



RESPONSE TO UK GOVERNMENT CONSULTATION ON UPDATING LABELLING GUIDANCE FOR NO AND LOW-ALCOHOL ALTERNATIVES

Alcohol Focus Scotland (AFS) is the national charity working to prevent and reduce alcohol harm. We aim to reduce the impact of alcohol in Scotland through the implementation of effective alcohol control policies and legislation. AFS welcomes the opportunity to respond to the UK Government's consultation on updating labelling guidance for no and low-alcohol alternatives.

Summary

- The current system and definitions of "low alcohol", "de-alcoholised" and "alcohol-free" are confusing to people
- People generally expect the term "alcohol free" to mean "completely devoid of alcohol"
- All alcohol substitutes and lower strength alcohol products should clearly display their ABV content on the front of the label or packaging, clearly indicated at the point of sale online
- The terms of use for descriptors should be set in legislation
- The CMO's weekly drinking guidelines and pregnancy and drinking warnings should be displayed on all alcohol substitute drinks and lower strength alcohol products, from 0% to 1.2% ABV
- Alcohol substitute drinks should display an age restriction warning on label
- Changes to the descriptors are unlikely to help deliver government's policy aims for reducing alcohol-related harms
- There is some evidence that NoLos will not be used by populations where change is most needed: amongst heavier drinkers and people from our most deprived areas
- The increased visibility of brand marketing may increase awareness of alcohol brands and encourage people to drink alcohol
- Current marketing practices promote drinking NoLos in addition to existing alcohol use rather than as alcohol substitutes
- Alcohol substitutes must be kept distinctly separate from soft drinks
- The UK Government must increase the price of alcohol, restrict its marketing, and reduce its availability, in line with World Health Organization recommendations
- The policy objectives should clearly specify that the primary purpose is to reduce alcohol harm by encouraging substitution of standard-strength alcoholic drinks for lower-strength and alcohol-free products
- The policy must be thoroughly evaluated as well as monitored, with changes subsequently made if the policy is found to be detrimental to public health

Low alcohol descriptors**The alcohol free descriptor**

Do you think the upper strength threshold at which a drink may be described as alcohol free should be changed from 0.05% alcohol by volume (ABV) to 0.5% ABV?

Don't know

The Defra-commissioned research referenced in the consultation has highlighted that people generally expect the term “alcohol free” to mean “completely devoid of alcohol”. Despite 0.05% constituting a very low alcohol content, this is already misleading. Increasing the threshold to 0.5% could mislead the public further.

For this reason, it is essential that all products are legally required to display their ABV content, regardless of the descriptor used. This would provide clarity to people as to the actual content of the product, without relying on knowledge of the meaning of specific descriptors. It would also be particularly beneficial for people wishing to abstain entirely for health, moral, or religious reasons and for people in recovery from alcohol problems.

According to a Social Market Foundation paper supported by Alcohol Change UK, 62% of survey respondents agreed that the current definitions of “low alcohol”, “de-alcoholised” and “alcohol-free” drinks are confusing, with just 11% disagreeing.¹ In the same study, 59% of participants agreed that there is a lack of clarity around how safe these products are – for example, for those driving after drinking them or those that are pregnant. Only 8% disagreed.

We note that “alcohol free” and “non-alcoholic” are often used interchangeably by the public. The former may be preferable as “non-alcoholic” tends to indicate “soft drinks” and the two categories should not be conflated.

Do you think the suggested use of the alcohol free descriptor should be expanded to apply to any drink that meets the criteria of an alcohol substitute drink (up to a specified strength threshold)?

Don't know

The most important thing is for people to know what they are drinking, including what the strength of a product is. AFS believes that all NoLo product labels should be legally required to display their ABV content, regardless of what descriptors are used, so that people do not have to rely on knowledge of descriptor definitions.

However, we note Defra-commissioned research has highlighted that people generally expect the term “alcohol free” to mean “completely devoid of alcohol”.

The de-alcoholised descriptor

Do you think the term ‘de-alcoholised’ should be removed as a description of a product’s alcoholic strength?

Yes

AFS does not believe this descriptor should be used as a description of a product's strength, as it relates more to how a product has been manufactured. As previously stated, it is important for people to know the strength of the drink they are consuming, not how it has been manufactured. AFS believes that all NoLo product labels should be legally required to display their ABV content, regardless of what descriptors are used.

