

Canterbury

District Health Board

Te Poari Hauora o Waitaha

Submission on the Consultation on the standards for Advertising and Promotion of Alcohol

To: Advertising Standards Authority

Submitter: Canterbury District Health Board

Attn: Chantal Lauzon
Community and Public Health
C/- Canterbury District Health Board
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Proposal: The ASA Codes, in conjunction with legislation, food standards (labelling), broadcast standards (content) and national guidelines, govern responsible and legal alcohol advertising and promotion. The ASA's Advertising Standards Code applies to all advertisements in all media, including alcohol advertisements. The ASA Codes Committee is reviewing and updating the Code for Advertising and Promotion of Alcohol to ensure they are fit for purpose in 2019 and beyond. The drivers for a review of the standards for alcohol advertising and promotion include changes to legislation since the current standards were developed.

SUBMISSION ON CONSULTATION ON THE STANDARDS FOR ADVERTISING AND PROMOTION OF ALCOHOL

Details of submitter

1. Canterbury District Health Board (CDHB).
2. The Ministry of Health requires the submitter to reduce potential health risks by such means as submissions to ensure the public health significance of potential adverse effects are adequately considered during policy development.

Details of submission

3. We welcome the opportunity to comment on the draft Alcohol Advertising and Promotion Code . The future health of our populations is not just reliant on hospitals, but on a responsive environment where all sectors work collaboratively.
4. Health creation and wellbeing (overall quality of life) is influenced by a wide range of factors beyond the health sector. The most effective way to maximise people's wellbeing is to take these factors into account as early as possible during decision making and strategy development. Initiatives to improve health outcomes and overall quality of life must involve organisations and groups beyond the health sector, such as central government if they are to have a reasonable impact¹.
5. Through the Canterbury Health System Alcohol-related Harm Reduction Strategy², the CDHB is committed to working within the health system and across sectors to prevent and reduce the impact of alcohol-related harm. While recognising legislation is outside the scope of this review, the CDHB remains a strong advocate for further national alcohol law reform to reduce availability and accessibility of alcohol, including developing statutory regulations that restricts alcohol marketing as recommended by the Law Commission Review of the Regulatory Framework for the Sale and Supply of Liquor in 2010, the Ministerial Forum on Alcohol Advertising and Sponsorship in 2014 and the Government Inquiry into Mental Health and Addiction in 2019. Restricting alcohol marketing is also strongly promoted by the United Nations as a cost-effective policy to reduce alcohol harm.

¹ McGinnis JM, Williams-Russo P, Knickman JR. (2002). The case for more active policy attention to health promotion. *Health Affairs*. 21(2): 78 - 93.

² The Strategy is available online: <http://ccn.health.nz/Portals/18/Documents/Resources/Alcohol-related-Harm-Reduction-Strategy-book%20-%20digital%20-%20proof%201.pdf?timestamp=1556513595584>

General comments

6. Alcohol is a major public health issue because of the harm it causes to individuals and communities. Alcohol-related harm in New Zealand has been estimated to cost the New Zealand tax payer \$7.8 billion annually³, yet the government only collects about \$1 billion from alcohol excise tax. It remains legal to promote drinking alcohol despite wide acceptance that it can lead to a number of health and social problems. Evidence shows that reducing marketing and advertising of alcohol can reduce alcohol-related harm.⁴ It is therefore unfortunate that the draft Alcohol Advertising and Promotion Code does not go further in limiting the promotion of alcohol, especially to young people.
7. The effect of alcohol advertising on young people in New Zealand is of particular concern. New Zealand has the highest rate of youth suicide in the OECD ⁵ and more than half of all youth suicides in New Zealand involve alcohol ⁶.
8. Tobacco advertising is banned in New Zealand because of the deleterious effect it has on the health of New Zealanders. While acknowledging that the government has yet to ban alcohol advertising, the CDHB questions if any advertising of alcohol could be considered 'responsible' given 600 to 800 New Zealanders die each year from alcohol-related causes and that the full extent of alcohol-related harm includes many more people affected by non-fatal alcohol-related accidents, injury, illness, chronic disease, disability, crime, violence, sexual assault, mental health issues and property destruction ⁷, amounting to more than three times the cost of tobacco related harm.
9. The CDHB recommends that an independent statutory authority be established to monitor and enforce regulation as industry voluntary self-regulation of alcohol advertising has been shown to be ineffective in protecting vulnerable populations from harmful alcohol advertising and sponsorship.⁸

