

## SECTION 19: ALCOHOL

**Question 111: Given BCAP's policy consideration, do you agree that rule 19.11, '*Advertisements may include alcohol sales promotions but must not imply, condone or encourage immoderate drinking*' should be included in the proposed BCAP Code? If your answer is no, please explain why.**

<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; Archbishop's Council, Church of England; British Beer &amp; Pub Association; Charity Law Association; Family and Parenting Institute; The Portman Group; Quaker Action on Alcohol and Drugs; Scotch Whisky Association; Wine and Spirit Trade Association</p> <p>Two organisations</p>	<p><i>Summaries of significant points:</i></p> <p>1. The respondents listed in the column to the left agree that BCAP proposed rule 19.11 should be included in the Code</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP agrees</p>
<p><i>Responses received against BCAP's proposal:</i></p>	<p><i>Summaries of significant points:</i></p> <p>1. <i>Alcohol Concern, Institute of Alcohol Studies &amp;</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP's rule spells out and prevents irresponsible</p>

<p>Alcohol Concern; Alcohol Health Alliance; Institute of Alcohol Studies; Christian Concern for our Nation/Christian Legal Centre</p>	<p><i>Alcohol Health Alliance:</i> Considered that the advertising of alcohol sales promotions implicitly encourages higher sales and therefore greater consumption by the individual. Considered there should be no promotion of alcohol which is being sold at a discount as part of a multi-buy promotion.</p> <p>Proposed that rule 19.11 should be amended to read:</p> <p><i>'Advertisements must not include alcohol sales promotions and must not imply, condone or encourage immoderate drinking'</i></p> <p>2. <i>Christian Concern for our Nation/Christian Legal Centre:</i> No, the current radio rule section 3, 11.5 should be extended to TV as rule 19.11 is not as stringently worded.</p>	<p>forms of sales promotions. Sales promotions are likely to encourage sales but BCAP has seen no evidence that increased sales translates to harmful consumption.</p> <p>2. BCAP considers that the present radio rule has the same meaning as proposed rule 19.11</p>
<p><b>Question 112: Given BCAP's policy consideration, do you agree that rule 19.12, <i>Advertisements must not feature alcohol being handled or served irresponsibly</i> should be included in the proposed BCAP Code? If your answer is no, please explain why.</b></p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p>	<p><i>Summaries of significant points:</i></p>	<p><i>BCAP's evaluation of those points and action points:</i></p>

<p>Alcohol Concern; Alcohol Health Alliance; Advertising Association; British Beer &amp; Pub Association; Charity Law Association; Family and Parenting Institute; The Portman Group; Quaker Action on Alcohol and Drugs; Scotch Whisky Association; Wine and Spirit Trade Association</p> <p>Three organisations</p>	<p>1. The respondents listed in the column to the left agree that BCAP proposed rule 19.12 should be included in the Code</p>	<p>1. BCAP agrees</p>
<p><i>Responses received against BCAP's proposal:</i></p> <p>Christian Concern for our Nation/Christian Legal Centre:</p>	<p><i>Summaries of significant points:</i></p> <p>1. <i>Christian Concern for our Nation/Christian Legal Centre:</i> No, the current TV rule 11.8.1. (g) is clearer.</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP considers that proposed rule 19.12 has the same meaning as the present TV rule, 11.8.1 (g)</p>
<p><b>Question 113: Given BCAP's policy consideration, do you agree that rule 19.10, 'Advertisements may give factual information about the alcoholic strength of a drink or make a factual strength comparison with another product but, except for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength, must not otherwise imply that a drink may be preferred because of its alcohol content or intoxicating effect.' should be included in the proposed BCAP Code? If your answer is 'no', please explain why.</b></p>		

<i>Responses received in favour of BCAP's proposal from:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
<p>Advertising Association; Archbishop's Council, Church of England; Asda; Charity Law Association; Christian Concern for our Nation/Christian Legal Centre; Scotch Whisky Association; Quaker Action on Alcohol and Drugs</p> <p>Two organisations</p>	<p>1. The respondents listed in the column to the left agree that BCAP proposed rule 19.10 should be included in the Code</p> <p>2. <i>Family and Parenting Institute:</i> Agreed with the proposed rule and also considered that unit information for the products advertised should also be included in advertising.</p> <p>3. <i>The Portman Group:</i> Noted concern from stakeholders that this rule could stifle the creative treatment that can be afforded for drinks being developed with a lower alcoholic strength but consider on balance that it is better for advertisements for drinks of lower relative strength (but above 1.2% ABV) simply to provide factual information rather than risk</p>	<p>1. BCAP agrees</p> <p>2. This rule would not prevent the inclusion of an ABV in a marketing communication, either within or without a product pack (e.g. a label).</p> <p>BCAP considers it would not be appropriate or proportionate to require alcohol advertisements to contain unit information for the products advertised, as not all alcohol advertisements promote one particular product; they often include multiple products or a single brand with differing alcohol contents. Unit information is included on packaging, so available to consumers at the point of purchase.</p> <p>3. BCAP agrees</p>

	confusion.	
<p><i>Responses received against BCAP's proposal:</i></p> <p>Alcohol Concern; Alcohol Health Alliance; Institute of Alcohol Studies; Beattie McGuinness Bungay; British Beer &amp; Pub Association; The Portman Group; Wine and Spirit Trade Association</p>	<p><i>Summaries of significant points:</i></p> <p>1. <i>Alcohol Concern &amp; Alcohol Health Alliance:</i> Expressed concern that, under the proposed rule, an advertisement which simply states that a type of beer is higher in strength than other beers may automatically infer that the higher-strength product is preferable.</p> <p>Suggested that proposed rule 19.10 be amended to read:</p> <p>"... they may <b>not</b> make a factual strength comparison with another product..."</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP considers that factual strength comparisons are legitimate, and that they should only be made for lower to higher strength comparisons.</p> <p>In light of the respondents' input, BCAP proposes to amend the wording for this rule: <b>Please note that the rule quoted below has been changed from an incorrect version published in this table on 16 March 2010.</b> <b>19.10</b> <i>Advertisements may give factual information about the alcoholic strength of a drink. They may also make a factual alcohol strength comparison with another product, but only when the comparison is with a higher strength product of a similar beverage.</i></p> <p><i>Advertisements must not imply that a drink may be preferred because of its alcohol content or intoxicating effect. There is an exception for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength.</i></p> <p><i>In the case of a drink with relatively high alcoholic strength in relation to its category, the factual</i></p>

	<p>2. <i>Institute of Alcohol Studies:</i> Suggested that in order to strengthen this important message, the phrase “may... make a factual strength comparison with another product” be supplemented by the phrase “only when the comparison is with a higher strength product of a similar beverage.”</p> <p>3. <i>The Portman Group:</i> Expressed concern that the proposed rule could allow an advertisement for a drink of relatively high strength to make the factual information the main message of the advertisement, thereby implying that the drink should be preferred on the basis of its strength.</p> <p>Proposed an amendment to the rule to add:</p> <p>“In the case of a drink with relatively high strength, the factual information should not be given undue emphasis”</p> <p>Respondent noted that in determining relatively high strength, a drink could be judged in the context either of any comparison in the advertisement (e.g. with a previous formulation) or of the typical strength of the sector.</p> <p>4. <i>Beattie McGuinness Bungay, British Beer &amp; Pub</i></p>	<p><i>information should not be given undue emphasis.</i></p> <p>2. See above</p> <p>3. See above</p>
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	<p><i>Association &amp; Wine and Spirit Trade Association:</i> Considered that, in certain circumstances, it may be appropriate and right to communicate that a drink may be preferred because of its alcohol content when that content is lower than the average or usual strength.</p> <p>Noted that drinks manufacturers are increasingly providing a greater range of lower strength products within their portfolios to promote responsible drinking behaviour, in line with Government policy. Considered it fair and reasonable that the benefits of these lower strength alcoholic products should be communicated to consumers so that they can make an informed choice.</p> <p>Considered that the proposed rule could stifle treatments to promote lower-strength products.</p>	<p>4. See above</p>
<p><b>Question 114: Given BCAP's policy consideration, do you agree that rule 19.14 '<i>Advertisements must not normally show alcohol being drunk by anyone in their working environment.</i>' should be included in the proposed BCAP Code? If your answer is no, please explain why.</b></p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; Archbishop's Council, Church of England;</p>	<p><i>Summaries of significant points:</i></p> <p>1. The respondents listed in the column to the left agree that BCAP proposed rule 19.14 should be included in the Code</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP agrees</p>

