

Consultation Response

Drinkaware's response to
the Scottish Government's
Consultation on Restricting
Alcohol Advertising and
Promotion

March 2023

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In 2022, the Scottish Government published [a consultation](#) on the advertising and marketing of alcoholic products.

As the UK's leading alcohol charity, Drinkaware works in partnership with others to reduce alcohol harm across the country. We use our expertise to give governments, industry, communities, and individuals the knowledge and support to make informed decisions about alcohol and how to reduce the harm it can cause. It is in this capacity we submitted the following response to the consultation.

In April 2023 the [Scottish Government announced](#) that the consultation would be paused and instructed officials to develop a new set of proposal.

Drinkaware is eager to be an active and supportive partner in efforts to reduce alcohol-related harms and we look forward to engaging with the Scottish Government further as it develops any new proposals in this area.

RESPONSE

Question 2

Do you think we should prohibit alcohol sports sponsorship in Scotland?

Drinkaware is the UK's leading alcohol charity. We work in partnership with others to reduce alcohol harm across the UK using our expertise to give governments, industry, communities, and individuals the knowledge and support to make informed decisions about alcohol and how to reduce the harm it can cause. We deliver this through: public-facing campaigns and digital services; information and guidance; evidence-led advice to governments and industry; and independent research, consumer insight and evaluation.

We are heartened to see the Scottish Government continue to take a leading role in tackling alcohol-related harms. Drinkaware is eager to be an active and supportive partner in these efforts.

We agree that reducing exposure to alcohol marketing among children and young people is important and fits with guidance¹ and calls² for an alcohol-free childhood.³ Alcohol consumption in adolescence is associated with a range of negative consequences,^{4,5,6,7,8} which may persist into adulthood.^{9,10,11} As such, delaying the onset of initiation and reducing alcohol consumption among children and young people is important.

¹ Department of Health and Social Care. (2009, December 17). [Alcohol consumption by children and young people](#).

² Children's Parliament. (2019, September). [Children's Parliament investigates: an alcohol-free childhood For Alcohol Focus Scotland](#).

³ As defined by the Chief Medical Officers. Department of Health and Social Care. (2009, December 17). [Alcohol consumption by children and young people](#).

⁴ Tapert, S. F., & Ebersone-Shumate, S. (2022). [Alcohol and the adolescent brain: What we've learned and where the data are taking us](#). *Alcohol research: current reviews*, 42(1).

⁵ Lees, B., Meredith, L. R., Kirkland, A. E., Bryant, B. E., & Squeglia, L. M. (2020). [Effect of alcohol use on the adolescent brain and behavior](#). *Pharmacology Biochemistry and Behavior*, 192, 172906.

⁶ Spear, L. P. (2018). [Effects of adolescent alcohol consumption on the brain and behaviour](#). *Nature Reviews Neuroscience*, 19(4), 197-214.

⁷ Healey, C., Rahman, A., Faizal, M., & Kinderman, P. (2014). [Underage drinking in the UK: changing trends, impact and interventions. A rapid evidence synthesis](#). *International Journal of Drug Policy*, 25(1), 124-132.

⁸ Heron, J., Macleod, J., Munafò, M. R., Melotti, R., Lewis, G., Tilling, K., & Hickman, M. (2012). [Patterns of alcohol use in early adolescence predict problem use at age 16](#). *Alcohol and alcoholism*, 47(2), 169-177.

⁹ Hall, W. D., Patton, G., Stockings, E., Weier, M., Lynskey, M., Morley, K. I., & Degenhardt, L. (2016). [Why young people's substance use matters for global health](#). *The Lancet Psychiatry*, 3(3), 265-279.

¹⁰ Marshall, E. J. (2014). [Adolescent alcohol use: risks and consequences](#). *Alcohol and alcoholism*, 49(2), 160-164.

¹¹ McCambridge, J., McAlaney, J., & Rowe, R. (2011). [Adult consequences of late adolescent alcohol consumption: a systematic review of cohort studies](#). *PLoS medicine*, 8(2), e1000413.

There is a substantial body of evidence linking exposure to alcohol marketing and drinking behaviour among children and young people, including earlier onset of drinking and increased consumption and binge drinking among those who already drink alcohol.^{12,13,14,15,16,17,18,19,20,21}

Studies on the impact of alcohol marketing tend to focus on the cumulative impact, or across multiple marketing channels, as opposed to the impact of *specific* channels (such as tv, radio, outdoor etc.) due to complexities in isolating effects. It is for this reason that Drinkaware's response is largely framed around the principles of the consultation rather than the specific measures proposed. Where evidence relating to specific media channels is developed, we have sought to highlight this. We also recommend that if measures proposed in this consultation are considered for progression, an additional consultation takes place on them to ensure the particular nuances and detail is able to be suitably considered and explored.

While there is some evidence on the effects of alcohol marketing among the general population^{22,23,24} and those in recovery from alcohol dependence,^{25,26,27} this is less developed than the evidence on children and young people.^{28,29} Drinkaware recommends that if introduced, any measures proposed within this consultation are evaluated for their efficacy in reducing alcohol consumption, not just in the target audience, but also among the wider population too, particularly those who drink at hazardous or harmful levels,³⁰ which would build the evidence base in this area.

In considering whether and how to introduce the proposed measures in this consultation, we encourage Scottish Government to also consider which products or services may be advertised

¹² Finan, L. J., Lipperman-Kreda, S., Grube, J. W., Balassone, A., & Kaner, E. (2020). [Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies](#). *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

¹³ Sargent, J.D. & Babor. T.F. (2020). [The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal](#). *Journal of Studies on Alcohol and Drugs*, S19, 113-124.

¹⁴ Scott, S., Muirhead, C., Shucksmith, J., Tyrrell, R., & Kaner, E. (2017). [Does industry-driven alcohol marketing influence adolescent drinking behaviour? A systematic review](#). *Alcohol and alcoholism*, 52(1), 84-94.

¹⁵ Jernigan, D. H., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). [Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008](#). *Addiction*, 112(S1), 7-20.

¹⁶ de Bruijn, A., Tanghe, J., de Leeuw, R., Engels, R., Anderson, P., Beccaria, F., ... & van Dalen, W. (2016). [European longitudinal study on the relationship between adolescents' alcohol marketing exposure and alcohol use](#). *Addiction*, 111(10), 1774-1783.

¹⁷ Gordon, R., Harris, F., Marie Mackintosh, A., & Moodie, C. (2011). [Assessing the cumulative impact of alcohol marketing on young people's drinking: Cross-sectional data findings](#). *Addiction Research & Theory*, 19(1), 66-75.

¹⁸ Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). [Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies](#). *Alcohol and alcoholism*, 44(3), 229-243.

¹⁹ Smith, L. A., & Foxcroft, D. R. (2009). [The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies](#). *BMC public health*, 9(1), 1-11.

²⁰ Booth, A., Meier, P., Stockwell, T., Sutton, A., Wilkinson, A., Wong, R., Brennan, A., O'Reilly, D., Purshouse, R., Taylor, K. (2008). [Independent review of the effects of alcohol pricing and promotion: part a – systematic reviews](#). SchHARR: University of Sheffield.

²¹ Snyder, L. B., Milici, F. F., Slater, M., Sun, H., & Strizhakova, Y. (2006). [Effects of alcohol advertising exposure on drinking among youth](#). *Archives of pediatrics & adolescent medicine*, 160(1), 18-24.

²² Booth, A., Meier, P., Stockwell, T., Sutton, A., Wilkinson, A., Wong, R., Brennan, A., O'Reilly, D., Purshouse, R., Taylor, K. (2008). [Independent review of the effects of alcohol pricing and promotion: part a – systematic reviews](#). SchHARR: University of Sheffield.

²³ Rossow, I. (2021). [The alcohol advertising ban in Norway: Effects on recorded alcohol sales](#). *Drug and Alcohol Review*, 40(7), 1392-1395.

²⁴ Stautz, K., Brown, K. G., King, S. E., Shemilt, I., & Marteau, T. M. (2016). [Immediate effects of alcohol marketing communications and media portrayals on consumption and cognition: a systematic review and meta-analysis of experimental studies](#). *BMC Public Health*, 16(1), 1-18.

²⁵ Murray, R., Leonardi-Bee, J., Barker, A., Brown, O., & Langley, T. (2022). [The effect of alcohol marketing on people with, or at risk of, an alcohol problem: A rapid literature review](#). *University of Nottingham & SPECTRUM*.

