular appeal for them. Where steps have been taken to address marketing exposure, this is often limited to child-focused spaces or preventing exposure at certain times of the day. However, children are fully integrated members of their communities, occupying many of the same spaces as adults.



“Alcohol marketing can be massively triggering; it's designed to be.”

Tom Bennett, Scottish Recovery Consortium, and Expert Network Member

There is a causal connection between children and young people's exposure to alcohol marketing and drinking

This means they are surrounded by positive messages about drinking and regularly exposed to brand marketing. This in turn has an impact on the development of their values and beliefs about alcohol, and builds the foundations of brand loyalty, all of which they can carry into adulthood.

Children and young people themselves talk about the visibility of alcohol – including in shops, on billboards and from sports sponsorship – and how this makes them feel. They have called for action to protect them from it.^{34 35}

The UN Convention on the Rights of the Child recognises that children, including adolescents, are a vulnerable group requiring special protection, not least from commercial exploitation. The clear evidence that the impact of alcohol marketing threatens to undermine a wide range of children's rights necessitates that countries act. In order to uphold the rights of children, international human rights monitoring bodies have given clear interpretative guidance to states and urged them to introduce effective regulation of alcohol marketing.³⁶

“We see alcohol every day, up to a few times a day but we are just kind of used to seeing it.”

12-15-year old



“The Champions League sponsor is Heineken. The logo is green and black. At the start of the match, they announce the sponsor and you can see the adverts all over the stadium.”

9-11-year old, Member of Children's Parliament

IMPACT OF ALCOHOL MARKETING ON PEOPLE WITH (OR AT RISK OF) AN ALCOHOL PROBLEM

People with (or at risk of) an alcohol problem[†] are at increased risk from alcohol marketing. Those with alcohol dependence also experience both disproportionate harm from alcohol use and increased susceptibility to alcohol marketing, with marketing messages processed differently by heavy drinkers.²⁹ Existing literature indicates that heavy and binge drinkers react more strongly and in a different way to alcohol cues than lighter drinkers. The more someone drinks, the more likely they are to pay attention to alcohol cues,³⁷ which, in turn, leads to increased cravings.³⁸ This creates a vicious circle whereby alcohol-related stimuli become more noticeable as cravings increase, and cravings increase as greater attention is paid to alcohol-related stimuli.²⁹

The alcohol industry is financially dependent on heavy drinking,^{39 40} meaning it is in their interests for people to drink at harmful levels. For example, in England, the heaviest 20% of drinkers account for an estimated 70% of the total quantity of alcohol sold, with the heaviest drinking 4% of the population

accounting for almost a quarter of all revenues.⁴¹ Alcohol marketers have been shown to explicitly target people who drink heavily.²⁰

Digital media present powerful new opportunities for marketers to target heavier drinkers – or those who could become so. Sophisticated data-driven tools disproportionately target those who drink the most, potentially causing significant harm.⁹ The integration of digital marketing with the opportunity to instantly purchase a product through a 'click here to buy now' button presents an added risk.

“Ads pop up all the time on social media and despite blocking them more just appear – it triggers me massively.”

Person in recovery



“It suggests that alcohol is completely normal and acceptable. It evokes memories of being ‘normal’ and having ‘fun’ and tempts me back continually.”

Person in recovery

[†] Defined as people with an alcohol use disorder, in recovery from an alcohol use disorder, or drinking above recommended guidelines.

However, most regulatory systems do not recognise people with (or at risk of) an alcohol problem as being a group in need of special protection from alcohol marketing. They remain regularly exposed to alcohol marketing, through a variety of channels and techniques.

People's own testimony suggests that this impacts on their ability to fully live and thrive in their communities. People in recovery have reported negative emotions associated with viewing alcohol advertisements, including loss, lack of belonging, sadness, guilt and exclusion from the norm.^{42 43}

The literature review undertaken for this report found an effect of alcohol marketing on people with (or at risk of) an alcohol problem.² It identified that people with alcohol problems are more likely to notice alcohol marketing, due to both greater exposure and interest, and that heavy drinkers are more likely to find alcohol adverts appealing. Significantly, the findings suggest that marketing effects have the potential to translate into increased alcohol use and pose a risk to recovery for people with

alcohol problems, making it difficult for them to abstain from drinking, encouraging or triggering drinking, and even being directly responsible for their relapse.