<p>An organisation; British Beer &amp; Pub Association; Charity Law Association; The Portman Group; Quaker Action on Alcohol and Drugs; Scotch Whisky Association; Wine and Spirit Trade Association</p> <p>An organisation</p>		
<p><i>Responses received against BCAP's proposal:</i></p> <p>Alcohol Concern; Institute of Alcohol Studies; Christian Concern for our Nation/Christian Legal Centre</p>	<p><i>Summaries of significant points:</i></p> <p>1. <i>Alcohol Concern, Christian Concern for our Nation/Christian Legal Centre &amp; Institute of Alcohol Studies:</i> Suggested that proposed rule 19.14 be amended to read:</p> <p><i>Marketing communications must not feature alcohol being drunk by anyone in their working environment.</i></p> <p>Respondent considered that it would create an unnecessary exception, creating a vague rule which may be open to misinterpretation.</p> <p>Expressed further concern that such an exception seems to condone drinking in working environments in which alcohol is the norm, noting that alcohol-</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. 19.14 states: 'Advertisements must not normally show alcohol being drunk by anyone in their working environment.' BCAP considers that the rule only permits this type of depiction in exceptional circumstances, and also considers that, respondent's concerns are additionally be addressed by rules 19.2, 19.7, 19.12, 19.13.</p>



	related deaths are particularly high amongst bar staff and publicans. Considered it is unwise to promote the consumption of alcohol by anyone in their working environment.	
<p><b>Question 115: Given BCAP's policy consideration, do you agree that rule 19.17, '<i>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children. An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol.</i>' should be included in the proposed BCAP Code? If your answer is no, please explain why.</b></p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Advertising Association; Archbishop's Council, Church of England; An organisation; Charity Law Association; Family and Parenting Institute; The Portman Group; Scotch Whisky Association; Wine and Spirit Trade Association</p> <p>An organisation</p>	<p><i>Summaries of significant points:</i></p> <p>1. The respondents listed in the column to the left agree that BCAP proposed rule 19.17 should be included in the Code</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP agrees</p>

Responses received against BCAP's proposal:	Summaries of significant points:	BCAP's evaluation of those points and action points:
<p>Alcohol Concern; Alcohol Health Alliance; British Beer &amp; Pub Association; Christian Concern for our Nation/ Christian Legal Centre; Quaker Action on Alcohol and Drugs</p>	<p>1. <i>Alcohol Concern &amp; Alcohol Health Alliance:</i> Recommended that proposed rule 19.17 be amended to read:</p> <p><i>People shown must neither be, nor seem to be, under 25.</i></p> <p>Respondent believed that no-one who is under 25 or a child should be featured in advertisements in any capacity and that no exceptions should be made for advertisements that feature families socializing responsibly.</p> <p>2. <i>Christian Concern for our Nation/Christian Legal Centre:</i> Considered that the rule on not having children in alcohol advertisements must be maintained and the Code should not be weakened.</p> <p>3. <i>Quaker Action on Alcohol and Drugs:</i> Urged caution in this area, mindful of the CMO's</p>	<p>1. 19.17 states: <i>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children. An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol.</i></p> <p>BCAP considers that this exception is appropriate and allows for the depiction of alcohol being drunk within responsible scenarios in a family environment. There is no suggestion that the rule permits the endorsement or encouragement of irresponsible drinking habits in the presence of children or underage drinking.</p> <p>2. See above</p> <p>3. See above</p>

	<p>advice in his 'Consultation on children, young people and alcohol'.</p> <p>Expressed concerns at the drinking of alcohol being regularly portrayed, as it may associate alcohol with a routine expectation of a happy or normal family time. On balance, preferred for children not to be portrayed.</p> <p>4. <i>British Beer &amp; Pub Association:</i> Whilst we appreciate the intention of this rule change, we do not think it is necessary given that the legal age for purchasing alcohol in the UK is eighteen, particularly as this exception only applies to a family setting.</p>	<p>4. BCAP considers that the 25 age threshold in this rule is appropriate and consistent with the rest of the rules in this section.</p>
<p><b>Question 116:</b></p> <p>i) <b>Given BCAP's policy consideration, do you agree that it is wrong to exempt television advertisements for low alcohol drinks from the rule that requires anyone associated with drinking must be, and seem to be, at least 25 years old? If your answer is no, please explain why.</b></p> <p>ii) <b>Given BCAP's policy consideration, do you agree that it is wrong to exempt television advertisements for low alcohol drinks from the rule that prevents implying or encouraging immoderate drinking, including an exemption on buying a round of drinks? If your answer is no, please explain why.</b></p>		
<p><i>Responses received in favour of BCAP's proposal from:</i></p> <p>Alcohol Concern;</p>	<p><i>Summaries of significant points:</i></p> <p>1. The respondents listed in the column to the left</p>	<p><i>BCAP's evaluation of those points and action points:</i></p> <p>1. BCAP agrees</p>

Alcohol Health Alliance; Advertising Association; Archbishop's Council, Church of England; Asda; An organisation; British Beer & Pub Association; An individual; Christian Concern for our Nation/Christian Legal Centre; The Portman Group; Institute of Alcohol Studies; Quaker Action on Alcohol and Drugs; Scotch Whisky Association; Wine and Spirit Trade Association  An organisation	agreed	
<i>Responses received against BCAP's proposal:</i>  None	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
<b>Question 117:</b> i) Given BCAP's policy consideration, do you agree that it is wrong to exempt radio advertisements for low		

alcohol drinks from the rule that prevents implying or encouraging immoderate drinking, including an exemption on buying a round of drinks? If your answer is no, please explain why.

ii) Given BCAP's policy consideration, do you agree that it is wrong to exempt radio advertisements for low alcohol drinks from the rule that prevents encouraging excessive consumption via sales promotions? If your answer is no, please explain why.

iii) Given BCAP's policy consideration, do you agree that it is wrong to exempt radio advertisements for low alcohol drinks from the rule that prevents featuring a voiceover of anyone who is or appears to be 24 or under? If your answer is no, please explain why.

*Responses received in favour of BCAP's proposal from:*

Alcohol Concern;  
Alcohol Health Alliance; Advertising Association;  
Archbishop's Council, Church of England;  
An organisation;  
British Beer & Pub Association; An individual; Charity Law Association;  
Christian Concern for our Nation/Christian Legal Centre; Institute of Alcohol Studies;  
The Portman Group;  
Quaker Action on

*Summaries of significant points:*

1.  
The respondents listed in the column to the left agreed

*BCAP's evaluation of those points and action points:*

1.  
BCAP agrees

Alcohol and Drugs; Scotch Whisky Association; Wine and Spirit Trade Association  An organisation		
<i>Responses received against BCAP's proposal:</i>  None	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
<b>Question 118:</b> <b>i) Taking into account BCAP's general policy objectives, do you agree that BCAP's rules, included in the proposed Alcohol section are necessary and easily understandable? If your answer is no, please explain why.</b>  <b>ii) On consideration of the mapping document in Annex 2, can you identify any changes from the present to the proposed Alcohol section that are likely to amount to a significant change in advertising policy and practice, are not reflected here and should be retained or otherwise be given dedicated consideration?</b>  <b>iii) Do you have other comments on this section?</b>		
<i>Responses received from:</i>  Advertising Association; Alcohol concern; Alcohol Health Alliance;	<i>Summaries of significant points:</i>  1. <i>Advertising Association, Asda, An organisation, An organisation, Beattie McGuinness Bungay, British Beer &amp; Pub Association, Charity Law Association, Scotch Whisky Association &amp; an organisation:</i>	<i>BCAP's evaluation of those points and action points:</i>