²⁶ Shortt, N. K., Rhynas, S. J., & Holloway, A. (2017). [Place and recovery from alcohol dependence: A journey through photovoice](#). *Health & Place*, 47, 147-155.

²⁷ Alcohol Health Alliance. (November 2021). [No Escape: How alcohol advertising preys on children and vulnerable people](#).

²⁸ Meier, P. S. (2011). [Alcohol marketing research: the need for a new agenda](#). *Addiction*, 106(3), 466-471.

²⁹ Critchlow, N., & Moodie, C. (2021). [Understanding the broader impacts of alcohol marketing: Time for a research agenda which includes adults](#). *Alcohol and Alcoholism*, 56(5), 614-616.

³⁰ National Institute for Health and Care Excellence (NICE). (2010, June). Alcohol-use disorders: prevention. [Glossary](#).

or marketed in place of where alcohol products had been. Steps may need to be taken to prevent products and services that contribute towards health harms from filling these gaps.

Research on **alcohol sports sponsorship** has received significant attention in recent years. While few studies³¹ have demonstrated a direct association between alcohol sports sponsorship and children and young peoples' drinking behaviour, due to the difficulties outlined above, evidence indicates that children and young people are highly exposed to (and aware of) alcohol advertising via sponsorship of sporting events.^{32,33,34,35,36,37} As such, we are supportive of proposals to reduce this exposure and believe this could be achieved through a mix of legislative and non-legislative measures. For example, while some regulations, such as the CAP code,³⁸ disallow advertising if 25% or more of the audience are likely to be under 18, the extent of exposure of alcohol marketing to young people at sporting events indicates that this threshold may need revisiting. According to the Office for National Statistics, approximately 19% of Scotland's population is aged 17 or under,³⁹ which means that alcohol advertising is permitted in media or contexts except those where a higher proportion of children and young people are present. The current code ensures children and young people are not actively targeted, however, further steps could be taken to limit their exposure, such as ensuring existing restrictions on advertising audiences (CAP code) are, at least, consistent with the proportion of the population group (in this case, those 17 or under), and that such changes are monitored and evaluated for their effectiveness in reducing exposure.

Low-alcohol and alcohol-free drinks have been growing in popularity, with UK sales almost doubling in the last five years.⁴⁰ These products only make up a small fraction of the UK alcohol market,⁴¹ but they have the potential to be an effective tool to reduce alcohol harm as substitutes or replacements for regular strength alcoholic drinks.^{42,43,44,45,46} As such, we do not agree that they should be subject to the same restrictions (at the present time) as those set out in this consultation, but make some suggestions below that we believe could help address concerns around this. While there is an important distinction in alcohol content between alcohol-free and low-alcohol products, we refer to them together below as both product types offer consumers with methods to reduce or moderate alcohol consumption.

³¹ Brown, K. (2016). [Association between alcohol sports sponsorship and consumption: a systematic review](#). *Alcohol and alcoholism*, 51(6), 747-755.

³² Alcohol Focus Scotland and SHAAP. [Time to blow the whistle on alcohol sport sponsorship: Recommendations for action](#).

³³ Pettigrew, S., & Grant, H. (2020). [Policy implications of the extent, nature and effects of young people's exposure to alcohol promotion in sports-related contexts](#). *Evidence Base: A journal of evidence reviews in key policy areas*, 2, 62-78.

³⁴ Murray, R., Breton, M. O., Britton, J., Cranwell, J., & Grant-Braham, B. (2018). [Carlsberg alibi marketing in the UEFA euro 2016 football finals: implications of probably inappropriate alcohol advertising](#). *BMC Public Health*, 18(1), 1-9.

³⁵ Barker, A. B., Bal, J., & Murray, R. L. (2021). [A content analysis and population exposure estimate of Guinness branded alcohol marketing during the 2019 Guinness Six Nations](#). *Alcohol and Alcoholism*, 56(5), 617-620.

³⁶ Barker, A., Opazo-Breton, M., Thomson, E., Britton, J., Grant-Braham, B., & Murray, R. L. (2020). [Quantifying alcohol audio-visual content in UK broadcasts of the 2018 Formula 1 Championship: a content analysis and population exposure](#). *BMJ open*, 10(8), e037035.

³⁷ Alfayad, K., Murray, R. L., Britton, J., & Barker, A. B. (2022). [Population exposure to alcohol and junk food advertising during the 2018 FIFA world cup: implications for public health](#). *BMC Public Health*, 22(1), 1-11.

³⁸ ASA. [18 Alcohol. CAP Code](#).

³⁹ Office for National Statistics. (2022, December 22). [Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland](#). [Dataset].

⁴⁰ Mintel. (2022). [Attitudes towards low and no-alcohol drinks](#), UK, 2022.

⁴¹ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). *Social Market Foundation: London, UK*

⁴² Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). *Social Market Foundation: London, UK*.

⁴³ Anderson, P., Llopis, E. J., O'Donnell, A., Manthey, J., & Rehm, J. (2020). [Impact of low and no alcohol beers on purchases of alcohol: interrupted time series analysis of British household shopping data, 2015–2018](#). *BMJ open*, 10(10), e036371.

⁴⁴ Anderson, P., Kokole, D., Jané Llopis, E., Burton, R., & Lachenmeier, D. W. (2022). [Lower strength alcohol products—a realist review-based road map for European policy making](#). *Nutrients*, 14(18), 3779.

⁴⁵ HM Government. (2019, July). [Advancing our health: prevention in the 2020s](#).

⁴⁶ Rehm, J., Rovira, P., Manthey, J., & Anderson, P. (2023). [Reduction of Alcoholic Strength: Does It Matter for Public Health?](#) *Nutrients*, 15(4), 910.

We believe low-alcohol and alcohol-free branded products should continue to be able to sponsor sporting events, and would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Currently, there is little evidence to suggest that children, non-drinkers, or lower-level drinkers are using these products as a 'gateway' to drinking or increased drinking,⁴⁷ and there is mixed evidence on whether some consumers are opting for these products in *addition* to regular-strength products,^{48,49} or as a direct substitute for regular-strength products.^{50,51} However, given both the potential individual and public health benefit of these products, Drinkaware believes an exemption to restrictions is warranted.

In the meantime, there is considerable confusion among consumers regarding the terminology and meaning of low-alcohol and alcohol-free products⁵² - unsurprising given the lack of harmonisation of terminology and definitions more generally.⁵³ Therefore, it is necessary to create a common nomenclature to facilitate understanding among consumers and ensure the distinction between alcohol-free and low-alcohol is clear.

To realise any individual or public health benefit that low-alcohol and alcohol-free products may have, we believe it is important to increase awareness and understanding of them among consumers. One way to achieve this is through marketing information by those companies who create and sell them. It is also important for producers to continue to see the benefits of investing in these categories and expanding their range to encourage greater uptake as a substitution option among existing consumers.

However, we believe that low-alcohol and alcohol-free products should be promoted as a means of moderating alcohol consumption or substituting existing consumption only, and not as an additional drinking opportunity. When advertised and marketed for these purposes, we believe products should be exempt from restrictions set out in this consultation.

There have been suggestions in the consultation that products that share brand identities should be disallowed, with low-alcohol or alcohol-free products required to have a distinct brand. Such an approach, it is suggested, would prevent the promotion of the 'parent' brand that is synonymous with regular-strength alcohol. A similar argument is made around 'alibi marketing'—the practice of using features of the brand that are synonymous with it, without advertising alcohol.⁵⁴ There is some evidence that the 'parent' brand can sometimes be considerably more prominent than the alcohol-free element of the product, which risks giving undue prominence to

⁴⁷ Jané Llopis, E., O'Donnell, A., Kaner, E., & Anderson, P. (2022). [Are lower-strength beers gateways to higher-strength beers? Time series analyses of household purchases from 64,280 British households, 2015–2018](#). *Alcohol and Alcoholism*, 57(4), 520-528.

⁴⁸ PS Research and Drinkaware. (2022, June). [Alcohol-free and low alcohol drinks](#).

⁴⁹ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). *Social Market Foundation: London, UK*.

⁵⁰ Nicholls, E. (2022). ["You can be a hybrid when it comes to drinking": The Marketing and Consumption of No and Low Alcohol Drinks in the UK](#).