³ Nana G. BERL. Data presented at *Alcohol Action Conference*, Te Papa, Wellington, 18 August 2018.

⁴ Babor T, Caetano R, Casswell S, Edwards G, Giesbrecht N, Graham K, et al. (2010). *Alcohol: No ordinary commodity – research and public policy*. 2nd ed. Oxford, UK: Oxford University Press; and Connor J, Casswell S. (2012) Alcohol-related harm to others in New Zealand: Evidence of the burden and gaps in knowledge. *The New Zealand Medical Journal*.125:11–27.

⁵ <https://coronialservices.justice.govt.nz/assets/Documents/Publications/20180824-Provisional-suicide-statistics-2017-18-media-release.pdf>

⁶ <https://www.pmcsa.org.nz/wp-content/uploads/17-07-26-Youth-suicide-in-New-Zealand-a-Discussion-Paper.pdf>

⁷ Health Promotion Agency. *Alcohol Facts* available at: <http://www.alcohol.org.nz/research-resources/nz-statistics/alcohol-facts> (accessed September 2014)

⁸ Noel, J. K., Babor, T. F., & Robaina, K. (2017). Industry self-regulation of alcohol marketing: A systematic review of content and exposure research: Systematic review of alcohol advertisement content. *Addiction*, 112, 28–50.

Specific comments

10. Wording of draft code

Item	Comments
a. Rule 1 (a); first bullet, point 2	<p>To reduce appeal to children or young people, the CDHB recommends that sports teams and the term ‘cultural icons’ are identified as specific examples of what should not be included in the presentation of the advertisement or promotion, such as:</p> <ul style="list-style-type: none"> • “Presence of real or fictitious characters including but not limited to: cultural icons (i.e., Santa or the Easter Bunny), super heroes, sport stars, sports teams or celebrities.” <p>Compared to adults, young people are particularly exposed to digital forms of media, including social networking sites such as Instagram, Facebook, Twitter and YouTube⁹. As such, the CDHB recommends adding another bullet point to reference online marketing strategies used by alcohol advertisers and include additional examples of online content, using interactive effects that appeal to children and young people, for example:</p> <ul style="list-style-type: none"> • “Online content such as interactive video games, competitions, quizzes and surveys using freebies/giveaways;”
b. Rule 1 (a); first bullet, point 3	<p>In line with recommendations of the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship¹⁰ to reduce youth exposure to alcohol the CDHB recommends that the criteria for the percentage of the expected audience that will be children and/or young people should be reduced to 10% instead of the proposed 25%. Where no accurate data exists, the CHDB recommends that advertisements and promotions should be prohibited. The proposed threshold of 25% of the expected audience needing to be children and / or young people allows for an unacceptable proportion of children and young people to be exposed to alcohol advertising.</p> <p>The CDHB also recommends that the guidelines clearly specify how advertisers should demonstrate that care is taken when evaluating the expected average audience composition for advertisements and promotions and to whom they need to provide this evidence.</p>
c. Rule 1(a); second bullet	<p>The CDHB recommends amending the point to read: “Children or Young People may under no circumstances appear in alcohol advertising and promotion.” Research has shown that advertisements play a role in reinforcing alcohol-related cultural norms that portray the use of alcohol as part of social environments. The CDHB is therefore of the view that children and young people should not appear in alcohol advertising and promotion at all.</p>

<https://doi.org/10.1111/add.13410>

⁹ Jernigan DH, Padon A, Ross C, et al. Self-Reported Youth and Adult Exposure to Alcohol Marketing in Traditional and Digital Media: Results of a Pilot Survey. *Alcohol Clin Exp Res* 2017; 41(3): 618-25.