<p>Asda; Beattie McGuinness Bungay; British Beer &amp; Pub Association; Brown-Forman Beverages; Charity Law Association; Christian Concern for our Nation; Department of Health; Institute of Alcohol Studies; The Portman Group; Tesco; Scotch Whisky Association; Scottish Health Action on Alcohol Problems (SHAAP)</p> <p>Three organisations; Three individuals</p>	<p>All agreed that the proposed alcohol rules are necessarily and easily understandable. Did not identify any further significant changes or offer further comments</p> <p>2. <i>Alcohol Health Alliance:</i> Agreed that the rules included in the proposed alcohol section were absolutely necessary in the absence of statutory regulation but felt that they needed to be made more understandable.</p> <p>3. <i>Department of Health:</i> Was content with the minor technical changes to the rules, which will strengthen the guidance for the advertising of alcohol.</p> <p>4. <i>The Portman Group:</i> Agreed that rules are necessary and easily understandable.</p>	<p>2. BCAP notes it operates as part of a co-regulatory system and considers the proposed rules to be clear and concise.</p> <p>The co-regulatory framework is underpinned by an enabling statutory instrument, The Contracting Out (Functions Relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004 and a formal Deed between Ofcom and the ASA (Broadcast), BCAP and Basbof.</p> <p>Under the terms of the co-regulatory agreement, Ofcom has approved the new BCAP Code. BCAP agrees</p> <p>3. BCAP agrees</p> <p>4. BCAP agrees. The revised introduction should read: The rules in this section apply to advertisements for alcoholic drinks and advertisements that feature or refer to alcoholic</p>
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	<p>Suggested rewording definition to state:</p> <p><i>'alcoholic drinks are defined as drinks containing at least 0.5% alcohol; low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol.'</i></p> <p>Respondent felt this was necessary to reflect CAP's intent to make low-alcohol drinks subject to all the alcohol advertising rules, except where stated. Respondent noted that the sale of low-alcohol drinks is subject to normal liquor licensing requirements.</p> <p>5. <i>Tesco:</i> Respondent suggested that the definition to this section be amended to make it clear that alcoholic drinks are those <u>over</u> 1.2%, not <u>at</u> 1.2%, the latter already being contained in the definition of non-alcoholic drinks.</p> <p>6. <i>Institute of Alcohol Studies:</i> Considered that no exception should be made for low-alcohol drinks and that all the Alcohol rules should apply to all drinks above 0.5% alcohol.</p> <p>Noted that the Licensing (Low Alcohol Drinks) Act 1990 defined low alcohol liquor as "any liquor which is of a strength not exceeding 0.5%</p>	<p>drinks. Alcoholic drinks are defined as drinks containing at least 0.5% alcohol; for the purposes of this Code low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol.</p> <p>5. See above</p> <p>6. BCAP has not seen any evidence that suggests it is harmful to maintain the exemption for low-alcohol drinks from the rule that prevents preference based on alcoholic strength, nor has it seen evidence that the 1.2% threshold is inappropriate.</p> <p>BCAP notes that the Licensing Act does not create offences in relation to alcohol and</p>
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	<p>at the time of the sale or other conduct in question.” The Licensing Act 2003 makes no reference to low alcohol drinks at all. The special category of low-alcohol drinks as being between 0.5% and 1.2% alcohol dates back to the 1964 Licensing Act. Considered it an anachronism to retain this category in the Advertising Codes.</p> <p>7. <i>Brown-Forman Beverages:</i> Noted that the introduction to the new code, exempted its provisions to ‘responsible advertisements that are intended to counter problem drinking or tell consumers about alcohol-related health or safety themes’ and the further observation that such ads should ‘not be likely to promote an alcohol product or brand’.</p> <p>Expressed concern that, in providing for more freedom for public service communications, the language used to describe the category of ads to be exempted includes an assumption that responsibility-led advertisements are not branded or in brand voice.</p> <p>Respondent noted that although this type of advertising would not necessarily rely on the exemptions made, they were suggested that BCAP should seek to avoid any unintentional restriction of their freedom to contribute such advertising under</p>	<p>marketing and that it defines different alcohol products according to strength in a way that differs from, but does not preclude, BCAP’s definition of low-alcohol drinks. BCAP also notes that its definition (see below) is compatible with Directive 2000/13/EC as implemented in the UK Food Labelling Regulations 1996 and with the EC Regulation on Nutrition and Health Claims 1994/2006</p> <p>7. BCAP considers that it is appropriate to include this exemption, which reflects current custom and practice. BCAP is not aware that current practice prevents alcohol advertisers from becoming involved in responsible drinking campaigns.</p>
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	<p>a branded banner.</p> <p>8. <i>An organisation:</i> Expressed concern that 19.4 included a new restriction on implying that the success of a social occasion depends on the presence or consumption of alcohol.</p> <p>Noted that this would require subjective interpretation of the codes. Also noted that alcohol is a social lubricant and that advertising currently reflects that.</p> <p>9. <i>Brown-Forman Beverages:</i> Expressed concern that the language and concepts used in 19.4 would require a significant level of subjective interpretation. Specifically, respondent felt that 'key component' and 'depends on' represent two thresholds which are unaligned and inconsistent.</p> <p>Respondent suggested removing the concept of 'key component' and requested guidance to clarify the meaning of 'depends' in this context.</p> <p>Also noted recent ASA adjudications in which the concept of 'dependence' may have been lost or misinterpreted</p>	<p>8. BCAP notes that this is not a new addition; it appears in the present TV Code under 11.8.1(a)(2). BCAP considers this rule to be proportionate and that the ASA has previously upheld complaints about advertisements which imply that the success of a social occasion depends on the presence of alcohol<sup>1</sup>. BCAP notes that some of the rules in the Code require an element of subjective interpretation which the ASA will consider on a case-by-case basis</p> <p>9. BCAP considers that the meaning here is clear and notes that some of the rules in the Code require an element of subjective interpretation which the ASA will consider on a case-by-case basis.</p> <p>It is not the purpose or intention of this Code Review to consider specific, previous ASA decisions.</p>
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<sup>1</sup> [http://www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2009/2/Wm-Magners-Ltd/TF\\_ADJ\\_45841.aspx](http://www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2009/2/Wm-Magners-Ltd/TF_ADJ_45841.aspx)