⁵¹ PS Research and Drinkaware. (2022, June). [Alcohol-free and low alcohol drinks](#).

⁵² PS Research and Drinkaware. (2022, June). [Alcohol-free and low alcohol drinks](#).

⁵³ Okaru, A. O., & Lachenmeier, D. W. (2022). [Defining No and Low \(NoLo\) Alcohol Products](#). *Nutrients*, 14(18), 3873.

⁵⁴ Murray, R., Breton, M. O., Britton, J., Cranwell, J., & Grant-Braham, B. (2018). [Carlsberg alibi marketing in the UEFA euro 2016 football finals: implications of probably inappropriate alcohol advertising](#). *BMC Public Health*, 18(1), 1-9.

the brand identity of the regular-strength alcohol product.^{55,56,57,58} Alibi marketing is an under-researched subject, and the impact of such marketing is not yet clear, therefore, further research in this area would be welcomed. However, for some consumers, having a recognisable brand can make the switch to low-alcohol or alcohol-free brands easier. With a recognisable brand, some consumers have reported it makes it easier for them to ‘fit in’ if they’re drinking low-alcohol or alcohol-free products, while others may associate it with a preferred flavour profile.⁵⁹ As such, we would encourage measures to mitigate concerns about brand sharing and ‘alibi marketing’ of these products (i.e., concerns of the ‘parent’ brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 3

If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition? Illustrative examples include:

- **prohibiting the use of alcohol brands on clothing worn by players or staff**
- **prohibiting alcohol being advertised on pitch side hoarding, pitches, trophies, tunnels or interview boards**
- **prohibiting players or staff from featuring in alcohol adverts in print or online**
- **prohibiting online content from linking the sports team, players or competition to an alcohol brand or vice versa.**

[Drinkaware did not respond to this question]

Question 4

What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship?

[Drinkaware did not respond to this question]

Question 5

Do you think we should prohibit alcohol events sponsorship in Scotland?

While studies on the impact of alcohol sponsorship on children and young people has focused primarily on sporting events, rather than events more generally, Drinkaware believes it is reasonable to apply the evidence and learning from these studies to a broader category of events beyond sports events. Drinkaware suggests that proposals to reduce exposure among children and young people should be considered (such as changes to the existing CAP code audience threshold) when considering any potential arrangements for such events sponsorship. In addition, we would recommend that any changes made here follow a similar process to the Scottish Government’s previous 2012 review of alcohol sponsorship.⁶⁰

⁵⁵ Barker, A. B., Britton, J., Grant-Braham, B., & Murray, R. L. (2018). [Alcohol audio-visual content in formula 1 television broadcasting](#). *BMC Public Health*, 18, 1-6.

⁵⁶ Alcohol Action Ireland. (2022). [The slow creep of alibi marketing: is alcohol brand promotion circumventing the law](#). Alcohol Action Ireland.

⁵⁷ Nicholls, E. (2022). [“You can be a hybrid when it comes to drinking”: The Marketing and Consumption of No and Low Alcohol Drinks in the UK](#).

⁵⁸ Kaewpramusol, R., Senior, K., Nanthamongkolchai, S., & Chenhall, R. (2019). [Brand advertising and brand sharing of alcoholic and non-alcoholic products, and the effects on young Thai people's attitudes towards alcohol use: A qualitative focus group study](#). *Drug and alcohol review*, 38(3), 284-293.

⁵⁹ Nicholls, E. (2022). [“You can be a hybrid when it comes to drinking”: The Marketing and Consumption of No and Low Alcohol Drinks in the UK](#).

⁶⁰ Davidson, S., Diffley, M., & Sewel, K. (2012, March 6). [Review of the alcohol sponsorship guidelines for Scotland](#). Ipsos Mori Scotland and Scottish Government.

Question 6

If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

[Drinkaware did not respond to this question]

Question 7

What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?

[Drinkaware did not respond to this question]

Question 8

If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these? How long might this be and how would it work?

[Drinkaware did not respond to this question]

Question 9

Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

Where children and young people are likely to form a proportion of the audience at least similar to their proportion in the population as a whole, we believe there is a good argument for reasonable measures to reduce exposure.

As cited in our response to Q2, there is a substantial body of evidence linking exposure to alcohol marketing and drinking behaviour among children and young people. Therefore, we would be supportive of proposals to reduce this, and recommend that if introduced, any measures proposed within this consultation are evaluated for their efficacy in reducing harmful consumption, not just in the target audience, but also among the wider population too, particularly those who drink at hazardous or harmful levels, which would build the evidence base in this area.

Question 10

What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces? Your answer should include:

- 1) Places where you think alcohol marketing should be prohibited (e.g. on bus shelters, in or near leisure centres or on taxis); and**
- 2) Types of alcohol marketing you think should be prohibited outdoors (e.g. billboards or signage).**

As outlined in our response to Q2, while some regulations, such as the CAP code,⁶¹ disallow advertising if 25% or more of the audience are likely to be under 18, the extent of exposure of alcohol marketing to children and young people indicates that this threshold may need revisiting.

This is particularly pertinent with regard to outdoor advertising as it is not possible to opt out of seeing out-of-home advertising. Drinkaware considers it reasonable that such restrictions on advertising audiences should be consistent with the proportion of the population group (in this case, those 17 or under—approximately 19% of Scotland's population).⁶²

Question 11

What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

As outlined in our response in Q2, Drinkaware does not agree that low-alcohol and alcohol-free products should be subject to the same restrictions (at the present time) as those set out in this consultation, but make some suggestions below that we believe could help to address concerns around these products. While these products only make up a small fraction of the UK alcohol market⁶³, they have the potential to be an effective tool to reduce alcohol harm as substitutes or replacements for regular strength alcoholic drinks.^{64,65,66,67,68} While there is an important distinction in alcohol content between alcohol-free and low-alcohol products, we refer to them together below as both product types offer consumers with methods to reduce or moderate alcohol consumption.

There is considerable confusion among consumers regarding the terminology and meaning of low-alcohol and alcohol-free products. Therefore, we believe it is important to increase awareness and understanding of them among consumers, and one way to achieve this is through marketing information by companies creating and selling them. However, we believe that low-alcohol and alcohol-free products should be promoted as a means of moderating alcohol consumption or substituting existing consumption only, and not as an additional drinking opportunity. In addition, we would encourage measures to mitigate concerns about brand sharing

⁶¹ ASA. [18 Alcohol. CAP Code.](#)

⁶² Office for National Statistics. (2022, December 22). [Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland.](#) [Dataset].

⁶³ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms.](#) *Social Market Foundation: London, UK*

⁶⁴ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms.](#) *Social Market Foundation: London, UK.*

⁶⁵ Anderson, P., Llopis, E. J., O'Donnell, A., Manthey, J., & Rehm, J. (2020). [Impact of low and no alcohol beers on purchases of alcohol: interrupted time series analysis of British household shopping data, 2015–2018.](#) *BMJ open*, *10*(10), e036371.

⁶⁶ Anderson, P., Kokole, D., Jané Llopis, E., Burton, R., & Lachenmeier, D. W. (2022). [Lower strength alcohol products—a realist review-based road map for European policy making.](#) *Nutrients*, *14*(18), 3779.

⁶⁷ HM Government. (2019, July). [Advancing our health: prevention in the 2020s.](#)

⁶⁸ Rehm, J., Rovira, P., Manthey, J., & Anderson, P. (2023). [Reduction of Alcoholic Strength: Does It Matter for Public Health?](#) *Nutrients*, *15*(4), 910.

and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 12

Do you think that we should further restrict the visibility of alcohol in retail environment, giving reasons for your response? For example by;

- **restricting window displays of alcohol,**
- **restricting the use of mixed alcohol and non-alcohol aisles,**
- **prohibiting aisle-end displays of alcohol,**
- **redefining the alcohol display area, and/or**
- **covering alcohol behind till areas similar to tobacco.**

Drinkaware recommends that any measures considered in this area ensures consistency with any changes that may be introduced following Scottish Government's recent consultation on high fat, salt and sugar (HFSS) products. These two product categories can be among those most heavily promoted in-store.⁶⁹

Where children and young people are likely to form a proportion of the audience at least similar to their proportion in the population as a whole, we believe there is a good argument for additional protective measures. The retail environment is generally available to, and welcoming of, consumers of all ages (in contrast to other environments that are primarily targeted at adults, such as pubs, clubs and distilleries) and therefore it is pertinent to consider the visibility of in-store marketing to them. Given the high levels of physical variance in retail spaces, we recommend that, if pursued, affecting such measures would be best developed in collaboration with retailers.