According to a Social Market Foundation paper supported by Alcohol Change UK, 62% of survey respondents agreed that the current definitions of "low alcohol", "de-alcoholised" and "alcohol-free" drinks are confusing, with just 11% disagreeing.² In the same study, 59% of participants agreed that there is a lack of clarity around how safe these products are – for example, for those driving after drinking them or those that are pregnant. Only 8% disagreed.

Do you think the term 'de-alcoholised' should be recommended for use to indicate the production method used to reduce the alcohol content of a NoLo drink?

Yes

People have the right to know what they are drinking and to have all the information they need to make decisions about whether they want to drink NoLos. Knowing how a product was manufactured is important to some groups.

Research in 2020 found that 3% of the people who had consumed NoLos in the previous 12 months had done so for religious reasons.³ There are diverse perspectives among Muslim communities about whether NoLos are considered halal. Anecdotal evidence from work that Alcohol Change UK has done with Muslim communities in the UK suggests that whether the product has ever been in contact with alcohol is also important to some people. In this context, it would be important for people to know if the product had been de-alcoholised or produced through other methods, even if no alcohol is present in the final product.

We agree with the UK Government's recommendation that if the term de-alcoholised is used flexibly to describe the manufacturing method used, it must be alongside the descriptor used for alcoholic strength, but not instead of the descriptor. "De-alcoholised" should not be used to describe the strength of NoLo drinks.

The non-alcoholic descriptor

Do you think the term 'non-alcoholic' should be recommended for use with a name commonly associated with an alcoholic drink? – max 250

For example, using the term 'non-alcoholic beer' if no alcohol was used in the production process and the product does not contain any alcohol, and is not used with a protected product name under regulations.

Don't know

The term "non-alcoholic" should remain reserved for soft drinks to avoid conflating the two categories and prevent a situation where people consume alcohol substitutes instead of soft drinks, as this could lead to a subsequent increase in alcohol use. As the purpose of updating NoLo labelling is for NoLos to act as substitutes for alcoholic products and not as substitutes for soft drinks, terms should not be conflated.

Alcohol by volume content

Do you think that products should display the ABV content on the front of the label to be able to use the alcohol free descriptor?

Yes

AFS believes that all NoLo products should be legally required to display their ABV content on the front of the label regardless of the descriptor used. People have a right to know what they are drinking and should not have to rely on knowledge of descriptors to know the ABV of a product.

Displaying ABV on the front of the label of NoLo products is particularly important to ensure that those completely abstaining from alcohol – such as people in recovery or those abstaining for health, moral, or religious reasons – can make a fully informed decision about whether or not to consume a product, even if it is labelled “alcohol free”.

The current descriptors are confusing, whereas ABV is easily understood. Defra-commissioned research highlights the confusion caused by descriptors without ABV, by highlighting that not all participants were aware of the “alcohol free” descriptor including products up to 0.05% ABV.⁴ The same research also found “a general consensus across participants, that ABV should clearly be shown somewhere on a product and that numerical percentage values were a universally clear way to indicate this.”⁵

Do you think all alcohol substitute products at 1.2% ABV and below should include the ABV content on the front of the label, irrespective of whether a low alcohol descriptor is used?

Yes

AFS believes that all NoLo products should be legally required to display their ABV content on the front of the label regardless of the descriptor used. People have a right to know what they are drinking and should not have to rely on knowledge of descriptors to know the ABV of a product and make fully informed decisions about their consumption. This is particularly important for consumers belonging to vulnerable populations, such as people in recovery, those who are pregnant, or preparing for pregnancy.

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Do you think all alcohol substitute products at 1.2% ABV and below should include the ABV content at the point of their sale online, irrespective of whether a low alcohol descriptor is used?

Yes

AFS believes that all NoLo products should be legally required to display their ABV content, which includes both on the label and at the point of sale online, regardless of the descriptor

used. People have a right to know what they are drinking and should not have to rely on knowledge of descriptors to know the ABV of a product and make fully informed decisions about their consumption.

People in the UK are buying alcohol online more than ever before,⁷ particularly following the COVID-19 pandemic and related restrictions,⁸ making it even more important for information to be easily accessible at the online point of sale.

Legal status of low alcohol descriptors

Do you think the terms of use for low alcohol descriptors should be set in legislation?

Yes

Studies continuously show that the ineffectiveness of the self-regulatory, voluntary system of alcohol labelling in the UK results in poor and inconsistent practice.^{9 10 11} It is therefore no surprise that, as highlighted in the consultation document, DHSC guidance for low alcohol descriptors is not being followed by more than half of the products sold in the UK labelled as “alcohol free” while producers and retailers agree that the absence of legislation results in a lack of consistency.