	<p>10. <i>Alcohol Concern:</i> Suggested that proposed rule 19.5 should retain the present restriction on implying that drinking is an essential attribute of gender, to prevent suggestions that alcohol can enhance masculinity or femininity</p> <p>11. <i>Brown-Forman Beverages:</i> Questioned whether the prohibition on 'unruly or irresponsible' behaviour in 19.5 was necessary, noting that there already exist separate prohibitions against aggressive, daring, anti-social and immature behaviour, as well as irresponsible consumption.</p> <p>12. <i>Alcohol Concern:</i> Suggested that rule 19.6 be amended to prevent linking romantic success to alcohol, in the same way that the code prohibits the linking of sexual or social success to alcohol. Considered that alcohol had no more bearing on romantic success than it did on social or sexual success and therefore romantic success should be included under the Code rules.</p>	<p>10. BCAP does not consider that removing the reference to 'masculinity or femininity' amounts to a significant change; BCAP considers that stereotypical attributes relating to 'masculinity or femininity' would be captured by 19.5, 19.6 &amp; 19.8</p> <p>11. BCAP considers that the specific prohibitions contained in rule 19.5 are proportionate and appropriate.</p> <p>12. BCAP considers that it is not harmful to link alcohol with romance or flirtation, as long as this link does not breach rule 19.4 which prevents alcohol from being depicted as the key component for social success. BCAP considers romance and flirtation to be benign elements of everyday life and relationships; BCAP considers it appropriate to demonstrate them as examples of situations in which an alcoholic drink may be responsibly consumed. On the other hand, linking alcohol to sexual success could imply that it was the reason for that success, which would be inappropriate and unacceptable.</p>
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	<p>13. <i>An organisation &amp; Brown-Forman Beverages:</i> Noted that the prohibition in 19.6 on linking alcohol with seduction could prove difficult as both flirtation and romance could lead to seduction. Noted that the dividing line appeared to be sexual activity, which is expressly forbidden.</p> <p>14. <i>Alcohol Concern:</i> Suggested that proposed rule 19.7 be amended to include the following:  “Nor must they imply that drinking is an essential or normal part of daily routine”  Believed that the proposed rule should retain a measure to ensure that drinking on a daily basis is not normalised, due to the long term health risks associated with frequent alcohol consumption.</p> <p>15. <i>An organisation &amp; Brown-Forman Beverages:</i></p>	<p>BCAP recognises that there can be a subjective element to distinguishing between romance and sexual success and is confident that the ASA has demonstrated a strong ability to make this distinction in a number of cases where it has upheld complaints about ads that linked alcohol with sexual success.</p> <p>13. See above</p> <p>14. 19.7 states “<i>Advertisements must not portray alcohol as indispensable or taking priority in life. Advertisements must not imply that drinking can overcome problems or that regular solitary drinking is acceptable.</i>” BCAP considers that the respondent’s concerns are addressed by the proposed wording; an ad that presents alcohol as essential or a normal part of daily routine would be caught by the proposed rule which prevents it from appearing indispensable and taking priority in life.</p> <p>15. BCAP considers that this rule is clear and</p>
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	<p>Expressed concern about how 19.7 would be interpreted and noted that alcohol is part of a social fabric in society and for many people is part of their lifestyle without being a priority.</p> <p>16. <i>Alcohol Concern:</i> Suggested that 19.8 be amended to prevent advertisements from implying that alcohol has hydrating properties.</p> <p>Respondent does not think that alcoholic drinks should be portrayed as providing refreshment. Alcohol is a diuretic, therefore its consumption can result in temporary dehydration of the body. Respondent feels that the presentation of alcoholic drinks as thirst-quenching is misleading, as alcohol may easily be misinterpreted by the viewer as having hydrating properties, which would be an incorrect and unsafe conclusion.</p> <p>17. <i>Alcohol Concern:</i> Suggested that rule 19.13 should prevent alcohol advertisements from featuring any sporting or physical activities, to prevent any suggestion that alcohol is an appropriate beverage for hydration.</p>	<p>proportionate. BCAP notes that some of the rules in the Code require an element of subjective interpretation which the ASA will consider on a case-by-case basis.</p> <p>16. 19.8 states: <i>Advertisements must not imply that alcohol has therapeutic qualities. Alcohol must not be portrayed as capable of changing mood, physical condition or behaviour or as a source of nourishment. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance.</i></p> <p>BCAP considers that refreshment is far removed from rehydration, and if the unsafe consumption of alcohol for rehydration purposes was shown in an ad it would be likely to fall foul of BCAP's rules on irresponsibility.</p> <p>17. BCAP considers it is acceptable to allow sporting and physical activities to feature in alcohol advertisements, as long as the ad does not imply that those activities have been undertaken after the consumption of alcohol and the depiction does not breach the other rules in this section.</p> <p>As above, BCAP considers that any suggestion in an ad that alcohol can rehydrate, would be likely to fall foul of BCAP's rules on irresponsibility.</p>
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	<p>18. <i>Brown-Forman Beverages:</i> Would like to see the CAP and BCAP codes brought into alignment on the issue of youth appeal (19.15), in order to promote certainty of analysis around through-the-line campaigns.</p> <p>19. <i>Brown-Forman Beverages:</i> Respondent expressed concern about the subjective nature of ‘reflecting or being associated with youth culture’, noting that some pursuits may have broad inter-generational appeal and this should not prevent them from being featured in an advertisement for alcoholic drinks.</p> <p>20. <i>Alcohol Concern:</i> Recommended that proposed rule 19.18 be amended to read: <i>Marketing communications may give factual information about product contents including comparisons, but must not make any physical or mental health <u>or wellbeing</u> claims, which include fitness or weight control claims, <u>or claims to enhance overall quality of life.</u></i></p> <p>Respondent recommended a broader approach to</p>	<p>18. The rule for TV specifies that alcohol advertisements must not have strong appeal to people under 18, while the radio rule and non-broadcast code prevents ‘particular’ appeal. This distinction was created when the broadcast rules were strengthened by Ofcom in 2005 and considered appropriate due to the powerful nature of TV</p> <p>19. BCAP recognizes that there is a subjective element to some rules in the Code and considers that this rule allows for the ASA to make a case-by-case judgement mindful of the umbrella rules which prevent strong/particular appeal to under 18s.</p> <p>20. Rule 19.18 states: <i>Advertisements for alcoholic drinks may give factual statements about product contents, including comparisons, but must not make any health claims, which include fitness or weight-control claims.</i> <i>The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy”.</i></p> <p>BCAP notes the respondent places emphasis on alcohol abuse, in drawing the link between alcohol and depression. BCAP’s rules, especially</p>
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	<p>the matter of the relationship between alcohol and health and wellbeing, including mental health. Respondent noted two pieces of evidence that suggest a link between alcohol abuse and depression.</p> <p>21. <i>Alcohol Concern:</i> i) Respondent advocated a ban on alcohol advertising before the watershed of 9pm and noted that this should include advertisements by supermarkets where a range of products, including alcohol, are offered.</p> <p>Respondent felt that alcohol advertising shown before 9pm was more likely to be seen by children.</p>	<p>19.3, 19.4, 19.7 and 19.8 prevent the encouragement or endorsement of harmful or otherwise irresponsible forms of alcohol consumption.</p> <p>BCAP has taken best advice to ensure that 19.18 complies with the requirements of the NHCR, a maximum harmonisation EU directive.</p> <p>21. i) BCAP's alcohol rules are proportionate and effective. They work in two main ways to prevent the unacceptable promotion of alcohol to under 18s: Firstly, they exclude alcohol ads from appearing around programming that is of strong or particular appeal to under 18s. Secondly, around programming which could attract a minority under 18 audience, the rules prevent the content of the ads from appealing strongly/particularly to under 18s.</p> <p>In the absence of persuasive evidence to suggest that further quantity restrictions would have any effect on underage drinking, BCAP considers the 120 index rule continues to strike the right balance for TV advertising.</p> <p>BCAP considers its approach to regulating alcohol advertisements ensures that advertisements for alcoholic drinks should not be targeted at children or young persons and should</p>
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		<p>not imply, condone or encourage immoderate, irresponsible or anti-social drinking.</p> <p>BCAP considers the 120 index to be proportionate in that it allows adults who are legitimate consumers of alcoholic drinks to see advertisements which may be relevant to them but prevents TV programming which is of strong appeal to under-18s from broadcasting advertisements for alcoholic drinks.</p> <p>BCAP considers that further extending the 120 index would be disproportionate as it would prevent legitimate consumers of alcoholic drinks from having access to information about products relevant to them.</p>
	<p>ii) Respondent noted that the World Health Organisation's European Charter on Alcohol states that:</p> <p>"All children and adolescents have the right to grow up in an environment protected from the negative consequences of alcohol consumption and, to the extent possible, from the promotion of alcoholic beverages."</p>	<p>ii) See above</p>
	<p>iii) Respondent cited a number of studies to support their suggestion of introducing a 9pm watershed</p>	<p>iii) BCAP has considered the studies cited by the respondent here and considers that the evidence presented is not sufficiently robust to justify</p>