As outlined in our response to Q2, there is a substantial body of evidence linking exposure to alcohol marketing and drinking behaviour among children and young people. Therefore, we would be supportive of proposals to reduce alcohol exposure among children and young people, and recommend that if introduced, any measures are evaluated for their efficacy in reducing harmful consumption among the wider population too, particularly those who drink at hazardous or harmful levels, which would build the evidence base in this area.

Question 13

Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)?

[Drinkaware did not respond to this question]

Question 14

How do you think structural separation of alcohol in Scotland could operate? (e.g. with barriers, closed display cases)

[Drinkaware did not respond to this question]

⁶⁹ Obesity Health Alliance. (2018). [Out of place: the extent of unhealthy foods in prime locations in supermarkets.](#)

Question 15

Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?

[Drinkaware did not respond to this question]

Question 16

Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland?

[Drinkaware did not respond to this question]

Question 17

What, if any, exceptions do you think should there be to prohibiting the sale or distribution of alcohol-branded merchandise?

[Drinkaware did not respond to this question]

Question 18

What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?

[Drinkaware did not respond to this question]

Question 19

Do you think that any potential alcohol marketing restrictions should also apply to no-or low drinks products between 0% ABV and 1.2% ABV, where these carry the same brand name, or identifiable brand markings, as alcohol drinks over 1.2% ABV?

Low-alcohol and alcohol-free drinks have been growing in popularity, with UK sales almost doubling in the last five years.⁷⁰ While these products only make up a small fraction of the UK alcohol market,⁷¹ they have the potential to be an effective tool to reduce alcohol harm as substitutes or replacements for regular strength alcoholic drinks.^{72,73,74,75,76} As such, we do not agree that they should be subject to the same restrictions (at the present time) as those set out in this consultation, but make some suggestions below that we believe could help to address concerns around this.

⁷⁰ Mintel. (2022). Attitudes towards low and no-alcohol drinks, UK, 2022.

⁷¹ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). Social Market Foundation: London, UK

⁷² Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). Social Market Foundation: London, UK.

⁷³ Anderson, P., Llopis, E. J., O'Donnell, A., Manthey, J., & Rehm, J. (2020). [Impact of low and no alcohol beers on purchases of alcohol: interrupted time series analysis of British household shopping data, 2015–2018](#). *BMJ open*, 10(10), e036371.

⁷⁴ Anderson, P., Kokole, D., Jané Llopis, E., Burton, R., & Lachenmeier, D. W. (2022). [Lower strength alcohol products—a realist review-based road map for European policy making](#). *Nutrients*, 14(18), 3779.

⁷⁵ HM Government. (2019, July). [Advancing our health: prevention in the 2020s](#).

⁷⁶ Rehm, J., Rovira, P., Manthey, J., & Anderson, P. (2023). [Reduction of Alcoholic Strength: Does It Matter for Public Health?](#) *Nutrients*, 15(4), 910.

Currently, there is little evidence to suggest that children, non-drinkers, or lower-level drinkers are using these products as a ‘gateway’ to drinking or increased drinking,⁷⁷ and there is mixed evidence on whether some consumers are opting for these products in *addition* to regular-strength products,^{78,79} or as a direct substitute for regular-strength products.^{80,81} However, given both the potential individual and public health benefit of these products, Drinkaware believes an exemption to restrictions is warranted, at least until the evidence base is more mature.

In the meantime, there is considerable confusion among consumers regarding the terminology and meaning of low-alcohol and alcohol-free products⁸²- unsurprising given the lack of harmonisation of terminology and definitions more generally.⁸³ Therefore, it is necessary to create a common nomenclature to facilitate understanding among consumers and ensure the distinction between alcohol-free and low-alcohol is clear.

To realise any individual or public health benefit that low-alcohol and alcohol-free products may have, we believe it is important to increase awareness and understanding of them among consumers, and one way to achieve this is through marketing information by companies creating and selling them. It is also important for producers to continue to see the benefits of investing in these categories and expanding their range to encourage greater uptake as a substitution option among existing consumers.

However, we believe that low-alcohol and alcohol-free products should be promoted as a means of moderating alcohol consumption by substituting existing consumption only, and not as an additional drinking opportunity. When advertised and marketed for these purposes, we believe products should not be subject to as stringent restrictions as those set out in this consultation.

There have been some suggestions that products that share brand identities should be disallowed, with low-alcohol or alcohol-free products required to have a distinct brand. Such an approach, it is suggested, would prevent the promotion of the ‘parent’ brand that is synonymous with regular-strength alcohol. A similar argument is made around ‘alibi marketing’—the practice of using features of the brand that are synonymous with it, without advertising alcohol. There is some evidence that the ‘parent’ brand can sometimes be considerably more prominent than the alcohol-free element of the product, which risks giving undue prominence to the brand identity of the regular-strength alcohol product.^{84,85,86,87} Alibi marketing is an under-researched subject, and the impact of such marketing is not yet clear, and therefore, further research in this area would be welcomed. However, for some consumers, having a recognisable brand can mean making the switch to low-alcohol or alcohol-free brands easier. With a recognisable brand, some consumers have reported it makes it easier for them to ‘fit in’ if they’re drinking low-alcohol or alcohol-free

⁷⁷ Jané Llopis, E., O’Donnell, A., Kaner, E., & Anderson, P. (2022). [Are lower-strength beers gateways to higher-strength beers? Time series analyses of household purchases from 64,280 British households, 2015–2018](#). *Alcohol and Alcoholism*, 57(4), 520-528.

⁷⁸ PS Research and Drinkaware. (2022, June). [Alcohol-free and low alcohol drinks](#).

⁷⁹ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). *Social Market Foundation: London, UK*.

⁸⁰ Nicholls, E. (2022). [“You can be a hybrid when it comes to drinking”: The Marketing and Consumption of No and Low Alcohol Drinks in the UK](#).

⁸¹ PS Research and Drinkaware. (2022, June). [Alcohol-free and low alcohol drinks](#).

⁸² PS Research and Drinkaware. (2022, June). [Alcohol-free and low alcohol drinks](#).

⁸³ Okaru, A. O., & Lachenmeier, D. W. (2022). [Defining No and Low \(NoLo\) Alcohol Products](#). *Nutrients*, 14(18), 3873.

⁸⁴ Barker, A. B., Britton, J., Grant-Braham, B., & Murray, R. L. (2018). [Alcohol audio-visual content in formula 1 television broadcasting](#). *BMC Public Health*, 18, 1-6.

⁸⁵ Alcohol Action Ireland. (2022). [The slow creep of alibi marketing: is alcohol brand promotion circumventing the law](#). Alcohol Action Ireland.

⁸⁶ Nicholls, E. (2022). [“You can be a hybrid when it comes to drinking”: The Marketing and Consumption of No and Low Alcohol Drinks in the UK](#).

⁸⁷ Kaewpramusol, R., Senior, K., Nanthamongkolchai, S., & Chenhall, R. (2019). [Brand advertising and brand sharing of alcoholic and non-alcoholic products, and the effects on young Thai people’s attitudes towards alcohol use: A qualitative focus group study](#). *Drug and alcohol review*, 38(3), 284-293.

products, while others may associate it with a preferred flavour profile.⁸⁸ As such, we would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 20

Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?

[Drinkaware did not respond to this question]

Question 21

What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?

As outlined in our response to Q2, as a substitute or replacement for regular strength alcoholic drinks, low-alcohol and alcohol-free drinks have the potential to be an effective tool to reduce alcohol harm,^{89,90,91,92,93} and therefore we do not agree that they should be subject to the same proposed regulations as those set out in this consultation. Drinkaware recommends that regulators should ensure low alcohol and alcohol-free products are marketed as substitutes for regular-strength alcohol products and not as additional drinking opportunities. Further, we would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 22

Do you think we should restrict alcohol branded social media channels and websites in Scotland?