The UK Government has an opportunity to legislate the terms of use for low alcohol descriptors, thereby improving people’s right to information that impacts their health, and, subsequently, public health.

The UK Government should also launch its consultation on alcohol calorie labelling, announced in 2020. It should introduce a mandatory regime of labelling across all alcohol product labels, whereby all labels must provide the nutritional information, ingredients, and unit content of products, as well as the Chief Medical Officers’ low-risk weekly drinking guidelines. Product labels should also contain warnings of the harms associated with alcohol consumption. The font size of these various label elements should be prescribed to ensure legibility.

Communicating UK chief medical officers’ low risk drinking guidelines

Which, if any, of the CMOs’ low risk drinking guidelines should be displayed on alcohol substitute drinks at or below 0.05% ABV?

- ☒ Weekly drinking guidelines
- ☐ Single occasion drinking guidelines
- ☒ Pregnancy and drinking
- ☐ None of the guidelines

Which, if any, of the CMOs’ low risk drinking guidelines should be displayed on alcohol substitute drinks above 0.05% ABV and up to 1.2% ABV?

- ☒ Weekly drinking guidelines
- ☐ Single occasion drinking guidelines
- ☒ Pregnancy and drinking
- ☐ None of the guidelines

Achieving government public health policy aims

Do you think changes to the descriptors, if implemented, will help to deliver government's policy aims for reducing alcohol related harms?

No

It is unlikely that changes to the descriptors will help reduce alcohol-related harms, both because it is unclear whether changes will increase the consumption of NoLo products and because it is unlikely that increasing consumption of NoLos alone will reduce alcohol-related harms. Research has also suggested minimal impact on public health of the introduction of <0.5% products in the UK, with no notable increases in NoLo purchases between 2015-19.¹² Please see our response to the next question in relation to whether people are using NoLos as alcohol substitutes or in addition to their alcohol consumption.

As mentioned elsewhere in our response, the current descriptors and definitions of "low alcohol", "de-alcoholised", and "alcohol-free" drinks are confusing.¹³ To help deliver government's policy aims, any changes to the descriptors must be accompanied by mandatory labelling of products' ABV content, regardless of the descriptor used. Clear ABV content labelling would provide clarity to consumers as to the actual alcohol content of a product, without the need for reliance on knowledge of the meaning of specific descriptors.

Nevertheless, NoLos must not be considered a panacea, as some evidence suggests they may be ineffective in reducing alcohol-related harms in populations where change is most needed: amongst heavier drinkers and people from our most deprived areas. Social Market Foundation research concluded that moderate and heavy drinkers appear more likely than non-drinkers and light drinkers to consume NoLos only for specific occasions, such as when driving, rather than as substitutes, and in addition to consuming standard-strength alcoholic products.¹⁴ Research has so far concluded that NoLos are more likely to be purchased by people from higher socio-economic backgrounds.^{15 16} A UK study also found that NoLos reduced alcohol consumption among the least deprived households.¹⁷ Therefore, increasing NoLo consumption could even contribute to health inequalities. This suggests that although NoLos could be beneficial on an individual level, they should not be relied upon for a whole population approach as they may not be used by the people most affected by alcohol harms.

Further to the evidence base on the effectiveness of NoLos not being established, there are very valid concerns as to the potential for increased harm from increased visibility and promotion of NoLo products, due to brand-sharing. Brand-sharing is where non-alcoholic products and services are used to promote a brand. NoLo products which share their branding with alcohol products would thus serve to increase brand exposure and visibility; particularly problematic for children and young people and people in recovery from alcohol problems. In our work with people in recovery, we have been told that "Alcohol-free alternatives are nothing but a [Trojan] horse for the brand." In Scotland, we would call for alcohol advertising restrictions to explicitly include brand marketing and for alcohol and alcohol substitute products to only be visible in stores to people intending to browse for or purchase them. More on this is included in our response to the age warning questions.

Nevertheless, other measures would have a greater impact on reducing alcohol-related harms across the UK. The World Health Organization recommends three “best buys”, the most effective and cost-effective measures for reducing alcohol harm, thereby preventing and controlling non-communicable diseases.¹⁸ These are to increase the price of alcohol, restrict its marketing, and reduce its availability.