¹⁰ Ministerial Forum on Alcohol Advertising and Sponsorship. Recommendations on Alcohol Advertising and Sponsorship. 2014.

d. Rule 1 (a); fourth bullet	The CDHB recommends removing the entire bullet point that reads “Adults who are 18 to 24 years of age may be visually prominent in alcohol advertisements and promotions if; they are not a paid model or actor; and the advertisement or promotion has been placed within an age-restricted environment.” This allowance creates confusion and loopholes for featuring young people in alcohol advertising, which can have a normalising effect. The human brain develops until the age of 25. Therefore alcohol consumption poses t a developmental risk to children and young people, concerning the development of cognitive and intellectual capacities. The CDHB supports requiring adults to be, and appear to be, at least 25 years of age if they are featured in alcohol advertisements.
e. Rule 1 (a); fifth bullet point	The CDHB recommends removing the caveat that icons or celebrities popular with children can be used in age-restricted environments. It supports having no alcohol advertising using such icons, as per the second part of the first bullet point in Rule 1(a). Mounting evidence shows that exposure to alcohol advertising and promotion increases the likelihood that children will begin to drink alcohol and increases consumption in those who already drink ^{11-12,13} To more fully mitigate the risk of the promotion of alcohol appealing to minors no celebrity, cultural icon, sporting hero popular with children or young people should appear in any advertisements, regardless of placement.
f. Rule 1 (a); sixth bullet point	With regard to the broadcasting of alcohol advertisements, the CDHB recommends that alcohol advertisements and alcohol sponsorship advertisements should not be broadcast, streamed, or otherwise delivered, on television, radio, or on any digital, online, or mobile platforms between the hours of 5am and 10pm. This is in line with the recommendation of the 2010 Law Commission Report ¹⁴ and the 2014 Ministerial Forum on Alcohol Advertising and Sponsorship.
g. Rule 2(a)	The CDHB supports the addition of Rule 2(a) Truthful representation. The weight of evidence supports the conclusion that there are no health benefits to consuming alcohol. Furthermore, the CDHB recommends that alcohol advertisements should be restricted only allowing objective product information complemented with health advisory statements to be communicated.
h. Principle 3 – Alcohol Sponsorship Advertisements; Rule 3 (a)	In line with recommendations of the Ministerial Forum on Alcohol Advertising and Sponsorship (2014) to reduce youth exposure to alcohol through sponsorship, the CDHB recommends amending Rule 3(a) to “To ensure alcohol

¹¹ Jernigan DH, Padon A, Ross C, et al. Self-Reported Youth and Adult Exposure to Alcohol Marketing in Traditional and Digital Media: Results of a Pilot Survey. *Alcohol Clin Exp Res* 2017; 41(3): 618-25.

¹² Babor T, Caetano R, Casswell S, et al. *Alcohol: No Ordinary Commodity Research and Public Policy*. Oxford University Press. 2010.

¹³ Anderson P, De Bruijn A, Angus K, et al. Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies. *Alcohol Alcohol* 2009; 44:229–43.

¹⁴ Law Commission 2010, *Alcohol In Our Lives, Curbing the Harm*, page 235

<https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R114.pdf>

	<p>sponsorship advertisements target adults, alcohol producers, distributors and retailers should not engage in sponsorship agreements of events where 10% or more of participants and audiences are younger than 18 years of age or of any cultural or sporting event or activity.”</p> <p>The CDHB also recommends alcohol sponsorship not being allowed for events involving driving or racing motor vehicles, given that motor vehicle accidents are a leading cause of death of males in New Zealand. In 2016, drivers affected by alcohol/drugs was a contributing factor in 80 fatal crashes, 144 serious injury crashes and 479 minor injury crashes.¹⁵</p> <p>The second point should be amended to “feature alcohol branding on adult size clothing and accessories”, not just replica sports clothing.</p>
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11. Aspects of alcohol advertising and promotion standards not captured in the draft code.