In terms of online marketing, there is growing evidence that participation and engagement with online alcohol marketing and user-created promotion is associated with higher brand

⁸⁸ Nicholls, E. (2022). [“You can be a hybrid when it comes to drinking”: The Marketing and Consumption of No and Low Alcohol Drinks in the UK.](#)

⁸⁹ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms.](#) *Social Market Foundation: London, UK.*

⁹⁰ Anderson, P., Llopis, E. J., O'Donnell, A., Manthey, J., & Rehm, J. (2020). [Impact of low and no alcohol beers on purchases of alcohol: interrupted time series analysis of British household shopping data, 2015–2018.](#) *BMJ open*, *10*(10), e036371.

⁹¹ Anderson, P., Kokole, D., Jané Llopis, E., Burton, R., & Lachenmeier, D. W. (2022). [Lower strength alcohol products—a realist review-based road map for European policy making.](#) *Nutrients*, *14*(18), 3779.

⁹² HM Government. (2019, July). [Advancing our health: prevention in the 2020s.](#)

⁹³ Rehm, J., Rovira, P., Manthey, J., & Anderson, P. (2023). [Reduction of Alcoholic Strength: Does It Matter for Public Health?](#) *Nutrients*, *15*(4), 910.

identification, allegiance⁹⁴ and positive attitudes⁹⁵ as well as increased alcohol consumption,^{96,97} as well as binge drinking.⁹⁸ However, the effects of simple exposure to digital alcohol advertising have been inconclusive.⁹⁹

Online marketing is an area of huge growth but also an area notoriously difficult to modulate due to the transnational make-up of the major technology platforms. Given the speed at which technology changes and marketing campaigns run, this could be an area where Scottish Government could work closely with the advertising and marketing, alcohol, and technology industries to enable users or consumers to opt out/into such advertising. Drinkaware has a strong track record in convening such disparate groups and stands ready to support any efforts in this area.

Question 23

What, if any, exceptions do you think there should be to prohibiting alcohol branded social media channels and websites in Scotland?

As outlined in our response to Q2, as a substitute or replacement for regular strength alcoholic drinks, low-alcohol and alcohol-free drinks have the potential to be an effective tool to reduce alcohol harm and therefore we do not agree that they should be subject to the same proposed restrictions as those set out in this consultation, but make some suggestions that we believe could help to address concerns around these products. Drinkaware recommends that regulators should ensure low alcohol and alcohol-free products are marketed as substitutes for regular-strength alcohol products and not as additional drinking opportunities. Further, we would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 24

Do you think we should restrict paid alcohol advertising online in Scotland? Examples include adverts appearing on websites, via pop ups, on social media platforms, on search engines, or influencer advertising.

As outlined in our response to Q21, there is growing evidence that participation and engagement with online alcohol marketing and user-created promotion is associated with higher brand

⁹⁴ Lin, E. Y., Caswell, S., You, R. Q., & Huckle, T. (2012). [Engagement with alcohol marketing and early brand allegiance in relation to early years of drinking](#). *Addiction Research & Theory*, 20(4), 329-338.

⁹⁵ Gupta, H., Pettigrew, S., Lam, T., & Tait, R. J. (2016). [A systematic review of the impact of exposure to internet-based alcohol-related content on young people's alcohol use behaviours](#). *Alcohol and alcoholism*, 51(6), 763-771.

⁹⁶ Critchlow, N., MacKintosh, A. M., Hooper, L., Thomas, C., & Vohra, J. (2019). [Participation with alcohol marketing and user-created promotion on social media, and the association with higher-risk alcohol consumption and brand identification among adolescents in the UK](#). *Addiction research & theory*, 27(6), 515-526.

⁹⁷ de Bruijn, A., Engels, R., Anderson, P., Bujalski, M., Gosselt, J., Schreckenber, D., ... & de Leeuw, R. (2016). [Exposure to online alcohol marketing and adolescents' drinking: a cross-sectional study in four European countries](#). *Alcohol and alcoholism*, 51(5), 615-621.

⁹⁸ Critchlow, N., Moodie, C., Bauld, L., Bonner, A., & Hastings, G. (2016). [Awareness of, and participation with, digital alcohol marketing, and the association with frequency of high episodic drinking among young adults](#). *Drugs: Education, Prevention and Policy*, 23(4), 328-336.

⁹⁹ Noel, J. K., Sammartino, C. J., & Rosenthal, S. R. (2020). [Exposure to digital alcohol marketing and alcohol use: A systematic review](#). *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 57-67

identification, allegiance¹⁰⁰ and positive attitudes¹⁰¹ as well as increased alcohol consumption,^{102,103} as well as binge drinking.¹⁰⁴ However the effects of simple exposure to digital alcohol advertising have been inconclusive.¹⁰⁵

Online marketing is an area of huge growth but also an area notoriously difficult to modulate due to the transnational make-up of the major technology platforms. Given the speed at which technology changes and marketing campaigns run, this could be an area where Scottish Government could work closely with the advertising and marketing, alcohol, and technology industries to enable users or consumers to opt out/into such advertising. Drinkaware has a strong track record in convening such disparate groups and stands ready to support any efforts in this area.

It is difficult to clearly evidence the impact specific marketing channels might have on consumption due to challenges around isolating impacts or introducing necessary controls. However, evidence indicates that the cumulative impact of multi-channel marketing contributes to earlier onset of drinking or increased consumption among children and young people.^{106,107,108,109,110,111,112,113,114,115}

While some regulations, such as the CAP code, disallow advertising if 25% or more of the audience are likely to be under 18, levels of exposure to alcohol advertising among children and young people suggests that this may need revisiting. For example, through ensuring existing restrictions on advertising audiences are, at least, consistent with the proportion of the population group (in this case, those 17 or under), and that such changes are monitored and evaluated for their effectiveness in reducing exposure.

¹⁰⁰ Lin, E. Y., Caswell, S., You, R. Q., & Huckle, T. (2012). [Engagement with alcohol marketing and early brand allegiance in relation to early years of drinking](#). *Addiction Research & Theory*, 20(4), 329-338.

¹⁰¹ Gupta, H., Pettigrew, S., Lam, T., & Tait, R. J. (2016). [A systematic review of the impact of exposure to internet-based alcohol-related content on young people's alcohol use behaviours](#). *Alcohol and alcoholism*, 51(6), 763-771.

¹⁰² Critchlow, N., MacKintosh, A. M., Hooper, L., Thomas, C., & Vohra, J. (2019). [Participation with alcohol marketing and user-created promotion on social media, and the association with higher-risk alcohol consumption and brand identification among adolescents in the UK](#). *Addiction research & theory*, 27(6), 515-526.

¹⁰³ de Bruijn, A., Engels, R., Anderson, P., Bujalski, M., Gosselt, J., Schreckenber, D., ... & de Leeuw, R. (2016). [Exposure to online alcohol marketing and adolescents' drinking: a cross-sectional study in four European countries](#). *Alcohol and alcoholism*, 51(5), 615-621.

¹⁰⁴ Critchlow, N., Moodie, C., Bauld, L., Bonner, A., & Hastings, G. (2016). [Awareness of, and participation with, digital alcohol marketing, and the association with frequency of high episodic drinking among young adults](#). *Drugs: Education, Prevention and Policy*, 23(4), 328-336.

¹⁰⁵ Noel, J. K., Sammartino, C. J., & Rosenthal, S. R. (2020). [Exposure to digital alcohol marketing and alcohol use: A systematic review](#). *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 57-67

¹⁰⁶ Sargent, J.D. & Babor, T.F. (2020). [The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal](#). *Journal of Studies on Alcohol and Drugs*, S19, 113-124.

¹⁰⁷ Jernigan, D. H., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). [Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008](#). *Addiction*, 112(S1), 7-20.

¹⁰⁸ de Bruijn, A., Tanghe, J., de Leeuw, R., Engels, R., Anderson, P., Beccaria, F., ... & van Dalen, W. (2016). [European longitudinal study on the relationship between adolescents' alcohol marketing exposure and alcohol use](#). *Addiction*, 111(10), 1774-1783.

¹⁰⁹ Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). [Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies](#). *Alcohol and alcoholism*, 44(3), 229-243.

¹¹⁰ Smith, L. A., & Foxcroft, D. R. (2009). [The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies](#). *BMC public health*, 9(1), 1-11.

¹¹¹ Gordon, R., Harris, F., Marie Mackintosh, A., & Moodie, C. (2011). [Assessing the cumulative impact of alcohol marketing on young people's drinking: Cross-sectional data findings](#). *Addiction Research & Theory*, 19(1), 66-75.