	<p>Studies cited:</p> <ul style="list-style-type: none"> <li>• Aitken, P.P et al (1988)</li> <li>• A 2004 report from the US National Bureau of Economic Research</li> <li>• A long-term national study in the U.S (2006)</li> <li>• British Academy of Medical Sciences (2004), 'Calling Time'</li> </ul> <p>22. <i>Alcohol Health Alliance:</i> Set out a list of alcohol-related prohibitions categorised as 'core', 'expanded' and 'optimal'. The optimal approach included a complete ban on marketing all alcohol products</p> <p>Cited 'The Science Committee of the European Commission' (2009) [<i>sic</i>]</p>	<p>changing the proposed rules. In line with better regulation principles, BCAP's regulatory activity must be evidence based. In BCAP's view, none of these studies provide persuasive evidence that alcohol ads contribute to alcohol-related harms or that further restrictions on the amount or prevalence of alcohol ads will correlate to a reduction in alcohol-related harm.</p> <p>The Aitken and 'Calling Time' reports were published before the alcohol rules were strengthened in 2005 to prevent appeal to children or young persons.</p> <p>BCAP considers that the findings of the US reports cannot be extrapolated to the UK market, where the regulatory environment is so different.</p> <p>22. BCAP is an evidence-based regulator. At this stage, BCAP has not seen any persuasive evidence that there is a need for alcohol advertising in the UK to be more tightly restricted or banned completely. In the absence of persuasive evidence to suggest that further quantity restrictions would have any effect on underage drinking, BCAP considers the 120 index and content rules continue to strike the right balance.</p> <p>See below for BCAP's evaluation of the SGEAHF</p>
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	<p>23. <i>Institute of Alcohol Studies:</i> i) Cited a report by the Academy of Medical Sciences which highlighted the correlation between consumption levels by 11 – 15 year olds and the amount spent on advertising.</p> <p>ii) Respondent felt that alcohol is not a risk-free product and commercial communications seldom refer to this fact. Considered that, given the extent of the harm caused by alcohol, any advertising of alcohol is inconsistent with the principle that advertising should not harm.</p> <p>24. <i>Institute of Alcohol Studies:</i> Recommended that the content of advertising for alcoholic products should refer exclusively to the actual characteristics of the product, such as its brand name, ingredients, origin and how to prepare and serve the drink, as in the French law, the Loi Evin.</p> <p>25. <i>Scottish Health Action on Alcohol Problems (SHAAP):</i> Did not respond to any of the specific questions in the consultation but stated a general view that rules covering alcohol advertising should not be a</p>	<p>report</p> <p>23. i) BCAP has not seen persuasive evidence that alcohol advertising is directly linked to underage consumption.</p> <p>ii) BCAP agrees that excessive consumption of alcohol can be dangerous and notes that the present and proposed alcohol rules provide appropriate and proportionate protection to consumers.</p> <p>See also 21. above</p> <p>24. BCAP has not seen persuasive evidence that the Loi Evin has been effective in reducing harmful alcohol consumption in France.</p> <p>25. The BCAP Code and the co-regulatory framework that exists to administer it have been developed to work within and complement legal controls. The UK's legal context allows for and promotes the use of co-regulation as an alternative</p>
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	<p>matter for industry self-regulation.</p> <p>Respondent's position was that alcohol is a fundamentally harmful drug which should not be marketed or promoted.</p>	<p>instrument to statutory regulation and as a proportionate and effective enforcement measure. A clear distinction about jurisdiction, competences and responsibilities is maintained between the ASA and other public authorities.</p> <p>BCAP is informed by the Advertising Advisory Committee, which is a consumer expert body, and has also consulted publicly and widely on its rules to ensure they are relevant and fit for purpose. The ASA Council administers the Code. The ASA is independent of industry.</p> <p>The advertising rules fit within a broad regulatory framework for alcohol. Although the framework regulates access to alcohol, it does not entirely prohibit its supply as a fundamentally harmful substance. BCAP must make regulatory decisions in light of that framework.</p>
	<p>26. <i>Christian Concern for our Nation:</i> Considered that alcohol advertising should be prohibited</p>	<p>26. See 22. above</p>
	<p>27. <i>An individual:</i> Requested a ban on alcohol ads between 4pm and 9pm</p>	<p>27. See 21. above</p>
	<p>28. <i>Two individuals:</i></p>	<p>28. See 21. above</p>

	Asked BCAP to give serious consideration to banning the advertising of alcohol between 4pm and 9pm and also reflect on other times when children may well be watching.	
<b>ADDENDUM QUESTION:</b>  <b>Question 158: Given BCAP's policy consideration, do you agree that the evidence contained in the ScHARR Review does not merit a change to BCAP's alcohol advertising content or scheduling rules? If your answer is no, please explain why you consider the ScHARR Review does merit a change to BCAP's alcohol advertising content or scheduling rules.</b>		
<i>Responses received in favour of BCAP's proposal from:</i>  Advertising Association, , British Beer & Pub Association, The Portman Group, Scotch Whisky Association, Wine and Spirit Trade Association & Channel 4  An organisation	<i>Summaries of significant points:</i>  1. <i>The Advertising Association, British Beer &amp; Pub Association, The Portman Group, Scotch Whisky Association, Wine and Spirit Trade Association, Channel 4 &amp; an organisation:</i> Agreed with BCAP's position that the evidence contained in the ScHARR review should not lead to a change in BCAP's alcohol advertising content or scheduling rules.	<i>BCAP's evaluation of those points and action points:</i>  1. BCAP agrees
<i>Responses received against BCAP's</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>

<p><i>proposal:</i></p> <p>Alcohol Concern; Alcohol Health Alliance; Christian Concern for our Nation/Christian Legal Centre; DCSF; Department of Health; Department of Health, Social Services and Public Safety in Northern Ireland; Quaker Action on Alcohol and Drugs; Scottish Government; Welsh Assembly Government</p>	<p>1. <i>Alcohol Concern, Quaker Action on Alcohol and Drugs, Alcohol Health Alliance, Welsh Assembly Government:</i> Disagreed with BCAP's evaluation of the SchARR Review, and felt that SchARR offered persuasive evidence to further strengthen alcohol advertising rules, particularly in order to protect young people.</p> <p>2. <i>Alcohol Concern, Alcohol Health Alliance:</i> Felt that in evaluating the SchARR review, BCAP should have given more weight to evidence statement 5 and that BCAP relied too heavily on Evidence statement 6.</p>	<p>1. Although Part A of the SchARR Review begins to draw some links between alcohol advertising and increased consumption, the evidence that relates to advertising is markedly equivocal. Part B is unable to explore fully the evidence statements given in Part A in relation to advertising and is limited to exploring three policy scenarios: again, the outcomes show that not enough evidence is available to draw clear conclusions.</p> <p>2. BCAP recognises that evidence statement 5 suggests a possible link between exposure to alcohol advertising and subsequent consumption, however BCAP also notes that this statement is strongly qualified by the SchARR authors, who noted that further research and methodological developments are needed.</p> <p>While evidence statement 5 talks about 'conclusive evidence of a small but consistent association...', it is directly qualified by evidence statement 6 which calls for 'further research and methodological developments'; BCAP considers this qualification significantly reduces the potency of evidence statement 5.</p> <p>BCAP considers it is important to note that the</p>
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	<p>3. <i>Department of Health:</i> Respondent asked for BCAP to reconsider evidence statement 5</p> <p>4. <i>Alcohol Concern, Alcohol Health Alliance, Department of Health, Department of Health, Social Services and Public Safety in Northern Ireland, Scottish Government &amp; DCSF:</i> Urged BCAP to reconsider evidence Statement 10 in the SchARR Review.</p> <p>5. <i>Alcohol Concern, Quaker Action on Alcohol and Drugs &amp; Alcohol Health Alliance:</i> Recommended that public-health-based messages</p>	<p>existing rules are based on evidence<sup>2</sup> that draws a similar conclusion to SchARR. BCAP would have needed SchARR's findings to go beyond that in order to merit further changes to the rules.</p> <p>3. See 2. above</p> <p>4. BCAP considers that the text preceding evidence statement 10 in the SchARR Review raises a number of limitations in respect of this statement. For example, the majority of the studies considered here were carried out in the US where the regulatory environment is considerably different to that of the UK. Furthermore, it is not clear in the SchARR Review how much of the evidence relating to this statement is actually of direct relevance to TV and Radio advertising and how much is based on editorial content in broadcast media. The authors also reiterate their concerns here about methodological difficulties.</p> <p>5. BCAP notes that the SchARR Review assumes that no benefit is derived from the public health message itself but solely from the fact that, assuming advertisers maintained their present</p>
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<sup>2</sup> [http://www.ofcom.org.uk/consult/condocs/AlcAds/alcohol\\_addverts/alcohol\\_adverts.pdf](http://www.ofcom.org.uk/consult/condocs/AlcAds/alcohol_addverts/alcohol_adverts.pdf)