Item	Comments
Definitions for the purpose of the code	<p>CDHB recommends including definitions for media and for social responsibility in the definitions for the purpose of the code.</p> <p>Children and young people spend a large proportion of their time on online platforms. As references to social media have been removed, it would be useful to be explicit that ‘media’ covered by the Code includes websites, apps, video games, social media and video and photo-sharing services as well as other traditional sources of media and advertising.</p> <p>As the first principle of the Code, the term ‘social responsibility’ requires a clear definition. The CDHB questions whether this is intended to simply mean engaging in irresponsible promotion of alcohol as per section 237 of the Sale and Supply of Alcohol Act 2012 or a wider definition. The term also requires definition to distinguish it from the more broadly understood term of corporate social responsibility which includes economic, legal, ethical and sustainable dimensions.</p>
User generated content	<p>The CDHB questions why the regulations regarding user generated content in the current Code have been removed. The CDHB recommends including specific wording regarding user generated content under Rule 1 that specifies that publication of user generated content should be disabled for advertisers with presence on online platforms and that any user generated content be actively reviewed, curated, and shared by the advertiser prior to sharing as an advertisement subject to the code.</p>

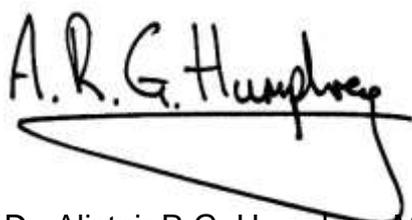
¹⁵ <https://www.alcohol.org.nz/resources-research/facts-and-statistics/nz-statistics/road-traffic-crashes-and-deaths>

Placement of advertisements	<p>Children and young people are frequently exposed to alcohol advertising multiple times per day, with boys, Māori, and Pacific children being more frequently exposed to alcohol advertising.¹⁶ Any attempt to reduce harm from alcohol advertising, marketing and sponsorship must seek to reduce the total volume of exposure.</p> <p>The CDHB recommends that non-restricted areas including public transport, movie theatres, sporting events/venues, cultural events/ venues, and the exterior of alcohol outlets, should not be venues for alcohol advertising, nor should other public places accessible to young people within 500 metres of any school.</p> <p>Public support in New Zealand is strongly (80%) in favour of increasing restrictions on alcohol advertising or promotion seen by people under 18.¹⁷ Auckland Transport have already introduced a policy restricting alcohol advertising on public transport. Overseas similar regulations are being introduced under the Irish Public Health Alcohol Bill.</p>
Penalties for breaches of the Code	<p>Advertisers and media who breach the Code for Advertising and Promotion of Alcohol currently face no meaningful penalties or deterrent. The CDHB recommend advertisers and media found breaching the Code face significant financial penalties and a meaningful suspension period during which the advertiser is not permitted to be place new advertisements.</p>

Conclusion

12. Thank you for the opportunity to submit on the consultation on the standards for Advertising and Promotion of Alcohol.

Person making the submission



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¹⁶ Chambers, T., Stanley, J., Signal, L., Pearson, A. L., Smith, M., Barr, M., & Ni Mhurchu, C. (2018). Quantifying the Nature and Extent of Children's Real-time Exposure to Alcohol Marketing in Their Everyday Lives Using Wearable Cameras: Children's Exposure via a Range of Media in a Range of Key Places. *Alcohol and Alcoholism*. <https://doi.org/10.1093/alcalc/agy053>

¹⁷ Health Promotion Agency. (2018). *Alcohol-related attitudes overtime: Results from the Health and Lifestyles Survey*. Retrieved from <https://www.hpa.org.nz/research-library/research-publications/alcohol-related-attitudes-over-time-infographic>

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