

EU Insight

EU REGULATORY AND POLITICAL
DEVELOPMENTS ON ADVERTISING-RELATED ISSUES



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Alcohol and advertising

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We welcome any suggestions, ideas or information for this newsletter. Visit our website at iaaglobal.org

Brief overview

The following pages give an insight into the currently planned regulations by the European Union in order to fight alcohol abuse within the EU region and the limitations the advertising industry is about to face. A survey conducted by Anderson and Baumberg ("Anderson Report") delivered recommendations regarding measures against alcohol and advertising. Another document dealing with this issue is the "EU strategy to support Member States in reducing alcohol related harm". The content and the consequences of these documents are presented in detail below. Alcohol advertising is already restricted on television, in the current Television Without Frontiers directive. However, studies showed that there is no direct correlation between advertising, the amount of consumption and the abuse of alcohol. As a consequence, measures to further limit or ban such advertising are disproportionate and should be opposed. The implementation of an effective Europe-wide self-regulation system in the different EU member states is seen by the Commission and industry as the best way to address this issue.

Alcohol consumption in the European Union

The European Union is the region with the highest alcohol consumption worldwide. The past 40 years were characterized by a harmonisation of the level of alcohol consumption within the EU15 States. The consumption increased in Central and Northern Europe between 1960 and 1980 whereas the consumption declined constantly in Southern Europe within the same period of time.

Most Europeans (about 85%) drink alcohol, whereas 55 million people live without alcohol (15%). This results in an average consumption of 15 litres per person per year. Almost half of the pure alcohol (44%) is consumed in the form of beer; the rest is split up between wine (34%) and spirituous beverages (23%). Looking at it from a health perspective, alcohol is responsible for the death of 195.000 people per year within the EU¹.

Harmful and hazardous alcohol consumption has a direct impact on health and one of the main causes of premature death and avoidable disease. It is responsible for 7.4% of all ill-health and early death in the European Union, and has a negative impact on labour and productivity. Therefore it harms the economic development and the society as a whole, and generates costs to the health and social systems, law enforcement and public order in the Member States. While the average alcohol consumption has decreased in the EU, the proportion of children, adolescents and young adults with harmful and hazardous consumption patterns has increased in many Member States over the last ten years. The emergence of harmful drinking patterns in many parts of the EU, increasing trends in under-age "binge-drinking" and the rising frequency of under-age drinking in many European countries have long-term adverse health effects and increase the risk of social harm.

Actions planned by the EU

Peter Anderson and Ben Baumberg provided the European Commission with an extensive survey (2006) called "Alcohol in Europe, a public health perspective". The most important recommendations for the advertising industry made by the so-called Anderson report are as follows:

- A "Loi Evin" type of ban on alcohol advertising of alcohol and sponsorship on TV and cinema; advertising messages should exclusively refer to the quality of the product
- alcohol should only be available at the point of sale
- packs and labels should carry warnings of the health authority
- packaging and labels should not appeal to minors directly or indirectly
- a system of licensing for selling alcoholic beverages should be created across Europe
- to sell alcoholic beverages to people under 18 years should be prohibited
- the minimum tax rates for alcoholic beverages should be increased proportionally to the rate of inflation
- the outcome of self-regulatory measures by alcohol producers and the advertising industry should be monitored and evaluated by an independent institution.

¹Alcohol in Europe, Summary, Peter Anderson, 2006

Current status on the EU level

The European Commission

The Commission has developed its EU Strategy on reducing alcohol related harm in 2006. The Strategy has been published as a Communication Paper and as such has no immediate legal force. Member states are not obliged to follow its recommendations. On the other hand, the text allows the Commission to announce the actions it intends to undertake at EU level.

The Commission identified five priority themes within the Strategy:

- 1) Protecting young people, children and the unborn child from harmful effects of alcohol;
- 2) Reducing injuries and deaths from alcohol related road traffic accidents;
- 3) Preventing alcohol related harm in adults and reducing its negative effect on the EU economy;
- 4) Informing, educating and raising awareness of the impact of harmful and hazardous consumption;
- 5) Developing and maintaining a common evidence base on alcohol at EU level.

Robert Madelin, Director General for the Health and Consumer Protection Directorate General of the European Commission, recently said that "The problem is not advertising, but marketing!"

Following the recommendations of the Strategy, Robert Madelin launched a platform, similar to the platform he set up to combat obesity (the Platform for health, Nutrition and Physical Activity), the European Alcohol and Health Forum. The aim of the Forum is to obtain voluntary and measurable commitments from the alcohol industry and the advertising industry. EU Member States have been invited to work on a common strategy and should come up with suggestions for action. Should the Forum fail to deliver measurable improvements, notably in the strengthening of the EU self-regulatory system, the Commission intends to legislate.

The European Parliament

The Parliament report, drafted by Alessandro Foglietta for the Environment Committee on the Commission Strategy on reducing alcohol-related harm, was adopted in the first Strasbourg plenary session on 5 September 2007. Several amendments asking for further advertising restriction were included in the draft report before the vote in the leading committee and were replaced by an amendment asking Member States to suggest self-regulatory measures instead.

The Green Group had tabled a number of amendments for the plenary vote calling for advertising restrictions and rejecting self-regulation. These were not adopted in Plenary.

The Socialist amendment on labelling and health warnings was adopted.

This states that the fact that Member States have the option to introduce (different sorts of) obligatory health warnings has implications on the EU Internal Market and that the Commission should make a comparative study of various means of information and communication, including advertising applied in Member States to reduce harmful alcohol consumption. The results of this comparative study should be published before 31 December 2009.

