Review of the Regulation of Alcohol Advertising

Summary of the Results of the Consultation Process

Paper prepared for the Steering Group for the Review of the Regulation of Alcohol Advertising

02 February 2007
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1. Introduction

1.1 Background

The approach to the regulation of alcohol advertising in New Zealand is based on voluntary, self-regulation by industry. Since 1993¹, the regulation of alcohol advertising has primarily been under the jurisdiction of the Advertising Standards Authority (ASA).

The primary mechanism for regulating alcohol advertising in New Zealand is the Code for Advertising Liquor (the Code), which aims to ensure that alcohol advertising (including sponsorship advertising):

- Is conducted in a way that does not conflict with or detract from the need for responsibility and moderation in alcohol merchandising and consumption
- Does not encourage alcohol consumption by minors.

The Code was independently reviewed in 1994. The ASA adopted recommendations that the Code be made stricter and extend to all media, not just radio and television.

The Code was also reviewed again in 1998 and 2003.

In December 2004, the Government considered a petition expressing concern about alcohol advertising in New Zealand. As a result, the Government commissioned the Inter-Agency Committee on Drugs (IACD) to explore the need for a Government-led review of the self-regulatory framework for alcohol advertising and to outline the options for such a review.

In June 2005, the Ministerial Committee on Drug Policy considered the IACD’s report and agreed that a Government-led review was required. Accordingly the IACD developed the details for review, which were approved by Cabinet in May 2006.

The Government initiated the Review of the Regulation of Alcohol Advertising (the Review) to determine whether the current regulatory approach supports Government policy of minimising harm caused by alcohol.

A Steering Group has been appointed to manage the Review. Its terms of reference are to:

- Assess whether the current regulatory framework for alcohol advertising is in harmony with the aims of the Government in regard to alcohol policy, and, if not,
- Identify what must be done to achieve this.

Further, it appears in a submission to the Review from the ASA, that the ASA is proposing to extend its jurisdiction in relation to the naming, labelling, packaging and sales and promotion of liquor products.

¹ With the passing of the Broadcasting Amendment Act 1993.
Stakeholder consultation has been undertaken as part of the Review. Litmus has been commissioned by the Ministry of Health to analyse the submissions received as part of this consultation.

1.2 Consultation process

The Steering Group produced a Consultation Document and formulated twenty-six questions that potential submitters could respond to. A version of that paper was also adapted for young people. The consultation process was essentially by written submission, with some meetings being held for oral submissions where written submissions alone were not considered to be an effective way to engage with different groups.

Opportunity was given for stakeholders and members of the public to contribute written submissions via:

- Placement of the Consultation Document on the National Drug Policy New Zealand website (www.ndp.govt.nz)
- Email invitations to submit
- Written correspondence.

The consultation period for written submissions was September 2006 to 31 October 2006.

A consultation fono for Pacific peoples took place on 13 October 2006 at the Fickling Centre, Three Kings, Auckland. The fono was attended by nine people.

To attain the specific views of Māori, a hui was held at Mahitahi Trust, in Otahuhu, Auckland, on 14 November 2006. Nine people attended the hui.

Feedback has also been provided to the Review from Wahine Whai Ora (Women’s Alcohol and Drug Service) on behalf of women in recovery from alcohol dependence.

1.3 Submissions received

In total, 252 written submissions have been received.

Youth submissions

Submissions representing the youth voice were received from 105 submitters, the majority of which were completed using the Consultation Document produced for young people. For the purposes of analysis these submissions have been categorised as follows:

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2 Some submissions make specific comments in relation to the Consultation Document and consultation process. These are detailed at Appendix 2.
Table 1: Youth submissions analysed by group

<table>
<thead>
<tr>
<th>Submission category</th>
<th>Number of submissions (N = 105)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth orientated organisations</td>
<td>9</td>
</tr>
<tr>
<td>Groups of youth</td>
<td>7</td>
</tr>
<tr>
<td>Young people</td>
<td>89</td>
</tr>
</tbody>
</table>

**Youth-orientated organisations** refers to submissions received from organisations that focus on youth issues, including community action groups on youth and drugs, as well as submissions from youth projects officers representing different organisations.

**Groups of youth** are where the views of a number of young people have been provided in a group setting and represented within a single submission. These submissions have been provided on behalf of these groups mainly by youth councils, youth action groups, youth advocates and youth workers.

**Submissions from young people** are individual submissions received from young people under the age of 25 years.

Demographic profile of youth submitters

The following table summarises the demographic profile of young people. It does not contain demographic information for submissions from groups of youth as such information was either not complete or was provided in a collective manner.