To reduce alcohol-related harms, as a member of the Alcohol Health Alliance, we join calls on the UK Government to commit to action on alcohol harm with a comprehensive evidence-based strategy, free from alcohol industry influence. If the UK Government is keen to use NoLos to reduce alcohol-related harms, to fully realise the ambition of this policy they must introduce evidence-based interventions.

In a UK context, implementing the World Health Organization’s three “best buys” would mean:

- Ensuring that alcohol duty rises in line with inflation each year
- Implementing Minimum Unit Pricing in England
- Implementing a public health licensing objective to ensure that local alcohol harm data can be taken into account for licensing decisions
- Including alcohol in the definition of ‘unhealthy products’ under the marketing regulations for products high in fat, sugar and salt

Additionally, there is growing evidence of the potential for improving public health through the introduction of mandatory alcohol product labelling. The UK Government should introduce mandatory alcohol product labelling that provides consumers with information relating to ingredients, calories, units, CMOs’ guidelines, and health risks such as alcohol during pregnancy and the causal link with cancer. We join calls on Government to publish its consultation on alcohol product labelling without further delay.

Scotland has already taken steps to introduce and implement effective alcohol control measures to reduce alcohol harms. These include setting a Minimum Unit Price (MUP) for alcohol and limiting alcohol displays in the off-trade. MUP was implemented in May 2018 at a rate of 50p per unit.¹⁹ The independent report by Public Health Scotland concluded that MUP has achieved its aims of reducing alcohol-related harm, including hospitalisations and deaths, by reducing population consumption and targeting the consumption of people drinking at higher levels.²⁰ Additionally, the Scottish Government consultation on restricting alcohol marketing closed earlier in 2023 and we are awaiting the analysis before the end of this year. Alcohol Focus Scotland expects these developments to be informed by the Alcohol Marketing Expert Network’s recommendations, alongside the views and experiences of groups particularly affected, such as people in recovery and children and young people. The key recommendation is that governments put in place comprehensive statutory restrictions on alcohol marketing.²¹

**If implemented, do you think changes to the descriptors would affect whether consumers substitute standard-strength alcohol products with NoLo products?
For example, through encouraging substitution of standard-strength alcohol with NoLo alternatives.**

No

When considering if changes to the descriptors will affect whether consumers substitute standard-strength alcohol products with NoLo products, it is important to examine the current situation and understand whether people use NoLos as alternatives to standard-strength alcohol, or in addition to alcohol. It would not be accurate to assume that increased consumption of NoLo products would take the form of substitution from standard-strength alcoholic drinks. So far, the evidence is inconclusive.

A nationally representative Opinion survey, published in a 2020 Social Market Foundation (SMF) report, asked past and present drinkers who had consumed NoLos in the past year what their main reasons were. About a third (32%) of respondents said they used NoLos in addition to their existing levels of alcohol consumption, while just under two fifths (39%) said they use NoLos as substitutes.²² Therefore, a significant proportion of respondents do not use NoLos to reduce their alcohol consumption, although an almost equally significant proportion do. This makes it difficult to predict the impact of increasing NoLo consumption at population level.

A 2022 study which examined the impact of lower strength alcohol products on alcohol purchases between 2015 and 2019 in the UK concluded that lower strength alcohol products did not contribute greatly to British households buying fewer grams of alcohol over the 5-year period.²³ It is clear that more research is needed, and that other policies can be put in place to help people reduce their alcohol consumption.

Regardless, it is valuable to understand what might support people to choose alcohol substitutes over alcoholic products. Currently, evidence points towards price and availability, rather than descriptors. When asked which factors would increase their likelihood of consuming NoLos in the next 12 months, 5% of respondents included cheaper products in their answer, and 3% and 2% listed better availability in on- and off-license settings, respectively.²⁴ This is compared to just 1% who indicated a clearer labelling of the alcohol content of drinks.

Similarly, a 2021 scoping review identified eight publications which indicated that the factors that drive the purchase and consumption of NoLo beers and wines include taste, prior experiences, brand, health and wellbeing issues, price differentials, and overall decreases in the social stigma associated with drinking alcohol-free beverages.²⁵

The research mentioned above is also backed by anecdotal evidence from AHA members which suggests that the price and availability of alcohol substitutes influences people's purchasing decisions. This mimics people's purchasing habits for alcohol products. According to the World Health Organization, price and availability are two of the three "best buys" for reducing alcohol harm, because evidence shows that people's purchasing habits for alcohol products are shaped by price and availability. Therefore, to realise the ambition of this policy, which is to reduce alcohol consumption and related harm amongst heavier and risky drinkers, the UK Government must implement evidence-based alcohol harm reduction policies.

