Faculty of Public Health

of the Royal Colleges of Physicians of the United Kingdom

Working to improve the public's health

Response from the Faculty of Public Health to the Ofcom consultation on alcohol advertising

The Faculty welcomes the opportunity provide comments on this consultation, which have been put together by public health specialists with expertise in the field of alcohol services.

The review is timely and is welcomed. The harm to public health and well-being resulting from binge drinking and other forms of harmful drinking have been clearly identified in the interim analysis for the Alcohol Harm Reduction Strategy for England. There are clear associations between injuries, violence (particularly among younger people), anti-social behaviour and binge drinking.

The general approach of the proposals to tighten rules and become more specific is to be welcomed. In the past the advertising industry has shown great ingenuity in pushing the limits of permitted practice and the rules therefore need to be very specific and unambiguous.

It is important that after any amendment to the rules, the situation should be regularly monitored to ensure that advertisers are adhering to the code and that the changes are having the desired effect.

We accept that advertising is not the only or even the most important factor affecting young peoples attitudes to drinking. However given that it is likely that advertising has some influence it is prudent to ensure that advertising is not a factor exacerbating problem drinking behaviours.

The Faculty's answers to the specific questions raised are detailed below:

Q1. ***Do you agree that there are sufficient grounds to justify tightening policy in some areas?***

The Faculty believes that there are ample grounds for tightening the policy – as outlined above and in the Faculty's responses to the *Alcohol Harm Reduction Strategy for England* (attached).

Q2. ***Is the proposal to tighten 11.8.1(a) (Social success) appropriate, proportionate and/or sufficient?***

The new clause seems proportionate and sufficient. The term 'suggest' may be tested and adjudication panels will have to ensure that this word is broadly interpreted.

Q3. ***Is the proposal to tighten 11.8.1(b) (Bravado etc) appropriate, proportionate and/or sufficient?***

The proposed tightening of this clause may not be sufficient. For example, would a current advertisement for a cider drink which associates the product with warlike prowess breach the spirit of the new code?

Q4. ***Are these proposals to tighten 11.8.1(c) (sex) and to add a new rule 11.8.2(e) appropriate, proportionate and/or sufficient?***

The term "established mature couples" introduces confusion – what exactly would this mean? Does it note mature as in years or in attitude? This term is exclusive and should be deleted.

Q5. ***Is the proposal for to augment 11.8.1(d) (Regular or solitary drinking) appropriate and proportionate?***

The inclusion of the clause on boredom, solitary drinking and loneliness is important. It is well recognised that some people try to 'self medicate' for depression by drinking and that this frequently leads to problems.

Q6. ***Is the proposal to clarify 11.8.1(e) (Therapeutic qualities) appropriate, proportionate and/or sufficient?***

Yes, this clause is proportionate and sufficient.

Q7. ***Do you agree that no change is required to 11.8.1(f) (Alcoholic strength)?***

The prohibition on emphasising alcoholic strength is good. The sentence on low alcohol drinks should be amended to include: "Low alcohol drinks may emphasise that their alcohol content is low."

Q8. ***Is the proposal to clarify 11.8.1(g) (Moderation) appropriate, proportionate and/or sufficient?***

This section is generally proportionate and sufficient. However, the note to 11.8.1(g) (Moderation) should be amended to state that: "…drinks being consumed in one swallow or a few large swallows ***will not*** be acceptable" (rather than "are unlikely to be").

Again the reference to low alcohol drinks is unhelpful since low alcohol drinks are generally sold as substitutes for full strength products.

Q9. ***Do you agree that no change is required to 11.8.1(h) (Danger)?***

This clause needs to be expanded. The example of swimming should be widened to include all activities involving vigorous physical exertion. Also it should be made clear that any activity requiring good co-ordination and clear thinking should not be linked with alcohol. Thus, in addition to driving and use of potentially dangerous machinery, alcohol should not be associated with any work requiring alertness and attention.

Q10. ***Are the proposals to tighten 11.8.2(a) (Youth appeal) appropriate, proportionate and/or sufficient?***

This clause is welcomed and should prevent some of the breeches of the spirit of the code that have occurred in the past.

Q11. ***Is the proposal to tighten 11.8.2(b) (Aggression etc) appropriate, proportionate and/or sufficient?***

The inclusion of this clause is appropriate. (See also our response to Q3.)

Q12. ***Is the proposal to simplify and broaden 11.8.2(c) (Excessive consumption) appropriate, proportionate and/or sufficient?***

This revised clause is much improved and more appropriate.

Q13. ***Do you agree with the proposal to drop rule 11.8.2(d) (Working environments)?***

This rule should not be dropped. Alcohol should not be associated with the workplace. (See our response to Q9). This is probably an area where irresponsible behaviour has become less common with many firms introducing alcohol policies which cover this question. Alcohol advertisements should not be allowed to undermine this welcome progress.

Q14. ***Do you agree with the proposal to make no changes to the scheduling rules?***

We agree with the proposal not to change the scheduling rules.

Q15. ***Do you agree with the proposal to make no changes to the sponsorship rules?***

Sponsorship rules should remain unchanged.

Q16. ***Do you think any or all amendments which are made to the TV rules should also be applied to radio advertising?***

Amendments to the TV advertising rules should also apply to radio. There is a risk that improper associations which are a breech of TV advertising rules would merely be displaced to radio advertising.

Q17. ***Do you think some or all of the ISBA/Advertising Association suggestions are preferable to the alternative proposals Ofcom is making in this document? If so, why?***

No comment.

Q18. ***Which, if any rules should be relaxed to allow more leeway for advertising aimed at promoting 'healthy drinking'? What, if any, constraints should apply?***

Responsible drinking behaviour covers both moderate drinking of alcohol in appropriate situations and not drinking alcohol for those who make that choice. There may be a place for portraying responsible and moderate drinking in the context of health education activity. However, it is not helpful to associate this with any brand advertising (whose purpose is to encourage people to purchase or purchase more of that brand). The rules should be relaxed for non-governmental organisations and government departments making public service advertising designed to prevent harmful drinking and healthy lifestyles.

Q19. ***If some of the rules change, would it be appropriate to allow a period of grace during which any advertising which does not comply with new rules could continue to run in order to minimise commercial disruption? If so, how long should this period normally be?***

The period of grace should be as short as reasonably possible. Companies should be able to develop new responsible advertising strategies with a few months.