¹¹² Snyder, L. B., Milici, F. F., Slater, M., Sun, H., & Strizhakova, Y. (2006). [Effects of alcohol advertising exposure on drinking among youth](#). *Archives of pediatrics & adolescent medicine*, 160(1), 18-24.

¹¹³ Scott, S., Muirhead, C., Shucksmith, J., Tyrrell, R., & Kaner, E. (2017). [Does industry-driven alcohol marketing influence adolescent drinking behaviour? A systematic review](#). *Alcohol and alcoholism*, 52(1), 84-94.

¹¹⁴ Meier et al., (2008) [Independent review of the effects of alcohol pricing and promotion](#). SchHARR University of Sheffield.

¹¹⁵ Finan, L. J., Lipperman-Kreda, S., Grube, J. W., Balassone, A., & Kaner, E. (2020). [Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies](#). *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

Question 25

What types of paid alcohol advertising do you think should be covered by any restrictions?

[Drinkaware did not respond to this question]

Question 26

What, if any, exceptions do you think should there be to restricting paid alcohol advertising online?

As outlined in our response to Q2, as a substitute or replacement for regular strength alcoholic drinks, low-alcohol and alcohol-free drinks have the potential to be an effective tool to reduce alcohol harm and therefore we do not agree that they should be subject to the same proposed measures as those set out in this consultation. Drinkaware recommends that regulators should ensure low alcohol and alcohol-free products are marketed as substitutes for regular-strength alcohol products and not as additional drinking opportunities. Further, we would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 27

Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) – whether this is produced by them or by consumers?

As outlined in our response to Q2, there is growing evidence that participation and engagement with online alcohol marketing and user-created promotion is associated with higher brand identification, allegiance¹¹⁶ and positive attitudes¹¹⁷ as well as increased alcohol consumption,^{118,119} and binge drinking.¹²⁰ However the effects of simple exposure to digital alcohol advertising have been inconclusive.¹²¹

Online marketing is an area of huge growth but also an area notoriously difficult to modulate due to the transnational make-up of the major technology platforms. Given the speed at which technology changes and marketing campaigns run, this could be an area where Scottish Government could work closely with the advertising and marketing, alcohol, and technology industries to enable users or consumers to opt out/in to such advertising. Drinkaware has a

¹¹⁶ Lin, E. Y., Caswell, S., You, R. Q., & Huckle, T. (2012). [Engagement with alcohol marketing and early brand allegiance in relation to early years of drinking](#). *Addiction Research & Theory*, 20(4), 329-338.

¹¹⁷ Gupta, H., Pettigrew, S., Lam, T., & Tait, R. J. (2016). [A systematic review of the impact of exposure to internet-based alcohol-related content on young people's alcohol use behaviours](#). *Alcohol and alcoholism*, 51(6), 763-771.

¹¹⁸ Critchlow, N., MacKintosh, A. M., Hooper, L., Thomas, C., & Vohra, J. (2019). [Participation with alcohol marketing and user-created promotion on social media, and the association with higher-risk alcohol consumption and brand identification among adolescents in the UK](#). *Addiction research & theory*, 27(6), 515-526.

¹¹⁹ de Bruijn, A., Engels, R., Anderson, P., Bujalski, M., Gosselt, J., Schreckenber, D., ... & de Leeuw, R. (2016). [Exposure to online alcohol marketing and adolescents' drinking: a cross-sectional study in four European countries](#). *Alcohol and alcoholism*, 51(5), 615-621.

¹²⁰ Critchlow, N., Moodie, C., Bauld, L., Bonner, A., & Hastings, G. (2016). [Awareness of, and participation with, digital alcohol marketing, and the association with frequency of high episodic drinking among young adults](#). *Drugs: Education, Prevention and Policy*, 23(4), 328-336.

¹²¹ Noel, J. K., Sammartino, C. J., & Rosenthal, S. R. (2020). [Exposure to digital alcohol marketing and alcohol use: A systematic review](#). *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 57-67

strong track record in convening such disparate groups and stands ready to support any efforts in this area.

While it is difficult to clearly evidence the impact specific marketing channels might have on consumption due to challenges around isolating impacts or introducing necessary controls, evidence indicates that the cumulative impact of multi-channel marketing contributes to earlier onset of drinking or increased consumption among children and young people.

122,123,124,125,126,127,128,129,130,131

While some regulations, such as the CAP code, disallow advertising if 25% or more of the audience are likely to be under 18, levels of exposure to alcohol advertising among children and young people suggests that this may need revisiting. For example, through ensuring existing restrictions on advertising audiences are, at least, consistent with the proportion of the population group (in this case, those 17 or under), and that such changes are monitored and evaluated for their effectiveness in reducing exposure.

Question 28

What, if any, exceptions do you think there should be from restricting alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) – whether this is produced by them or by consumers?

As outlined in our response to Q2, as a substitute or replacement for regular strength alcoholic drinks, low-alcohol and alcohol-free drinks have the potential to be an effective tool to reduce alcohol harm and therefore we do not agree that they should be subject to the same proposed measures as those set out in this consultation. Drinkaware recommends that regulators should ensure low alcohol and alcohol-free products are marketed as substitutes for regular-strength alcohol products and not as additional drinking opportunities. Further, we would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

¹²² Finan, L. J., Lipperman-Kreda, S., Grube, J. W., Balassone, A., & Kaner, E. (2020). [Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies](#). *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

¹²³ Sargent, J.D. & Babor, T.F. (2020). [The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal](#). *Journal of Studies on Alcohol and Drugs*, S19, 113-124.

¹²⁴ Jernigan, D. H., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). [Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008](#). *Addiction*, 112(S1), 7-20.

¹²⁵ de Bruijn, A., Tanghe, J., de Leeuw, R., Engels, R., Anderson, P., Beccaria, F., ... & van Dalen, W. (2016). [European longitudinal study on the relationship between adolescents' alcohol marketing exposure and alcohol use](#). *Addiction*, 111(10), 1774-1783.

¹²⁶ Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). [Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies](#). *Alcohol and alcoholism*, 44(3), 229-243.

¹²⁷ Smith, L. A., & Foxcroft, D. R. (2009). [The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies](#). *BMC public health*, 9(1), 1-11.

¹²⁸ Gordon, R., Harris, F., Marie Mackintosh, A., & Moodie, C. (2011). [Assessing the cumulative impact of alcohol marketing on young people's drinking: Cross-sectional data findings](#). *Addiction Research & Theory*, 19(1), 66-75.

¹²⁹ Snyder, L. B., Milici, F. F., Slater, M., Sun, H., & Strizhakova, Y. (2006). [Effects of alcohol advertising exposure on drinking among youth](#). *Archives of pediatrics & adolescent medicine*, 160(1), 18-24.

¹³⁰ Scott, S., Muirhead, C., Shucksmith, J., Tyrrell, R., & Kaner, E. (2017). [Does industry-driven alcohol marketing influence adolescent drinking behaviour? A systematic review](#). *Alcohol and alcoholism*, 52(1), 84-94.

¹³¹ Meier et al., (2008) [Independent review of the effects of alcohol pricing and promotion](#). SCHARR University of Sheffield.

Question 29

Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)?

[Drinkaware did not respond to this question]

Question 30

Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland), and if so how would this work?

As outlined in our response to Q2, while it is difficult to clearly evidence the impact that specific marketing channels might have on consumption due to challenges around isolating impacts or introducing necessary controls, there is a substantial body of evidence demonstrating the link between alcohol marketing and drinking behaviour among children and young people. There is also evidence demonstrating the high level of alcohol marketing children and young people are exposed to. As such, measures to reduce exposure among children and young people would be welcomed.

While some regulations, such as the CAP code, disallow advertising if 25% or more of the audience are likely to be under 18, levels of exposure to alcohol advertising among children and young people suggests that this may need revisiting. For example, through ensuring existing restrictions on advertising audiences are, at least, consistent with the proportion of the population group (in this case, those 17 or under), and that such changes are monitored and evaluated for their effectiveness in reducing exposure.

There is evidence that while exposure to alcohol advertising on UK television has declined significantly among children and young people,¹³² exposure remains.^{133,134} A survey found that children as young as 10 could readily identify alcohol brands and associated visual cues such as logos, and characters from alcohol advertising on television.¹³⁵ In addition, the quantity of brand-specific advertising exposure has been positively associated with the total quantity of consumption of those advertised brands, even after controlling for the consumption of non-advertised brands.^{136,137}

Question 31

Do you think alcohol advertising should be restricted in cinemas?