	<p>should be included in 1/6th of advertising, a technique is referred to by the ScHARR authors as 'counter advertising'.</p> <p>6. <i>Quaker Action on Alcohol and Drugs:</i> Notes that the ScHARR review estimates that public-health-based messages could result in the financial value of harm avoided over 10 years ranging from -£0.3bn – £1.0bn.</p> <p>7. <i>Scottish Government, Dept of Health and DCSF:</i></p>	<p>budgets, exposure to alcohol advertising would be reduced. The review acknowledges "a large degree of uncertainty around the appropriateness of this assumption". It does not differentiate between mandatory end-frames for all alcohol advertisements and replacing 1/6th of alcohol advertisements with separate media space for health-based messages, nor does it discuss how such a scenario could be implemented.</p> <p>BCAP is not persuaded of the efficacy of including mandatory end-frames; BCAP considers the balance of robust evidence fails to show that compulsory messages or warnings are an effective public policy measure. BCAP does not consider it is within its remit to prescribe 'counter advertising', although it notes that Government, industry and NGOs already partake in marketing of social and health-based issues.</p> <p>6. See above</p> <p>7. The ScHARR review was commissioned by the Department of Health as a best practice review of</p>
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	<p>Noted that BCAP's analysis of the ScHARR review made no mention of the 2009 review by the European Alcohol &amp; Health Forum's Science Group or any other studies which have taken place in recent years</p> <p>8. <i>Alcohol Concern &amp; Alcohol Health Alliance:</i> Noted that young people's drinking in the UK continues to be a significant problem which can lead to a variety of harms and considered that this could partly be attributed to a comparatively low level of restriction of alcohol advertising in the UK, as compared with other European countries.</p> <p>Set out alcohol advertising restrictions in place in various European countries, including the French Loi Evin.</p>	<p>all relevant evidence and was published in late 2008; it was the most up to date and definitive UK review when BCAP went out to consultation in the first half of 2009. The Department of Health had previously asked BCAP in its 'Safe, Sensible, Social' consultation to consider its findings and as such it was right that BCAP should focus on that Review.</p> <p>See below for BCAP's evaluation of the SGEAHF review.</p> <p>8. BCAP has not been presented with persuasive evidence to substantiate the respondent's point of view.</p> <p>BCAP strongly disagrees with any assertion that there is a low level of restriction of alcohol advertising in the UK.</p> <p>In March 2004, the Government's Alcohol Harm Reduction Strategy recommended that Ofcom should oversee a review of the TV rules for alcohol advertisements. These rules were subsequently strengthened and came into force on 1 January 2005. Subsequent ASA research<sup>1</sup> has shown that there is a high level of industry compliance with the rules.</p> <p>BCAP has not seen persuasive evidence that the Loi Evin has been effective in reducing harmful</p>
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	<p>9.</p> <p><i>Alcohol Concern &amp; Alcohol Health Alliance:</i> Drew BCAP's attention to new studies and an article which had been published since SchARR which explored links between alcohol advertising and consumption:</p> <ul style="list-style-type: none"> <li>• Anderson et al (2009) - 'Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies'</li> <li>• The Science Group of the European Alcohol and Health Forum (2009) – 'Does marketing communication impact on the volume and patterns of consumption of alcoholic beverages, especially by young people? - a review of longitudinal studies.'</li> <li>• Anderson, Chisholm &amp; Fuhr (2009) – 'Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol'</li> <li>• Anderson 'Is it time to ban alcohol advertising?' (2009)</li> </ul>	<p>alcohol consumption in France.</p> <p>The UK's advertising regulatory system and the UK's rules on alcohol advertising are widely viewed around the world as an example of best practice in both self and co-regulation.</p> <p>9.</p> <p>BCAP is not persuaded that the evidence cited here supports a view that BCAP's alcohol rules are too weak or too strong. The two reviews cited here rely heavily on similar or identical studies, as does the review by Smith and Foxcroft which was published simultaneously (see 20. below). Most of the studies considered in these Reviews were conducted in the US where the regulatory environment for alcohol advertising is very different from that in the UK. Furthermore, not all of the studies reviewed look at the relationship between advertising and consumption but instead consider other types of influences on young people, such as film, music videos, 'beer stands' etc. Although the Reviews were published in 2009, BCAP notes that the Reviews considered data gathered between 1985 – 2005. BCAP considers that this makes it difficult to extrapolate the studies to the 2009 UK market where there are strict advertising content and placement rules in place.</p> <p>BCAP also notes that most of the studies reviewed by Anderson et al, Smith and Foxcroft</p>
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		<p>and the SGEAHF had previously been included in the ScHARR review which itself had concluded that the research and methodologies used were not sufficiently robust to draw meaningful conclusions. Indeed, the Smith and Foxcroft Review qualifies its own conclusions by pointing out the many limitations of the studies considered and reiterating ScHARR's call for further research.</p> <p>BCAP notes that Anderson et al and the SGEAHF reviews contain three studies which were published in 2008 and therefore not considered in the ScHARR review. BCAP also notes that these studies' objectives were to consider the influence of movies and alcohol-branded merchandise on alcohol consumption and not a link between advertising and underage or harmful consumption.</p> <p>BCAP does not consider that the Anderson, Chisholm &amp; Fuhr article adds anything new to the debate as its discussion of a link between alcohol advertising and underage consumption relies heavily on the Anderson 2009 study discussed above.</p> <p>The 2009 article by Anderson 'Is it time to ban alcohol advertising?' relies on pieces of evidence considered in the ScHARR review, which concluded that more original research is needed in this area. This report also cites studies</p>
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	<p>10. <i>Alcohol Concern, Quaker Action on Alcohol and Drugs and Alcohol Health Alliance:</i> Noted that Anderson's 2009 paper 'Is it time to ban alcohol advertising?' asserts that a ban would be 'a highly cost effective measure to reduce harmful alcohol use'</p> <p>11. <i>Alcohol Concern:</i> Considered that the TV advertising rules were less strict than those for non-broadcast advertising.</p> <p>12. <i>Alcohol Concern:</i> Respondent considers that the way in which BARB data is used to classify audiences is concerning and sought clarification on BARB's use of an audience profile of 10-15 year olds in order to determine whether a programme is likely to appeal to children. Respondent expresses concern that this would assume that, like 16 &amp; 17 year olds, under tens aren't included in the calculation. Respondent suggested that this does not allow for a clear picture of exactly how many under 18 year olds are watching a particular programme and therefore assessments of whether alcohol adverts should be shown can be inaccurate.</p>	<p>conducted in the US which BCAP considers cannot be generalised to the UK.</p> <p>10. See above</p> <p>11. BCAP considers that the rules for TV are proportionate and comparable with the CAP rules</p> <p>12. To ensure that alcohol ads are kept apart from TV programmes of particular appeal to under 18s, the regulator must set a standard that is easy to understand, easy to implement and easy to enforce, in line with better regulation principles. The setting of a simple, common standard ensures a level playing field for broadcasters and advertisers and protection for members of the public.</p> <p>In this case, the regulator has set a standard covering an age-range between 10-15. A wider age-range e.g. 4-17, may return an index below 120, even though the number of 12-15 year old viewers is disproportionately high (the numbers of</p>