The final report thus states about advertising that:

- Advertising and marketing practices should not be directed at minors;
- Commission and Member States should draw up guidelines for TV advertising and ensure the implementation of the new TVWF Directive once it is adopted; and the Commission is asked to encourage audiovisual media service providers to include rules on the scheduling of alcoholic beverage commercials in their codes of practice;
- Undertakings regarding self-regulation e.g. by the advertising industry and alcoholic beverage producers are welcomed and supported but the Commission and Member States are asked to check that these undertakings are honoured and, if they are not, to impose penalties;

The European Alcohol and Health Forum

Announced in the Alcohol Strategy, the European Alcohol and Health Forum has been established by the European Commission by the following Charter in June 2007:

http://ec.europa.eu/health/ph_determinants/life_style/alcohol/alcohol_charter_en.htm

The Forum is supposed to meet twice a year and will focus on actions to protect children and young people, promote responsible marketing, and prevent irresponsible advertising, marketing and sale of alcohol. It is one of the main pillars of the European Strategy on reducing alcohol related harm. This forum should serve as a platform where the interests of all stakeholders on the EU-level can be taken into account.

The Alcohol Lobby

The alcohol lobby is not a unified network and therefore does not represent all interests in consensus. This is a big disadvantage of this industry that makes mutual initiatives difficult to realize. The brewers try to distinguish themselves from the producers of spirits as they do not want to be associated with the industry of spirits. The brewers exert their pressure on trying to obtain the classification of beer as food product.



EACA

The European Association of Communications Agencies (EACA) is aware of the problem of alcohol abuse by young people and as a result supports awareness raising campaigns and educational initiatives. Thus it recommends that alcohol advertising should not appeal to minors, alcohol abstinence and moderate consumption of alcohol should not be regarded as negative, "binge-drinking" should not be supported, etc.

AIG

The Advertising Information Group (AIG) represents the position that further limitations in communication will not solve the problem. It is important to look at the bigger picture of alcohol abuse, which similarly to obesity, is a multi-causal problem. AIG supports responsible advertising for alcohol, which should reflect a neutral environment, in order to avoid provoking any emotions.

AVMS / Television without Frontiers Directive

The new EU "Audiovisual Media Services" Directive updates the Television Without Frontiers directive by extending the scope of the text to include online and digital television-like services and communications, says in article 15 that advertising for alcohol should not directly address minors; should not indicate a connection between the consumption of alcohol and physical activities, driving, social as well as sexual success; that alcohol has no therapeutic qualities; that alcohol advertising should not promote over-consumption.

ZAW

The German advertising association (ZAW) developed a position paper in 2006, that shows that there is no reason to further restrict the basic right to freedom of expression that is also true for the economy/this industry. On the basis of data and facts it is shown that the advertising industry actively seeks responsibility and bans in the media do not contribute to the solution of the actual problem.

Arguments against the actions and the limitations planned by the EU

1) The alcohol and advertising industry show that they take their responsibilities seriously by undertaking various measures to support the Strategy on reducing alcohol related harm.

- The European Association of Communications Agencies (EACA) developed the initiative "Talk about alcohol" together with the European Forum for Responsible Drinking (EFRD) that specially addresses eleven to 16-year old teenagers and informs about the issue alcohol. The website of this initiative is: www.talkaboutalcohol.com
- The advertising industry commits itself to follow the guidelines of self regulation.
- The advertising industry tries to contribute to a change of mentality in this industry by promoting a responsible approach to alcohol in commercial communication.
- Advertising does not encourage children and teenagers to consume alcohol.

2) In countries, where advertising for alcohol was banned totally or partly, the consumption still increased further despite the lack of advertising. The example of Norway provides evidence for that development: there has been a total ban of advertising for alcoholic beverages since 1973; however, the average consumption per capita has been steadily increasing.

An example of the reverse trend is Austria: the average alcohol consumption in Austria has been slowly but constantly decreasing for years - quite on the contrary to the investments in advertising which increase continuously.

-> There is no correlation between advertising, the amount of consumption and abuse of alcohol.

3) The number of young people practicing "binge-drinking" increases (effect of acceleration: growing up earlier, i.e. becoming an adult earlier) - however, recent surveys show that the amount of increase of young people drinking themselves to coma is overestimated considerably.

4) Advertising for alcoholic beverages has hardly any quantitative impact on consumption, but it does have a qualitative effect: Advertising does not increase the size of the glass, so to say, but it does create preferences for certain brands, qualities and socially acceptable drinking - meaning indulgence (moderate drinking) as opposed to abuse (excessive drinking)².

5) Advertising can influence behaviour - but only within constraints set by the addressee's set of values, his self-image, the socially formed patterns of behaviour and his genetic conditions³.

²Alcohol and Advertising - The Facts, an Advertising Industry Position Paper, ZAW, 2006, p. 16

³Alcohol and Advertising - The Facts, an Advertising Industry Position Paper, ZAW, 2006, p. 17



Important information sources

1. EU Strategy on reducing alcohol related harm:
http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0625en01.pdf
2. Examples of restrictions for the alcohol and advertising industry if the self regulation system does not live up to the expectations of the EU Commission:
www.adassoc.org.uk:80/html/research_and_reports.html
3. The Charter establishing the European Alcohol and Health Forum:
http://ec.europa.eu/health/ph_determinants/life_style/alcohol/alcohol_charter_en.htm
4. Initiative to inform eleven to 16-year old people on the issue alcohol:
www.talkaboutalcohol.com
5. The survey by Peter Anderson and Ben Baumberg (2006) "Alcohol in Europe, a public health perspective":
<http://dse.univr.it/addiction/documents/External/alcoholineu.pdf>