As outlined in our response to Q2, while it is difficult to clearly evidence the impact that specific marketing channels might have on consumption due to challenges around isolating impacts or introducing necessary controls, there is a substantial body of evidence demonstrating the link between alcohol marketing and drinking behaviour among children and young people. There is also evidence demonstrating the high level of alcohol marketing children and young people are

¹³² ASA. (2021) [Children's exposure to age-restricted TV ads: 2020 update](#)

¹³³ Barker, A. B., Whittamore, K., Britton, J., Murray, R. L., & Cranwell, J. (2019). [A content analysis of alcohol content in UK television](#). *Journal of Public Health*, 41(3), 462-469.

¹³⁴ Alcohol Health Alliance. (2021, November). [No Escape. How alcohol advertising preys on children and vulnerable people](#).

¹³⁵ Alcohol Focus Scotland, Alcohol Concern, Balance North East and Drink Wise (2015). [Children's Recognition of Alcohol Branding](#).

¹³⁶ Naimi, T. S., Ross, C. S., Siegel, M. B., DeJong, W., & Jernigan, D. H. (2016). [Amount of televised alcohol advertising exposure and the quantity of alcohol consumed by youth](#). *Journal of studies on alcohol and drugs*, 77(5), 723-729.

¹³⁷ Ross, C. S., Maple, E., Siegel, M., DeJong, W., Naimi, T. S., Padon, A. A., ... & Jernigan, D. H. (2015). [The relationship between population-level exposure to alcohol advertising on television and brand-specific consumption among underage youth in the US](#). *Alcohol and Alcoholism*, 50(3), 358-364.

exposed to. As such, measures to reduce exposure among children and young people would be welcomed.

Following the introduction of a similar measures in Ireland, studies showed a decrease in past-month awareness of alcohol advertising at the cinema.¹³⁸

Question 32

If alcohol advertising was restricted in cinemas, what, if any exceptions (e.g. products in scope, times of day or specific movie ratings) do you think should be considered?

As outlined in our response to Q2, as a substitute or replacement for regular strength alcoholic drinks, low-alcohol and alcohol-free drinks have the potential to be an effective tool to reduce alcohol harm and therefore we do not agree that they should be subject to the same proposed measures as those set out in this consultation. Drinkaware recommends that regulators should ensure low alcohol and alcohol-free products are marketed as substitutes for regular-strength alcohol products and not as additional drinking opportunities. Further, we would encourage measures to mitigate concerns about brand sharing and 'alibi marketing' of these products (i.e., concerns of the 'parent' brand having greater prominence than the alcohol-free/low-alcohol element). For example, through giving the alcohol-free/low-alcohol elements of the product, at least, equal prominence to the parent brand (which may be synonymous with regular-strength alcohol products).

Question 33

Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements?

[Drinkaware did not respond to this question]

Question 34

Do you think we should only allow alcohol marketing to include elements set out in a list, like in Estonia? This would mean all other elements not on the list would be banned from adverts.

[Drinkaware did not respond to this question]

Question 35

Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?

[Drinkaware did not respond to this question]

¹³⁸ Critchlow, N., Moodie, C., MacKintosh, A. M., Gallopel-Morvan, K., Stead, M., & Fitzgerald, N. (2022). [Have restrictions on alcohol advertising in Ireland affected awareness among adults? A comparative observational study using non-probability repeat cross-sectional surveys](#). *Journal of Studies on Alcohol and Drugs*, jsad-22.

Question 36

How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?

The range of proposals set out in this consultation are wide-ranging and it is not yet clear which will proceed or to what extent. It is only with this clarity that we could offer a considered response.

Co-production is important for any policy change, and we have been pleased to see this approach with some stakeholders, for example children and young people, and those in recovery from alcohol dependence. However, relevant industries (such as retailers, producers, wholesalers and the on-trade) who may be materially affected by the proposals in this consultation could be encouraged to contribute further. Drinkaware, as an independent charity, stands ready to contribute to this as the primary non-government vehicle that is concerned with alcohol harm but also works closely with all parts of the alcohol industry.

Drinkaware therefore recommends that a further consultation on the means of enforcement of potential measures is conducted once any proposals have been further developed.

Question 37

Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?

To robustly evaluate the impact of any measures pursued following this consultation it will be important to ensure good quality data is made available. We believe it is both in the interest and gift of Scottish Government and industry to ensure the effectiveness of measures are suitably assessed and we would encourage them to work together to ensure this is possible, while also ensuring safeguards are included to ensure commercially sensitive data remains private.

Each year, Drinkaware commissions a wide-ranging survey to track and understand alcohol consumption across the UK and devolved nations. We would be keen to work with Scottish Government to add to or amend this survey so that we contribute towards the collection of robust data in this area.

Question 38

Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?

As outlined in our response to Q36, to robustly evaluate the impact of any measures pursued following this consultation it will be important to ensure good quality data is made available. We believe it is both in the interest and gift of Scottish Government and industry to ensure the effectiveness of measures are suitably assessed and we would encourage them to work together to ensure this is possible, while also ensuring safeguards are included to ensure commercially sensitive data remains private.

Question 39

Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this package should include?

While it is difficult to clearly evidence the impact that specific marketing channels might have on consumption due to challenges around isolating impacts or introducing necessary controls, there is a substantial body of evidence demonstrating the link between alcohol marketing and drinking behaviour among children and young people. There is also evidence demonstrating the high level of alcohol marketing children and young people are exposed to. As such, targeted and appropriate measures through legislative and/or non-legislative measures to reduce exposure among children and young people would be welcomed.

Question 40

What, if any, additional alcohol marketing methods or channels not covered in the consultation would you like Scottish Government to consider restricting and why?

[Drinkaware did not respond to this question]

Question 41

What further evidence on alcohol marketing would you like the Scottish Government to consider?

Since its creation, Drinkaware has successfully brought together a disparate range of stakeholders with an interest in reducing alcohol harm. At the same time, we have built a brand and profile with the public that has been highly effective. Our brand recognition currently stands at 51.3% among UK adults.¹³⁹

Outside of the NHS, Drinkaware's assessment and screening tools are among the most widely used in Scotland by members of the public, with over 20,000 completions in 2022. Our assessment and screening tools are disproportionately used by risky drinkers and so have the potential to reach those who would not, or do not, regularly engage with healthcare providers. Drinkaware is keen to be an active and supportive participant in Scottish Government's efforts to reduce alcohol harm and has the reach and resources to do so effectively.

The proposals set out in this consultation could contribute towards reducing exposure to alcohol marketing to children and young people in the long-term, which may result in preventing alcohol harm at a population level in the long-term. As such, we would encourage the Scottish Government to ensure any evaluation also takes a long-term view, including considering impacts on the wider population beyond children and young people and those in recovery from alcohol dependency.

We recognise that the proposals set out should be considered in the context of the additional measures and proposals contained within the 2018 Alcohol Framework. We believe that the outcomes sought, and measures proposed, could be achieved through both legislative and non-legislative routes.

¹³⁹ Drinkaware. (2022). [Impact Report 2021: Continuing to change lives.](#)

We recognise that some of the changes proposed could lead to a change in perception about alcohol over time and could help to shift the national debate about alcohol and its place in society – we are supportive of those conversations and are eager to offer constructive contributions to them.

We also know that fewer young people in Scotland are drinking now compared to the early 2000s (though there have been some recent reversal of these improvements), and that the mean age of first use has increased,¹⁴⁰– this is a positive development, and we are keen to increase the pace of this change.

A wide range of non-statutory, industry-led or industry-funded activities, campaigns and programmes have also been pursued during the period in which consumption, particularly among children and young people, has declined. These measures have included Drinkaware’s own Drink Free Days,¹⁴¹ ABIs,¹⁴² mobile app¹⁴³ and other screening tools,¹⁴⁴ and others including Challenge 25,¹⁴⁵ activities via Community Alcohol Partnerships,¹⁴⁶ and the Portman Group’s codes of practice.¹⁴⁷ Where reviews exist they have demonstrated some positive impacts in reducing harmful and/or underage consumption.^{148,149,150,151,152} We would strongly encourage independent reviews of such activities, campaigns and programmes to ensure those interested in reducing alcohol harm across government, civil society, academia, health services and industry are able to allocate resources and activity most effectively.