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	<p>13.  <i>Alcohol Concern:</i>  Respondent noted that a programme which is not specifically designed for children, such as Coronation Street or Britain's Got Talent is still likely to have a high number of underage viewers who are then exposed to alcohol advertising, even when this does not breach the 120 index.</p>	<p>12-15 year olds viewers may be counterbalanced by a disproportionately low 4-10 viewership, for example.) A tighter age-range, say 16-17 would risk missing programmes that appeal particularly to 12-15 year olds. Setting the level at 10-17 is considered inappropriate as a large number of 15-17 year olds may be counterbalanced by disproportionately low number of 10-14 year olds</p> <p>Inappropriate juxtapositions between programme content and ads is a significant cause for complaint; the ASA would expect complaints if an alcohol ad were scheduled around a programme of particular appeal to under 18s but in fact there are notably few complaints in this area. That fact may indicate that the 10-15 year old level is appropriately set.</p> <p>BCAP has yet to be presented with evidence that broadcasters are routinely or to a worrying degree scheduling alcohol ads around TV programmes of strong appeal to the under 18s.</p> <p>13.  It is inappropriate to advertise alcohol around TV programmes that have a particular affinity to under 18s. The policy does not seek to prevent alcohol ads from appearing around family-viewing programmes. BCAP considers this policy is proportionate, as programmes viewed within a family context implicitly include an element of adult supervision.</p>
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	<p>Respondent considered that this criterion is therefore quite inadequate in terms of protecting minors from alcohol advertising.</p> <p>14. <i>Alcohol Concern:</i></p> <p>i) Cited its own 2007 research 'Not in Front of the Children'.</p> <p>ii) On the basis of this research, respondent recommends a watershed ban on all broadcast alcohol advertising and a requirement of less than 10% of the total viewing audience to be underage viewers in relation to advertisements shown after the watershed, when large numbers of children may still be watching.</p>	<p>14.</p> <p>i) BCAP responded to this research when it was published and does not consider it adds anything new to this Code Review.</p> <p>ii) BCAP's alcohol rules are proportionate and effective. They work in two main ways to prevent the unacceptable promotion of alcohol to under 18s: Firstly, they exclude alcohol ads from appearing around programming that is of strong appeal to under 18s. Secondly, around programming which could attract a minority under 18 audience, the rules prevent the content of the ads from appealing particularly to under 18s. BCAP considers that policy is proportionate and properly balances the need to protect under 18s against the rights of advertisers to impart information and, adults to receive that information. In the absence of persuasive evidence to suggest that further quantity restrictions would have any effect on underage drinking, BCAP considers the 120 index rule continues to strike the right balance.</p> <p>BCAP considers its approach to regulating alcohol advertisements ensures that advertisements for alcoholic drinks should not be targeted at children or young persons and should</p>
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	<p>15. <i>Alcohol Health Alliance:</i></p> <p>i) Cited 2007 Ofcom/ASA research which set out the total alcoholic drinks commercial impacts. The respondent noted that considerable numbers of children exposed to alcohol advertising.</p> <p>Respondent recommended that in the light of the SCHARR review there should be a watershed ban on all broadcast alcohol advertising and reduction to a 5 or at the very least 10% requirement in relation to advertisements shown after the watershed when</p>	<p>not imply, condone or encourage immoderate, irresponsible or anti-social drinking.</p> <p>BCAP considers the 120 index to be proportionate in that it allows adults who are legitimate consumers of alcoholic drinks to see advertisements which are relevant to them but prevents TV programming which is of strong appeal to under-18s from broadcasting advertisements for alcoholic drinks.</p> <p>BCAP considers that further extending the 120 index would be disproportionate as it would prevent legitimate consumers of alcoholic drinks from having access to information about products relevant to them.</p> <p>15. i) See above.</p>
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	<p>large numbers of children may still be watching.</p> <p>ii) Respondent considered there was growing evidence which concurs with SCHARR findings that exposure of young people to alcohol marketing has an impact on consumption/ drinking initiation by young people.</p> <p>iii) The only main difference between the opinion of the Science Group and the SCHARR review is that the opinion had more longitudinal studies available at the time of the review (13 studies).</p> <p>iv) Respondent considered the evidence base here to be more robust than the accepted evidence base for the impact of smoking advertising and food advertising.</p> <p>v) Cited a 2007 Dutch study which looked at the exposure of young people in Holland to alcohol advertising and called for an 11pm watershed.</p>	<p>ii) BCAP disagrees that this was SchHARR's conclusion. See above.</p> <p>iii) BCAP notes that Anderson et al and the SGEAHF reviews contain three studies which were published in 2008 and therefore not considered in the SchHARR review. BCAP also notes that these studies' objectives were to consider the influence of movies and alcohol-branded merchandise on alcohol consumption and not a link between advertising and underage consumption.</p> <p>iv) BCAP strongly disagrees with this assertion and notes that there is a key difference between smoking and alcohol, namely that while there is a safe way in which to consume alcohol, it is accepted that there is no safe way to smoke tobacco.</p> <p>See section 13 for BCAP's evaluation of the evidence relating to food advertising.</p> <p>v) BCAP is not persuaded that this research contains robust or persuasive evidence to suggest that it would be appropriate to introduce further restrictions to broadcast alcohol</p>
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	<p>16. <i>Alcohol Health Alliance:</i> In addition to the input above, this respondent set out a list of alcohol-related prohibitions categorised as ‘core’, ‘expanded’ and ‘optimal’. The optimal approach included a complete ban on marketing all alcohol products</p> <p>17. <i>Department of Health &amp; DCSF:</i> i. Noted recent evidence and the wider evidence base available, as well growing public concern on this issue.</p>	<p>advertising in the UK.</p> <p>16. BCAP is an evidence-based regulator. At this stage, BCAP has not seen any persuasive evidence that there is a need for alcohol advertising in the UK to be more tightly restricted or banned completely. In the absence of persuasive evidence to suggest that further quantity restrictions would have any effect on underage drinking, BCAP considers its 120 index and content rules continue to strike the right balance.</p> <p>17. i. BCAP has taken into account the recent evidence on alcohol promotion. BCAP considered if the findings of the SchARR Review and other research submitted to BCAP as part of its Code Review consultation merit a change to BCAP’s alcohol advertising rules. BCAP has explained why it considers the evidence does not support a change to the rules that govern the content and placement of alcohol ads. BCAP acknowledges the growing public concern about the UK’s relationship with alcohol and the impact on individuals and society at large of alcohol-related harms. However, BCAP is not persuaded that that concern relates significantly to alcohol advertising. It is more likely that the concern relates to, for example, anti-social behaviour, the cost to the NHS and other emergency services</p>
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	<p>and the prevalence of underage drinking. Neither the evidence statements in the SchARR Review nor other research submitted to BCAP as part of its Code Review provide persuasive evidence that alcohol advertising has a direct or significant indirect effect on those or other alcohol related harms. The present alcohol rules relating to the specific protection of under-18s, which were introduced in 2005, are based on evidence of a limited link between alcohol advertising and underage consumption<sup>3</sup>.</p> <p>Although complaints are by no means the only indicator of public concern, the ASA continues to receive very few complaints year on year about alcohol ads. BCAP firmly believes that the low levels of complaints indicate that its rules ensure that alcohol advertising remain responsible, with particular regard to the protection of under 18s.</p>
	<p>Asked BCAP for the following:</p> <ul style="list-style-type: none"> <li>ii. some discussion of research gaps and how they might potentially be filled</li> </ul>
	<ul style="list-style-type: none"> <li>ii. The SchARR Review calls for more research and BCAP considers it is for the authors of the Review to make specific recommendations on how research gaps might be filled. However, BCAP's evaluation above does highlight inadequacies in the existing research, relating to their geographical setting, scope</li> </ul>

