

ASA system submission to the World Health Organisation consultation on its Global alcohol action plan 2022 - 2030, first draft

1. Background and Introduction

- 1.1. This submission is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) – the ‘ASA system.’
- 1.2. The ASA is the UK’s independent advertising regulator. We have been administering the non-broadcast Advertising Code (written and maintained by CAP) for 59 years and the broadcast Advertising Code (written and maintained by BCAP) for 17, with our remit further extended in 2011 to include companies’ advertising claims on their own websites and in social media spaces under their control.
- 1.3. We are responsible for ensuring that advertising is legal, decent, honest and truthful and our work includes undertaking proactive projects and acting on complaints to tackle misleading, harmful or offensive advertisements. We are committed to evidence-based regulation and we continually review new evidence to ensure the rules and our application of them remain fit-for-purpose.
- 1.4. As the UK’s frontline advertising regulator, the ASA brings together different statutory, co-regulatory and self-regulatory enforcement mechanisms so they appear seamless to people and businesses. Our system of collective-regulation involves the active participation of a range of legal backstops in the consumer protection landscape. We work closely with a network of partners including the Gambling Commission, the Information Commissioner’s Office, the Medicines and Healthcare products Regulatory Agency, the Financial Conduct Authority and the Competition and Markets Authority.
- 1.5. We use our convening powers to bring together the ad industry and media owners to set, maintain and police high standards. Through the sharing of information, joined-up enforcement action and referral processes, our partners bolster our regulation and assist us, where necessary, to bring non-compliant advertisers into line. Together, this ‘collective regulation’ helps to protect people and responsible business from irresponsible ads: ads that mislead, harm or offend their audience.
- 1.6. The UK Advertising Codes are drafted and maintained by CAP and BCAP, supported by experts in our Regulatory Policy team. This authorship of the rules by the ad industry is an important part of our system. It means businesses have a direct stake and an enlightened self-interest in adhering to the standards they set and creates a level-playing field amongst them. Many of the rules derive directly from legislation, of course. For example, the rules requiring ads not to mislead or be likely to mislead originate from UK consumer law. However, many do not, particularly those seeking to prevent harm, offence and social irresponsibility. Whichever the case, in setting the rules which govern UK advertising, CAP and BCAP have multiple checks and balances in place to ensure the process is transparent, open to scrutiny and follows the principles of good regulation. From calls for evidence and public consultations on rule changes, having an independent consumer panel advising CAP and BCAP, Ofcom signing off on BCAP rule changes and, ultimately, the ASA System’s processes being open to judicial review. All to ensure the system is wholly accountable to everyone with a stake in advertising.

- 1.7. In addition to investigating ads, we also provide a wealth of training and advice services (most of which are free) for advertisers, agencies and media to help them understand their responsibilities under the Codes and to ensure that fewer problem ads appear in the first place. CAP and BCAP provided 722,523 pieces of advice and training in 2020.
- 1.8. The ASA system is providing this written submission in response to the World Health Organisation's (WHO) consultation on its Global alcohol action plan 2022 - 2030, first draft. Our submission should be read alongside and adds further UK specific context and detail to the submission provided to WHO by the International Council for Advertising Self-Regulation.

2. ASA remit and policy objectives

- 2.1. The ASA System considers it's important that WHO, in formulating and implementing its policies in this area, specifically in the context of enforcing bans or comprehensive restrictions on alcohol advertising, is conscious of, and has due regard to, the effective advertising regulatory framework in place in the UK (and among a global network of ASA partners) which protects people, in particular children, from irresponsible alcohol ads.
- 2.2. With almost 60 years' experience regulating UK advertising, the ASA provides a one-stop shop for consumers and for the industry across all media and platforms. We regulate almost all advertising online, including paid ads on platforms and the open internet, influencer ads, and companies' own website and social media advertising claims.
- 2.3. Our role is to ensure that the content of ads seen by UK consumers, including those appearing online and in social media, follows the [Advertising Codes](#). The enduring principles of the advertising rules are that ads must not mislead, harm or offend and should be prepared in a socially responsible way. We also require that ads are targeted responsibly and are appropriate for the audience that sees, hears and engages with them.
- 2.4. The standards we apply through the Codes are, almost without exception, the same for broadcast advertising and for non-broadcast advertising, including online. That is in no small measure because many of the rules directly or indirectly reflect law that applies across media.
- 2.5. The ASA system sets specific standards for content and placement of advertising, more often on a sectoral or thematic basis than on the basis of media characteristics. For example, ads for alcohol, gambling and high fat, salt or sugar (HFSS) food and drink are all subject to placement rules, while advertising rules on misleadingness seek to reflect consumer protection regulation.
- 2.6. At the heart of our work and rules is the protection of children from physical, mental or moral harm.