This is supported by people's accounts of their experiences of being in recovery. Alcohol marketing is a common environmental trigger that makes it more difficult to achieve and sustain recovery, with the retail environment a particular challenge; many reported using strategies to reduce their exposure for fear it may trigger them to drink.^{2 44} However, there are limits to the action people can take to protect themselves, particularly when marketing intrudes into their homes and private spaces through television advertising or through the predatory nature of algorithm-driven digital marketing.

"I remember having to vary my routine in the very early stages of recovery. You can't avoid going for things like food shopping and even when I did that, I feel that alcohol was strategically being placed to trigger and target me."

Person in recovery



"Alcohol marketing is utterly ubiquitous, it's really hard to forget about the urge to have a drink when you're surrounded by it. Even the ads for alcohol free variants."

Person in recovery

RECOMMENDATIONS FOR A FRAMEWORK FOR ALCOHOL MARKETING CONTROL

The alcohol industry spends billions of pounds every year building and promoting their brands with the ultimate aim of encouraging people to drink their products. Despite the significant health, social and economic harms caused by alcohol, many countries are failing to take the necessary steps to protect the rights of their citizens. While some have introduced statutory regulation of alcohol marketing, many more rely on ineffective, self-regulatory approaches.

States have a duty under international law to protect and fulfil the human rights of their citizens, including their right to health.

To meet this duty, the Network's overarching recommendation is for countries to introduce comprehensive statutory restrictions on alcohol marketing. This is in keeping with the World Health Organization who identify comprehensive marketing restrictions as one of three 'best buys' for alcohol policy.²⁸

Case study research of alcohol marketing restrictions in other European countries emphasises the advantages of full over partial restrictions.³

"It is really very efficient to have a total ban, you know? It's much easier to litigate, it's much easier...to implement, it's much cheaper for the state and then it's very convenient. But it is really, really inconvenient for the industry. You have to fight every step of the way."

Public Health Advocate, Lithuania,
Case Study Research

Regulation also needs to respond to the complexity of the effects and purposes of marketing activities. The Network has therefore developed a set of complementary recommendations to maximise the effectiveness of statutory restrictions, particularly informed by the experiences of other countries that have implemented statutory alcohol marketing restrictions.

These recommendations cover the scope of restrictions, taking account of the marketing mix as well as the need to legislate to restrict marketing of any features synonymous with an alcohol brand (including the font, colours and strapline, not just the brand name); how the implementation of restrictions should be approached; monitoring and enforcement; and evaluation.

In recognition of the challenges presented by the increasingly transnational focus of marketing, the Network also calls on the World Health Organization (WHO) to lead international action to address digital marketing and to develop a convention – drawing on that put in place 17 years ago for tobacco – that will support both national and international efforts to prevent and reduce alcohol harm more broadly.

The Network recommends that countries:

Overarching recommendation

Put in place comprehensive statutory restrictions on alcohol marketing.

To maximise the effectiveness of statutory restrictions, the Network recommends that countries:

Scope of restrictions	Promotion	Ensure restrictions on alcohol marketing explicitly include all forms of brand marketing.
	Product	Mandate health information on all alcohol packaging. The content and design of this information should be specified in regulations, informed by consumer research, and developed free from industry influence.
	Place	Introduce restrictions in mixed retail environments to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol.
	Price	Restrict the use of price as a promotional tool.
Policy implementation		Adopt a 'positive list' approach to legislation, stating what activities are permitted under the legislation, rather than what are not.
Monitoring and enforcement		Implement systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.
Evaluation		Establish evaluation programmes to assess the effectiveness of marketing restrictions.

To enable countries to put in place comprehensive statutory restrictions on alcohol marketing, the Network recommends that the World Health Organization:

International action

Develops an international approach to regulating digital alcohol marketing as part of a Framework Convention on Alcohol Control.

RECOMMENDATIONS FOR IMPLEMENTING THE FRAMEWORK FOR ALCOHOL MARKETING CONTROL IN SCOTLAND

To help inform future action by the Scottish Government, the Network has also considered how its framework should be applied in Scotland. Scotland has significant powers to legislate in a number of key areas, that if fully used, would substantially increase the protection from alcohol marketing afforded to children, people with (or at risk of) an alcohol problem, and the general population. These include: advertising in outdoor and public spaces; sponsorship of sports, events and people; branded merchandise; retail display, price promotions; and advertising in print publications. These powers extend to restricting brand marketing.