<sup>3</sup> [http://www.ofcom.org.uk/consult/condocs/AlcAds/alcohol\\_addverts/alcohol\\_adverts.pdf](http://www.ofcom.org.uk/consult/condocs/AlcAds/alcohol_addverts/alcohol_adverts.pdf)

	<p>iii. whether the absence of a strong evidence base for particular interventions, particularly where little research has taken place, necessarily means that no impact should be expected from such interventions</p>	<p>and focus. BCAP hopes that its evaluation of the SchARR Review and other pieces of research submitted to BCAP as part of its Code Review goes some way to answering the respondents' question.</p> <p>iii. BCAP considers that despite the availability of research which explores the relationship between the promotion and depiction of alcohol in the media, the methodologies used and the geographical setting of these studies make it impossible to extrapolate the results to the UK advertising market in a relevant way.</p> <p>BCAP does not take lightly a decision to restrict advertisers' right to impart information and consumers' right to receive information. BCAP considers rules on advertising to be necessary.</p> <p>BCAP's rule on the placement of alcohol advertising goes well beyond the law. BCAP considers that is necessary to ensure alcohol ads remain responsible, with particular regard to the protection of under 18s. In practice, that means that alcohol ads cannot appear in around TV programming of strong appeal to under 18s. Further restrictions on alcohol ads must be evidenced-based to ensure that any benefit clearly outweighs the obvious</p>
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	<p>iv. Further discussion of whether the evidence of a link between alcohol advertising and drinking of alcohol by young people requires an approach that looks to reduce the exposure of young people to alcohol advertising. Currently, the framework seeks to prevent targeting of young people. Even if such a change was thought premature, some discussion to indicate what nature and level of evidence might justify a different approach should, surely, be expected</p> <p>18. <i>Department of Health, Social Services and Public Safety in Northern Ireland:</i> Cited the following documents: i) "Addressing young people's drinking in Northern Ireland" action plan</p> <p>ii) SGEAHF review</p> <p>iii) CMO's UK guidance on young people and alcohol.</p> <p>iv) In light of the above documents, called for</p>	<p>detriment that further restrictions on the placement of alcohol ads will have.</p> <p>iv. See 14 ii) and 17. i., ii. and iii. above</p> <p>18. i) BCAP notes that this action plan calls for a watershed but doesn't explore the link between alcohol advertising and underage consumption in any detail. For the reasons outlined above, BCAP considers the 120 index to be a more effective way of reducing underage exposure to alcohol advertisements.</p> <p>ii) See above</p> <p>iii) BCAP considers that this guidance does not contain evidence relevant to this question</p> <p>iv) See above</p>
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	<p>BCAP to give serious consideration to a 9pm watershed.</p> <p>19. <i>Quaker Action on Alcohol and Drugs:</i> Noted support for the position presented by Alcohol Concern.</p> <p>Cited studies and articles which explored links between alcohol advertising and consumption:</p> <ul style="list-style-type: none"> <li>• Smith and Foxcroft (2009)</li> <li>• Andersen et al. (2003)</li> <li>• Rutger et al (2009)</li> <li>• Joseph Rowntree Report, 2009</li> <li>• Pratten &amp; Lovatt (2006)</li> </ul> <p>20. <i>Quaker Action on Alcohol and Drugs:</i> Respondent asked for clarification about the type of evidence required by BCAP in order to take a precautionary approach, believing that given the balance of strong probabilities and desirability of social goals, this point has now been reached. Noted that it would be impossible to fully understand the effect of a UK ban until such a ban were implemented.</p> <p>21. <i>Scottish Government:</i> Referred to its own policy document: "Changing Scotland's Relationship with Alcohol: A Framework</p>	<p>19. See 9. above for BCAP's evaluation of Smith &amp; Foxcroft (2009)</p> <p>BCAP considers that the Joseph Rowntree report does not contain evidence relevant to this question</p> <p>BCAP considers that neither Andersen (2003) nor Rutger (2009) are relevant to the UK advertising market.</p> <p>20. Ofcom strengthened the broadcast alcohol rules in 2005. Recent research demonstrates a high level of compliance with these rules.</p> <p>See also 17ii. above</p> <p>21. i) BCAP notes that the ASA considers this policy document to be inaccurate in its discussion of advertising regulation and has responded separately to the points raised. BCAP does not</p>
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	<p>for Action”.</p> <p>ii) Respondent considered that a precautionary approach to the protection of young people in relation to alcohol advertising was justified given that evidence is mounting in relation to:</p> <ul style="list-style-type: none"> <li>• the considerable harms which excessive alcohol consumption can cause;</li> <li>• indications that early introduction to alcohol can lead to misuse in later life; and</li> <li>• the influence which exposure to alcohol advertising has on young people’s consumption.</li> </ul> <p>22. <i>Scottish Government:</i> Considered that given the latest evidence the current approach outlined by BCAP did not fulfil the requirement of the Communications Act 2003, section 319 (2) (a) to ensure that “<i>persons under the age of eighteen are protected</i>”. Respondent considered that, in practice, the code simply limits explicit appeal to young people rather than preventing appeal to them.</p> <p>23. <i>Scottish Government:</i> Respondent would welcome a co-regulatory approach to advertising and urged UK Government</p>	<p>consider that it presents any new evidence relevant to this Code Review.</p> <p>ii) See 17 i., ii., iii. and iv. above.</p> <p>22. BCAP considers its alcohol rules do ensure that persons under the age of eighteen are protected, for example by ensuring alcohol ads are not placed around programming of strong/particular appeal to under 18s and the content of alcohol ads does not appeal strongly/particularly to under 18s. By preventing strong appeal to under 18s, BCAP ensures that alcohol ads cannot be targeted at them.</p> <p>23. The BCAP system is co-regulatory and CAP is self-regulatory.</p> <p>The UK advertising regulatory system is</p>
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	<p>to develop a UK approach to advertising which unequivocally protects children from exposure to alcohol advertising across all media, and noted that one way of achieving this would be to apply a ban on television advertising before the 9pm watershed.</p> <p>24. <i>Welsh Assembly Government:</i> Called for further restrictions on alcohol advertising and considered that the SchARR review supported that position.</p> <p>Compared alcohol with smoking</p> <p>Called for a precautionary approach</p> <p>25. <i>Christian Concern for our Nation/Christian Legal Centre:</i> Considered that real health concerns exist about binge drinking for teenagers and suggested that a full ban on such advertisements would be appropriate. Also called for public health messages on the dangers of drinking.</p> <p>26. <i>Alcohol Health Alliance:</i> Listed the organisations that make up the BCAP Committee and noted that the individual names</p>	<p>recognised as one of the strictest in the world and the ASA is regularly held up by the rest of Europe as setting the standard for others to follow.</p> <p>See above for BCAP's consideration of a 9pm watershed.</p> <p>24. See above</p> <p>25. See above</p> <p>26. Organisations, not individuals, make up the membership of the BCAP Committee. Individuals are not listed publicly because they do not sit in an individual capacity.</p>
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	<p>of members were not in the public domain. Respondent felt that the health community should have representation in the UK self-regulatory system.</p>	<p>The co-regulatory system is funded by the advertising industry and their representative bodies comprise the committees. BCAP is also informed by the Advertising Advisory Committee which is independent of the advertising industry and appointed following public advertisement. Members of this Committee are listed on the CAP website</p> <p>In line with better regulation principles, BCAP has sought the input of all its stakeholders, including bodies with a primary or significant interest in public health. This evaluation is evidence of BCAP's commitment to engage with, listen and respond to the views of all its stakeholders.</p>
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