3. UK alcohol advertising rules

- 3.1. The ASA shares WHO's ambition to protect people from alcohol related harms. Recognising the potential for irresponsible or inappropriate alcohol ads to cause harm, the Advertising Codes have a dedicated set of strict rules surrounding alcohol.
- 3.2. The alcohol rules protect young people by both reducing the likelihood that they will see alcohol ads and, if they do, by ensuring the ads will not appeal strongly or particularly to them. We provide advertisers with comprehensive guidance to supplement the rules and help them prepare their alcohol ads in a socially responsible way.

3.3. The rules and guidance include protections that benefit from our consideration of the available evidence and our experience of administering the Codes over the years.

3.4. The content rules state that alcohol ads must not:

- Link alcohol with daring, antisocial, aggressive or irresponsible behaviour (see ASA upheld ruling on [Macallan whiskey](#)).
- Link alcohol with seduction, sex or social success ([Scottish Gin Society](#), [Budweiser](#) and [WKD](#)).
- Show alcohol being handled or served irresponsibly ([Student Money Saver Ltd](#)).
- Be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18 in a way that might encourage the young to drink ([Diageo](#)).
- Show people drinking or behaving in an adolescent or juvenile way or reflecting the culture of people under 18 years of age ([Diageo](#) and [Hold Fast Entertainment](#)).
- Depict people who are, or appear to be, under the age of 25 ([Sibling Distillery](#)).

3.5. Furthermore, rules on the targeting of non-broadcast ads and scheduling of TV ads state that alcohol ads:

Must not be directed at people under 18 through the selection of media or the context in which they appear / may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18.

3.6. Alcohol ads on TV are subject to a pre-clearance regime by Clearcast.

3.7. For outdoor, the ASA has set the benchmark that advertisers and media owners must ensure ads are not placed in areas where under-18s make up more than 25% of the audience. For example, alcohol ads must not be placed within 100m of primary or secondary schools, because the audience for such ads is likely to be significantly skewed towards under-18s.

3.8. Scripts for cinema ads are pre-cleared by the Cinema Advertising Association (CAA). The CAA have a Copy Panel designed to ensure the content of ads are suitable, and also scheduled appropriately.

3.9. Alcohol ads online – including on social media – must follow the same strict content rules as those in traditional media. They must be prepared in a way that is socially responsible and must not appeal particularly to children or other vulnerable people. Crucially, alcohol ads must not be directed at under 18s.

3.10. In 2017, CAP introduced standards requiring advertisers to use all the tools available to them on social media platforms to target their ads away from under-18s in the case of alcohol ads. This is because, while age targeting provides a means to reach an audience on the basis of their known or inferred ages, it can be subject to inaccuracies e.g. by younger users misreporting their age, or people of different ages sharing the same device.

3.11. Primary responsibility falls on the advertiser to demonstrate that they've done everything they can to target alcohol ads away from under-18s, including by not just relying on reported age. Advertisers, of course, hold to account the agencies that support them and the platforms and networks they advertise on in order to help meet that responsibility. The Advertising Codes also place secondary responsibility on those intermediaries, platforms and networks.

4. Regulating ads online effectively

- 4.1. We know people are spending more time online, businesses are increasingly advertising online and the pace of technological change online is contributing to societal concerns. That's why, in November 2018, we launched our five year strategy, [More Impact Online](#), which focuses on improving the effectiveness of our online advertising regulation. We're proud of the technological initiatives we've undertaken as a part of that.
- 4.2. Moreover, under our [More Impact Online strategy](#) we're using proactive, tech-assisted, collective regulation to tackle irresponsible ads at scale and speed.
- 4.3. The strategy prioritises:
 - Delivering high quality, proactive regulatory projects on ads that cause the most detriment to people, particularly children and other vulnerable people.
 - Working more closely both with the large online platforms and with the government and Ofcom, both on Video Sharing Platform advertising regulation and to address any gaps in online advertising regulation.
 - Using machine learning to improve our regulation, act more nimbly, simplify and make more efficient our regulation where we can.