Scotland has already taken steps to introduce and implement measures on the price and availability of alcohol products. These include Minimum Unit Pricing (MUP) and single display areas. MUP was implemented in May 2018 at a rate of 50p per unit.²⁶ The independent report by Public Health Scotland concluded that MUP has achieved its aims of reducing alcohol-related harm, including by averting hospitalisations and deaths, by reducing population consumption

and targeting the consumption of people drinking at higher levels.²⁷ Single display areas for alcohol products were introduced through the Licensing (Scotland) Act 2005.²⁸ This protection lends itself to alcohol substitute products, as they tend to be located alongside alcoholic drinks, by retailer choice, rather than by law. The aim is for people to only view alcohol in stores if they are intending to buy it. Please see our response to the age questions for more details on single display areas.

However, it is important to note that 79% of respondents polled for the 2020 SMF report indicated nothing would change their likelihood of consuming NoLo products.²⁹ This calls into question whether focusing on NoLos as the solution for alcohol harm reduction is appropriate.

Additionally, Alcohol Focus Scotland is particularly concerned about the marketing of NoLo products. NoLo marketing tends to promote the products as something to consume in addition to, rather than in substitution of, standard-strength alcoholic products.³⁰ One example of addition marketing is Heineken 0.0's "Now you can" campaign, which features their alcohol-free beer in environments where people would not traditionally consume alcohol: before driving a motorbike, before and while driving a boat, and during lunch at work.³¹ The main campaign line is: "That moment you couldn't have a beer. Now you can". This does not constitute substitution, where people substitute an alcoholic product for a non-alcoholic product, but addition, where people consume the non-alcoholic product in addition to the alcoholic product.

Dr Nicholls' 2022 report looked at the Heineken 0.0 campaign and Seedlip's 'Drink to the Future' campaign, concluding that Heineken utilises addition marketing and alibi marketing while Seedlip focuses on substitution marketing.³² Seedlip only produce non-alcoholic spirits. This is in line with prior research which found that established producers of alcohol products tend to promote their NoLo offerings using addition marketing, while niche producers, especially those who only produce alcohol-free alternatives, market their products as alternatives to alcohol use.³³ Some existing brands have clearly stated the aim is not for their NoLo products to replace alcohol consumption, but to take market share from tea, coffee, and soft drink companies, by marketing in previously taboo drinking occasions.³⁴ This is particularly concerning as NoLos are effectively being marketed as an alternative to soft drinks. The explanation may be that alcohol brands know that their alcohol sales will be affected if consumers make a sustained switch to their NoLo offerings.³⁵

Furthermore, any increased marketing of NoLo products is cause for concern due to the effects of brand-sharing. Brand-sharing is a form of brand marketing, where non-alcoholic products are used to promote a brand synonymous with alcohol. This is increasingly seen in relation to no and low alcohol versions of alcoholic drinks. Alcohol marketing causes us all to drink more, by encouraging positive attitudes towards alcohol, and creating and sustaining social norms that alcohol consumption is normal and desirable.³⁶ Most significantly, it is a cause of youth drinking,³⁷ and a risk to recovery for people with alcohol problems.³⁸ Indeed, people in recovery have told us that NoLo marketing poses the same risks to their recovery as alcohol marketing:

"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 have the exact same impact on me."³⁹

Restricting alcohol marketing is one of the most effective ways of preventing alcohol harms.^{40 41} The UK Government should therefore be wary of inadvertently allowing the alcohol industry to further increase marketing of their brands via promotion of their NoLo products.

Age restriction labelling

Do you think alcohol substitute drinks with a strength of 0.5% ABV or below should display an age restriction warning on label?

Yes

Age restriction warnings on labels will go some way towards ensuring minors do not consume NoLos. The government is clear that alcohol substitute drinks are intended for consumption by adults and should not be sold or supplied to children. Similarly, according to the consultation document, the general view from NoLo alcohol producers is that they consider NoLo drinks to be exclusively for adults.