We encourage Scottish Government to draw on the skills, passions, reach and resources of all those with the ability to reduce alcohol harm and promote collaboration and partnership wherever possible.

While preventative measures are important to reduce alcohol harm in the long term, there continues to be an urgent and pressing current problem with alcohol harm happening today which also needs a similar focus. In 2021, Scotland continued to have the highest rate of alcohol-specific deaths in the UK, with 22.3 deaths per 100,000 people.¹⁵³ And these rates were 5.6 times as high in the most deprived areas compared to least deprived,¹⁵⁴ illustrating the unequal impact alcohol has on society.^{155,156} The proposals in this consultation are unlikely to impact those drinking at hazardous or harmful levels today. There are a wider set of measures we would strongly encourage the Scottish Government to include in future thinking, particularly for this cohort, including wider access to screening tools and improved treatment options and availability.

¹⁴⁰ [Scottish Schools Adolescent Lifestyle and Substance Use Survey \(SALSUS\): alcohol report 2018](#)

¹⁴¹ Drinkaware. [Start enjoying more drink-free days](#)

¹⁴² Drinkaware. (2019, February). [Drinkaware brief alcohol advice in the community](#) (University of Sunderland)

¹⁴³ Drinkaware. [My Drinkaware App](#).

¹⁴⁴ Drinkaware. [Tools to reduce your drinking](#).

¹⁴⁵ [Retail Alcohol Standards Group](#).

¹⁴⁶ [Community Alcohol Partnerships \(CAPS\)](#).

¹⁴⁷ Portman Group. [Alcohol marketing and sponsorship codes](#).

¹⁴⁸ Public Health England. (2019). [Drink Free Days campaign 2018: executive summary](#).

¹⁴⁹ Drinkaware. (2019, February). [Drinkaware brief alcohol advice in the community](#) (University of Sunderland)

¹⁵⁰ Retail of Alcohol Standards Group (2014). [Rising to the challenge: A report into the application and impact of Challenge 25](#).

¹⁵¹ Portman Group (2021). [Regulating Through Change 2018-2020](#)

¹⁵² Community Alcohol Partnerships. (2023, February). [Progress through partnership. Community Alcohol Partnerships \(CAPs\) in Scotland](#).

¹⁵³ National Records of Scotland. (2022, August). [Alcohol-specific deaths 2021](#).

¹⁵⁴ *Ibid*.

¹⁵⁵ Bellis, M. A., Hughes, K., Nicholls, J., Sheron, N., Gilmore, I., & Jones, L. (2016). [The alcohol harm paradox: using a national survey to explore how alcohol may disproportionately impact health in deprived individuals](#). *BMC public health*, 16(1), 1-10.

¹⁵⁶ Boyd, J., Sexton, O., Angus, C., Meier, P., Purshouse, R. C., & Holmes, J. (2022). [Causal mechanisms proposed for the alcohol harm paradox—a systematic review](#). *Addiction*, 117(1), 33-56.

We know that the Scottish government has already done a lot to expand alcohol screening in primary care settings, where evidence of their effectiveness is strongest.¹⁵⁷ As part of the 2018 Alcohol Framework, reviewing the evidence of alcohol brief intervention (ABI) delivery, and increasing the settings in which they are delivered, is set out in Action 17. We would encourage the Scottish Government to look at expanding alcohol screening into digital settings. There is some evidence that digitally delivered screening can be effective,¹⁵⁸ as well as reduce challenges with implementation in primary care settings.¹⁵⁹ As noted above, Drinkaware's assessment and screening tools are widely used in Scotland, disproportionately so by risky drinkers, and we would welcome conversations with Scottish Government on how these could be even more widely utilised.

Our own [digital tools](#), based on the AUDIT questionnaire, allow users to assess their drinking. We had 20,000 completions from users in Scotland in 2022. Such expansion could rapidly increase alcohol screening in Scotland above the approximately 76,000 ABIs delivered in primary care settings in 2019/20.¹⁶⁰

We would encourage Scottish Government to improve access via primary and secondary care (including screening, referral, and treatment) and provide appropriate funding to ensure this can be rolled out.

We know that many young people get their alcohol from home or from relatives,¹⁶¹ with this being the most common source of alcohol among young people across the rest of the UK. We believe options to improve parents' knowledge, understanding and confidence around the benefits of an alcohol-free childhood (as described in response to Q2) should be considered.

Online sales are an area that we would encourage greater consideration. There is currently no national approach to age verification (e.g., Challenge 25) for remote alcohol sales, with some surveys suggesting that existing age verification steps were easy to overcome.¹⁶² We believe there is a clear opportunity, and pressing need, to work with businesses to fill this gap.

Low-alcohol and alcohol-free drinks have been growing in popularity, with UK sales almost doubling in the last five years.¹⁶³ While these products only make up a small fraction of the UK alcohol market,¹⁶⁴ they have the potential to be an effective tool to reduce alcohol harm as

¹⁵⁷ Beyer, F. R., Campbell, F., Bertholet, N., Daeppen, J. B., Saunders, J. B., Pienaar, E. D., ... & Kaner, E. F. S. (2019). [The Cochrane 2018 review on brief interventions in primary care for hazardous and harmful alcohol consumption: a distillation for clinicians and policy makers](#). *Alcohol and alcoholism*, 54(4), 417-427.

¹⁵⁸ Kaner, E. F., Beyer, F. R., Garnett, C., Crane, D., Brown, J., Muirhead, C., ... & Michie, S. (2017). [Personalised digital interventions for reducing hazardous and harmful alcohol consumption in community-dwelling populations](#). *Cochrane Database of Systematic Reviews*, (9).

¹⁵⁹ Beyer, F., Lynch, E., & Kaner, E. (2018). [Brief interventions in primary care: an evidence overview of practitioner and digital intervention programmes](#). *Current addiction reports*, 5, 265-273.

¹⁶⁰ [NHS Scotland performance against LDP standards](#)

¹⁶¹ [Scottish Schools Adolescent Lifestyle and Substance Use Survey \(SALSUS\): alcohol report 2018](#).

¹⁶² Alcohol Focus Scotland. (2022, May). [Online Alcohol Sales & Deliveries: A survey of young people in Scotland](#).

¹⁶³ Mintel. (2022). Attitudes towards low and no-alcohol drinks, UK, 2022.

¹⁶⁴ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). *Social Market Foundation: London, UK*

substitutes or replacements for regular strength alcoholic drinks.^{165,166,167,168,169} As such, we do not agree that they should be subject to the same restrictions (at the present time) as those set out in this consultation, but make some suggestions below that we believe could help to address concerns around this.

We know that these categories are difficult to understand for consumers and so we believe it is important that companies continue to be able to communicate about such brands so as to increase understanding and take-up in place of regular-strength products. We believe that appropriate safeguards, set out elsewhere in our response, can be reasonably introduced to prevent advertising and marketing to children.

Question 42

If you sell, distribute, advertise or manufacture alcohol, or represent those who do, how do you think the potential restrictions in this consultation paper would impact you, and the wider alcohol sector?

[Drinkaware did not respond to this question]

¹⁶⁵ Corfe, S., Hyde, R., & Shepherd, J. (2020). [Alcohol-free and low-strength drinks understanding their role in reducing alcohol-related harms](#). *Social Market Foundation: London, UK*.

¹⁶⁶ Anderson, P., Llopis, E. J., O'Donnell, A., Manthey, J., & Rehm, J. (2020). [Impact of low and no alcohol beers on purchases of alcohol: interrupted time series analysis of British household shopping data, 2015–2018](#). *BMJ open*, *10*(10), e036371.

¹⁶⁷ Anderson, P., Kokole, D., Jané Llopis, E., Burton, R., & Lachenmeier, D. W. (2022). [Lower strength alcohol products—a realist review-based road map for European policy making](#). *Nutrients*, *14*(18), 3779.

¹⁶⁸ HM Government. (2019, July). [Advancing our health: prevention in the 2020s](#).

¹⁶⁹ Rehm, J., Rovira, P., Manthey, J., & Anderson, P. (2023). [Reduction of Alcoholic Strength: Does It Matter for Public Health?](#) *Nutrients*, *15*(4), 910.