Levels of alcohol consumption and related problems remain consistently high in Scotland. Around a quarter of adults in Scotland drink at levels that put their health at risk,⁴⁵ leading to over 3,700 deaths each year from alcohol (nearly 1 in 15 of all deaths).⁴⁶ In 2021, the Scottish Government rightly recognised alcohol harm in Scotland as a public health emergency.⁴⁷

Taking action to address alcohol marketing forms a key part of the Scottish Government's alcohol prevention framework.⁴⁸ Marketing should also be seen as a means to deliver the human-rights based vision set out in the Scottish Government's alcohol and drugs treatment strategy where "individuals, families and communities have the right to health and life – free from the harms of alcohol and drugs; are treated with dignity and respect; and are fully supported within communities to find their own type of recovery."⁴⁹ It is clear however, that the current prevalence of alcohol marketing within communities creates a hugely unsupportive environment within which people must try to achieve and sustain their recovery.

Public support for increased alcohol marketing restrictions in Scotland.

75% of people support limiting children's exposure to adverts.⁵⁰

48% of people support a ban on all alcohol advertising.⁵¹

62% of people support restricting advertising, sponsorship, and promotion online and in outdoor and public spaces.⁵¹

There is broad public support for increased alcohol marketing restrictions in Scotland. Children and young people are also calling for action on marketing. In 2019, members of Children's Parliament (aged 9-11 years) called for alcohol adverts to be removed so that children cannot see them and for alcohol to be less visible in shops.³⁴

In 2020, the Young Scot Health Panel of children and young people (aged 14-25 years) recommended mandatory controls on alcohol marketing, including restrictions on alcohol advertising on TV, in cinemas and in public places, and content requirements for adverts and packaging to reduce appeal to young people and warn them of the dangers of drinking.³⁵

"Children would be better and healthier because when they grow up, they wouldn't think it's cool to drink."

9-11-year old, Member of Children's Parliament

People in recovery across Scotland have expressed a wish to see the ubiquitous and intrusive marketing of alcohol in their daily lives addressed.

"Until you are in recovery it is hard to understand how important this is. Reducing alcohol advertising could easily help save lives for many in the recovery community."

Person in recovery

Scotland has significant powers to legislate in a number of key areas, that if fully used, would substantially increase the protection from alcohol marketing afforded to children, people with (or at risk of) an alcohol problem, and the general population



Example: The benefits of restricting sport sponsorship

Alcohol sport sponsorship extends not simply to brand logos on strips or advertising around stadiums, but a range of other interconnected activities such as limited edition products featuring the names of teams and their achievements; extensive social media activity; competition tie-ins; and players, managers or coaches featuring in adverts.⁵²

Restricting sports sponsorship would deliver benefits across a range of channels, reducing the salience and effectiveness of other forms of marketing which leverage sponsorship content, including broadcast and digital. It would also reduce the ability of alcohol companies to develop and reinforce social norms about alcohol use and challenge the appropriateness of linking alcohol with a healthy activity.

The current system of co- and self-regulation of alcohol marketing in the UK is confusing, fragmented, contradictory in places, and ineffective in controlling levels of exposure or the power of marketing. In addition, enforcement is retrospective, slow and weak.¹ Digital technology has increased the volume and targeting of alcohol marketing, amplifying these challenges.

The Network recommends that the Scottish Government introduces statutory restrictions on alcohol marketing activities in all areas of its competence.

This includes, but is not limited to, advertising in outdoor and public spaces, sport and event sponsorship, price promotions, and restricting the display and promotion in shops. Regulating these activities would have a significant impact; it would reduce people in Scotland's exposure to alcohol marketing, unplugging a range of marketing channels and activities and reducing the power of the remaining marketing activities by disrupting the marketing mix.

Restricting alcohol marketing in Scotland would build on Scotland's progressive record in implementing bold, population-wide public health interventions, including its world-leading minimum unit pricing policy.

Marketing restrictions would also advance the Scottish Government's ambitious work in the protection of human rights, including its commitment to incorporating the UN Convention on the Rights of the Child into domestic law to the maximum extent possible.⁵³

Alcohol marketing undermines the human rights of children and young people, people with (or at risk of) an alcohol problem, and the general population. Taking urgent action to restrict alcohol marketing would be an important way for the Scottish Government to fulfil its human rights obligations, reducing alcohol consumption and harm, and helping to improve the health and wellbeing of the nation.



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- 53 The Scottish Parliament unanimously voted to make children's rights part of its laws by incorporating the Convention through the UNCRC (Incorporation) (Scotland) Act 2021. However, the UK Government expressed concern that the Act exceeded the powers of the Scottish Parliament and referred it to the UK Supreme Court. The Supreme Court ruled that certain provisions of the Act were beyond the competence of the Parliament and therefore the legislation could not be enacted as passed.



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