Mandating for age restriction warnings on labels will signal to people, including parents, that these products are not appropriate for underage use. In the UK, the 2020 SMF report showed that 67% of people surveyed believe it is acceptable for minors to consume an alcohol-free drink at home, while almost 60% think the same for low-alcohol drinks.⁴²

Age restriction warnings on labels may help counteract the similar branding of alcoholic and non-alcoholic versions of products, as the two versions often look virtually the same. Wetherspoons will not serve low-alcohol or alcohol-free drinks to customers under the age of 18 for this reason.⁴³ However, as discussed in our response to the next question using the example of Hard Solo, the effect of an age warning could be watered down by similar branding.

As NoLos look and taste similar to standard-strength alcohol products, it must be clear that they are not intended for use by children and young people. There is some concern around alcohol-free products being used as “gateway” products to standard-strength alcohol products. Familiarisation with these products could increase young people’s interest in standard-strength products, making NoLos a potential gateway product.

This is concerning because children and young people experience disproportionate physical and mental impacts from drinking alcohol.⁴⁴ Due to their physical immaturity and lower tolerance levels, adolescents aged 10 to 19 are more susceptible to the intoxicating and harmful effects of alcohol.⁴⁵ Drinking at this age also establishes drinking patterns that may be continued into adulthood. Those who start drinking at an earlier age have an increased risk of developing alcohol dependence later in life.⁴⁶ Higher alcohol consumption in adolescence is also a predictive factor for harmful drinking and dependence as an adult.^{47 48}

In addition, Alcohol Focus Scotland believes that all alcohol products should carry mandatory age restriction warnings, regardless of strength. If these products are not intended for minors, there should be a warning against them. This is particularly important in England, where alcohol products are not legally required to be located in a single display area, meaning that they could be located throughout shops and supermarkets, including amongst soft drinks and food items, where children and young people will frequent. Scotland has single display areas, which go some way towards protecting children and young people from seeing them.⁴⁹ However, even

when single display areas are in place, products within these areas can still be highly visible to children and young people, as they are often located near high-traffic areas.^{50 51 52 53}

Do you think government or industry should take any other measures to prevent children and young people from accessing and consuming alcohol substitute drinks of 0.5% ABV or below?

- ☒ Yes – government
- ☐ Yes – industry
- ☐ Yes – government and industry
- ☐ No
- ☐ Don't know

We believe that government should be responsible for setting policies to protect people from alcohol harms, while industry should be responsible for adhering to these policies and ensuring their effective implementation. The World Health Organization recommends that “dialogue with economic operators in alcohol production and trade should focus on industry’s contribution to reducing the harmful use of alcohol in their roles as developers, producers and distributors/sellers of alcoholic beverages”, not “on the development of alcohol control policies.”⁵⁴ This is due to the “inherent contradiction between the interests of alcohol producers and public health.”⁵⁵

There are a number of additional measures the UK Government should take to prevent children and young people from accessing and consuming alcohol substitute drinks of 0.5% ABV or below. All the measures discussed below will help protect children and young people, especially given valid concerns that NoLo products can be used as a gateway product to consuming alcoholic products, as discussed in our previous response. The measures described below are:

- Legislate to ensure NoLos are not sold or supplied to children
- Produce guidance for retailers to ensure compliance and undertake shopping experiments to test for compliance
- Restrict alcohol marketing to protect children and young people, with restrictions covering brand-sharing with NoLo products
- Restrict the visibility of NoLos in shops, by legislating for single display areas and ensuring NoLos are located along with alcohol products
- Develop an awareness-raising campaign to clarify to people, especially parents, that NoLos are not meant to be consumed by minors

As the UK Government is clear that alcohol substitute drinks are intended for consumption by adults and should not be sold or supplied to children, they should legislate to ensure that alcohol substitutes of any strength are not sold to people under 18 years of age. This proposal is also supported by the Alcohol Health Alliance. There are currently no regulations explicitly prohibiting the sale of alcohol substitute drinks of up to 0.5% ABV to children and young people. Furthermore, as the consultation document states, although many retailers already restrict NoLo sales to people over 18, some retailers have raised concerns that a lack of government guidance on this issue causes challenges with enforcement.

We agree with the AHA that a further measure to ensure compliance with existing and new legislation would be to produce guidance for retailers, as well as undertake shopping experiments to test for compliance with legislation.