5. Reducing children's exposure to alcohol ads online and offline

- 5.1. One of the first projects launched as a part of our online strategy was our Avatar Monitoring programme, our proactive capture and analysis of online ads using 'avatars' that mimic the browsing profiles of children and young people. This innovative technology helps us to identify inappropriate ad targeting by, among others, alcohol brands, enabling us to take swift action to tackle problems. This is world leading work and we're sharing the methodology with advertising and media regulators in many other countries.
- 5.2. In our Avatar Monitoring Sweep, [conducted in June 2019](#), our findings revealed that, of the 95,665 ads served to the seven Avatars during the exercise, **alcohol ads represented less than 0.1% of all ads served**. Moreover, our monitoring did not identify any instances where alcohol ads were served to Child Avatars on websites clearly intended for children.
- 5.3. We have gone further. While ads for alcohol and other age-restricted products are allowed in mixed-age media attracting a heavily weighted (75%+) adult audience (so long as they stick to strict rules to ensure the creative content of the ads don't appeal to children or exploit their inexperience) we believe it is a legitimate regulatory objective to seek to minimise children's exposure to age-restricted ads generally. As such we used our Avatar monitoring to assess the distribution of ads for alcohol (also gambling and HFSS) in websites and YouTube channels attracting a mixed-age audience, predominantly composed of adults, to establish if advertisers of these products are using available tools to more effectively target their ads away from children, even where the vast majority of an audience is over 18.
- 5.4. Our [Monitoring](#) exercise revealed that of the 27,395 ads, published on 250 sites and served to our Avatars over a three week monitoring period, **none were for alcohol products or brands**.

- 5.5. Nevertheless, we are calling on advertisers to make better use of audience and media targeting tools to help minimise children’s exposure to age-restricted ads in mixed-age sites (in particular for products like gambling and HFSS food and drink). Our message to companies and platforms is clear: if you fail to use or develop filters and controls to target age-restricted ads away from children and other vulnerable people, we will take action.
- 5.6. We’re also using other monitoring tools and technology to help us identify and tackle age-restricted ads, including for alcohol, appearing in children’s online media. As part of a year-long project, we conducted a monitoring exercise quarterly undertaking a [CCTV-style watch](#) of ads appearing on websites and YouTube channels attracting a disproportionately high child audience. The results showed that in each quarter a relatively low number of alcohol ads (no more than 10) appeared, in breach of our rules.
- 5.7. While the number of alcohol ads is low, one alcohol ad appearing in children’s media is one too many. We have taken follow-up action to contact the advertisers to secure the removal of the problem ads and have warned them to review and, as necessary, amend their practices to ensure they target future ads responsibly. Preliminary inspection of the data at the end of our year-long project suggests that the majority of advertisers who we identified breaking the rules in earlier monitoring sweeps have not reoffended.
- 5.8. We will also shortly publish results of another tech-assisted sweep aimed at protecting children from alcohol ads online. It involved a landmark information request to the seven social media platforms most popular with children in the UK (including YouTube, Facebook and TikTok) and looks at how alcohol brands target their alcohol ads in logged-in social media. A global regulatory first.
- 5.9. Our use of technology to proactively monitor online ads is helping us build a culture of zero tolerance for age-restricted ads appearing on websites aimed at children.
- 5.10. In terms of children’s exposure to alcohol ads on TV, we conduct regular monitoring checks and report publicly on the figures. Our [latest report](#) reveals that:
- Between 2008 and 2020, **children’s exposure to alcohol advertising on TV** decreased by just over two thirds, from an average of 2.8 ads per week in 2008 to 0.9 ads per week in 2020, **the lowest in the 13-year period observed.**
 - The number of TV ads seen by children has continued to decline at a steady rate since the peak in 2013, at an average of 229.3 ads per week, and have reduced by just over half, at 103.7 ads per week in 2020. Over the same period, children’s exposure to:
 - TV alcohol ads decreased by two thirds.
 - This suggests that **children’s exposure to TV ads for alcohol is falling at a faster rate than their exposure to all TV ads.**

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