As previously mentioned, we believe that the UK Government should put in place comprehensive statutory restrictions on alcohol marketing to protect children and young people from exposure to alcohol marketing.⁵⁶ This should include restrictions on NoLos to avoid brand-sharing, where non-alcoholic products and services are used to promote brands that are mostly associated with their main product of alcohol. Where brands have alcoholic and NoLo versions, marketing the NoLo product is likely to increase overall brand salience and visibility. NoLo marketing presents opportunities for alcohol companies to market their brands through brand sharing, allowing them continued access to children and young people, potentially using alcohol-free products as “gateway” products to alcoholic products. Alcohol marketing leads children and young people to start drinking earlier, to drink more, and to drink at problematic levels.⁵⁷

The case of similar branding being problematic for children and young people is currently particularly pertinent in Australia. Asahi Beverages produces a soft drink called “Solo Original Lemon”. They created an alcoholic version called “Hard Solo Alcoholic Lemon”. Although the alcoholic version includes an age warning and displays its 4.5% ABV content on the front of the package, the similarity of the alcoholic version to a popular soft drink means that it appeals to children. A particularly striking quote from a parent is “I had a sample [of Hard Solo] in my fridge and my 7 year old son thought it was normal Solo but in a black can.”⁵⁸ Months of intense media scrutiny and comments from Australian Parliamentarians led to the Alcohol Beverages Advertising Code (ABAC) to agree that the product appeals to children and to ask Asahi to rename the product next year, with no repercussions. Further to highlighting the ineffectiveness of industry self-regulation, this case underlines that similar branding can water down the effects of age warning restrictions and even the presence of ABV content on the front of label. Therefore, brand-sharing between soft drinks and alcoholic versions of soft drinks, as well as between alcohol free products and standard-strength products, should not be allowed.

The visibility of NoLos in shops and supermarkets should be reduced, as public health proponents, the UK Government, and even alcohol producers agree that NoLos should not be sold or supplied to children and are exclusively for adults. One way the UK Government could reduce visibility and access to alcohol substitute products by children and young people is to legislate for single display areas and ensure that NoLos are located along with alcohol products, clearly separated from the rest of the shop. In Scotland, there is some degree of protection from seeing alcohol and alcohol substitute products, due to single display areas introduced through the Licensing (Scotland) Act 2005.⁵⁹ This protection lends itself to alcohol substitute products, as they tend to be located alongside alcoholic drinks, by retailer choice, rather than by law. However, children and young people are still regularly exposed to alcohol and alcohol substitute products because single display areas are often located in high-traffic areas.^{60 61 62 63} This led the Alcohol Marketing Expert Network to recommend the Scottish Government introduce further restrictions to ensure that these products are only visible to adults intending to browse or purchase them.⁶⁴

In addition to age restriction warning labels and the above measures, the UK Government could consider an awareness-raising campaign targeted at parents. As previously discussed, in the UK, the 2020 SMF report showed that 67% of people surveyed believe it is acceptable for minors to consume an alcohol-free drink at home, while almost 60% think the same for low-alcohol drinks.⁶⁵ A recent campaign in the Czech Republic warned parents of the dangers of giving their children no and low alcohol beer. Movendi International have argued that mixed marketing

messages from the industry “on flavored low-alcohol beers and radlers make these alcohol products seem more like soft drinks than harmful products.”⁶⁶

Shifting the market from sales and promotion of alcoholic products towards NoLo alternatives

Do you think government should do more to encourage consumers who drink above CMOs' lower risk guidelines to substitute standard-strength alcohol with NoLo products in order to reduce alcohol harms?

Don't know

If the UK Government's encouragement takes the form of raising awareness of the CMO's low-risk drinking guidelines and the risks of hazardous and harmful consumption of alcohol, then AFS would support this. Such action could encourage people to reduce their alcohol consumption, perhaps through the use of NoLos, helping to achieve the UK Government's aim of decreasing alcohol harms.

However, encouraging increased use of NoLos alone will not achieve the UK Government's aim, particularly if people use NoLos in addition to, rather than as substitutes for, their alcohol consumption. The level of alcohol harm in the UK requires population level measures to reduce and prevent alcohol harm. There is a wealth of evidence to show that reducing the affordability, availability, and marketing of alcoholic products are the most effective and cost-effective ways to tackle alcohol harm. The UK Government should introduce evidence-based measures that been shown to tackle alcohol harm.

If the government's encouragement takes the form of enabling the increased promotion and marketing of alcohol brands via their NoLo products, we would not agree. This would be contrary to the aims of the government and could increase alcohol harm rather than reduce it. 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. The brand is now the dominant feature of contemporary marketing, to the point that it has become the real product.⁶⁷ Alcohol marketing therefore does not need to directly promote an alcoholic product to be successful in achieving its aims. Brand-sharing is a form of brand marketing, where non-alcoholic products are used to promote the brand. This is increasingly seen in relation to NoLo versions of standard-strength alcoholic drinks, particularly beers.

Alcohol brand marketing is a concern because of the impact that alcohol marketing has on increasing and maintaining high levels of alcohol consumption and harm. Alcohol marketing causes us all to drink more, by encouraging positive attitudes towards alcohol, and creating and sustaining social norms that alcohol consumption is normal and desirable.⁶⁸ Most significantly, it is a cause of youth drinking,⁶⁹ and a risk to recovery for people with alcohol problems.⁷⁰

Restricting alcohol marketing is one of the most effective ways of preventing alcohol harms.^{71 72} The UK Government should therefore be wary of inadvertently enabling the alcohol industry to further increase marketing of their brands via promotion of their NoLo products, which is a form of brand-sharing.

What outcomes do you think the government should monitor to assess whether the policy objectives set out in this consultation are being met?

Include what data sources you think could be used to support this monitoring.

The policy objectives should be clearly identified. Alcohol Focus Scotland would call for specificity, highlighting that the primary purpose of the policy is to reduce alcohol harm by encouraging substitution of standard-strength alcoholic drinks for lower-strength and alcohol-free products.

As noted, there is a lack of evidence to support the hypothesis that increasing the availability, acceptability, and affordability of NoLo drinks alone will have the intended effect of reducing alcohol harms. Therefore, the policy must be thoroughly evaluated as well as monitored, with changes subsequently made to the policy if it is found to be detrimental to public health.

Outcomes monitored should include, but not be limited to:

- Changes in self-reported NoLo consumption
- Changes in household purchases from higher strength products to NoLo ones
- Changes in purchase data in on-licence settings
- Total NoLo sales as a portion of the total alcohol sales market
- Changes in total alcohol consumption amongst drinkers
- Changes in alcohol-related mortality and morbidity
- Changes in rates of access to alcohol treatment services

The UK Government should also gather further evidence around the public understanding of NoLo descriptors, and their influence on consumer habits.

We would also want to see monitoring and evaluation of how the policy is targeted to ensure uptake by groups identified as most at risk, such as those drinking at hazardous and harmful levels. All outcome research should also include analysis of the impact based on socioeconomic status, age, ethnicity, deprivation, sex, gender, and sexual orientation and other characteristics that could indicate whether the policy has been more impactful in some groups over others.

The University of Sheffield is undertaking relevant research to characterise, monitor and evaluate the public health impact of efforts to increase the availability and consumption of NoLo drinks among adult alcohol drinkers in Great Britain from 2011 to 2025.⁷³ They will also explore how consuming these drinks changes people's alcohol consumption and whether this might help or harm people.

Monitoring impact and equalities

Do you have comments on the proposed outcome measures for monitoring the impact of proposals set out in this consultation, if they are implemented, as set out in the 'Summary of policy aims' section of the consultation?

All outcome research should also include analysis of the impact based on socioeconomic status, ethnicity, deprivation, age, sex, gender, and sexual orientation and other characteristics that could indicate whether the policy has been more impactful in some groups over others.

Do you have evidence on whether the proposals set out in this consultation document, if implemented, may disproportionately affect people with protected characteristics as set out in the Equality Act 2010?

The proposals set out in this consultation document may disproportionately affect people with the protected characteristics of religion or belief, disability, and pregnancy or maternity. Clarity of the labels and descriptors is very important to enable people to make informed decisions about consuming NoLos based on the alcohol content and mode of production used.

Recent research commissioned by Alcohol Change UK highlights the need for alcohol policy and support to be culturally inclusive. This includes considering the needs of faith communities in labelling guidance.

The proposals may also disproportionately impact people with the protected characteristic of disability, who want to avoid alcohol for reasons related to their disability, such as long-term or substantial impairments caused by liver disease, or who have experienced alcohol dependence and want to abstain from alcohol to avoid a relapse that could exacerbate their disability.

Similarly, the proposals can affect people with the protected characteristic of pregnancy and maternity. As the consultation documents outline, pregnant people may consume amounts of alcohol that might cause harm, even when drinking NoLo products.

This means making the ABV and production method clear and easy for people to understand, requiring this information to be displayed at the point of purchase and sale in all environments, and requiring retailers to provide information to help people decide if the drinks are appropriate for them.

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