Table 2: Demographic profile of individual youth submitters

<table>
<thead>
<tr>
<th>Demographics</th>
<th>Number of submissions N = 89 submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGE</td>
<td></td>
</tr>
<tr>
<td>13 years and under</td>
<td>9</td>
</tr>
<tr>
<td>14 – 15 years</td>
<td>18</td>
</tr>
<tr>
<td>16 – 17 years</td>
<td>43</td>
</tr>
<tr>
<td>18 – 20 years</td>
<td>18</td>
</tr>
<tr>
<td>20 – 24 years</td>
<td>1</td>
</tr>
<tr>
<td>GENDER</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>19</td>
</tr>
<tr>
<td>Female</td>
<td>65</td>
</tr>
<tr>
<td>No response</td>
<td>5</td>
</tr>
<tr>
<td>ETHNICITY</td>
<td></td>
</tr>
<tr>
<td>Pakeha</td>
<td>59</td>
</tr>
<tr>
<td>Māori</td>
<td>16</td>
</tr>
<tr>
<td>Pacific peoples</td>
<td>14</td>
</tr>
<tr>
<td>Asian/Indian</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
</tr>
</tbody>
</table>

Approximately half of the youth submissions are from those in the 16-17 age grouping.

Further almost half of the submissions from young people come from a single girl’s secondary school - resulting in a larger proportion of submissions having been received from females than from males.

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3 A submission from one youth orientated organisation also contains views provided from a group of youths. While that submission has been analysed accordingly in relation to both groupings, for the purposes of indicating the total number of submission received, this submission has been counted as one submission only.
A large proportion of the submissions appear to have been completed as part of a class activity.

Representation of youth submissions are from Māori, Pacific peoples and Asian peoples.

**Adult submissions**

The term “Adult submissions” has been used to distinguish from the youth voice. It refers largely to submissions received from individuals and organisations responding to the general Consultation Document (as opposed to the Consultation Document developed for youth) and to submissions that are clearly not from or on behalf of young people under the age of 24 years, nor from youth-orientated organisations.

One hundred and forty seven adult submissions were received.

For the purposes of analysis, these submissions have been placed into groups representing particular sectors as follows:

<table>
<thead>
<tr>
<th>Table 3: Number of adult submissions analysed by stakeholder group</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission groups</strong></td>
</tr>
<tr>
<td>Health sector</td>
</tr>
<tr>
<td>Sponsored groups</td>
</tr>
<tr>
<td>Individuals</td>
</tr>
<tr>
<td>Liquor industry</td>
</tr>
<tr>
<td>Media/advertising</td>
</tr>
<tr>
<td>Voluntary &amp; community sector</td>
</tr>
<tr>
<td>Researchers</td>
</tr>
<tr>
<td>Government</td>
</tr>
<tr>
<td>Regulatory bodies</td>
</tr>
</tbody>
</table>

Each adult submission was categorised into one of the following submitter groups:

**Health sector** includes public health providers and health organisations.

**Sponsored groups** refers to submissions representing groups, clubs or organisations that have been or may be sponsored by the alcohol industry, (i.e. rugby clubs, sports associations, museums, music industry).

**Individuals** are submissions received from individuals who have indicated that they are submitting as an individual rather than on behalf of a group or organisation. Submissions in this group are mainly from individuals employed in outpatient treatment services, people with medical backgrounds, those working for alcohol and drug treatment services and community health projects. Two submissions have been provided from people in recovery from alcohol dependence.

**Liquor industry** refers to submissions received from alcoholic beverage companies, liquor producers and marketers, liquor retailers and producers, and the hospitality industry.
Media/advertising incorporates submissions from associations representing communications (print & broadcast), advertising and marketing associations, as well as a research organisation whose predominant area of research is advertising.

Voluntary & community sector includes non-Governmental organisations, church-based social agencies, federations representing women, and groups who educate against the harms of drugs and alcohol.

Researchers are individual researchers or academics expressing their professional views: Professor Sally Casswell, Dr. Linda Hill, Janet Hoek.

Government incorporates two crown entities (the Health Sponsorship Council and Sport and Recreation New Zealand) and one public service department (the Ministry of Women’s Affairs).

Regulatory bodies include those submissions from agencies with responsibility for monitoring and compliance with laws/regulations pertaining to alcohol - the New Zealand Institute of Liquor Licensing Inspectors and the ASA.

1.4 Analysis of submissions

Submissions received on the Review of the Regulation of Alcohol Advertising were thoroughly reviewed, and analysed using a thematic based coding.

Codes were developed in conjunction with the specific questions asked in the Consultation Documents and for comments, issues and recommendations raised by more than one submission. A code is defined as a comment, issue or recommendation that was expressed or implied in submissions. Each submission was assigned one code or more, depending on the content of the submission. One-off relevant points made in the submissions were also noted.

Two separate coding frameworks were developed; one for the youth submissions and one for the adult submissions. This reflects the different format, questions and responses in respect of each.

Submissions were analysed both in terms of the specific themed questions asked in the Consultation Documents, as well from an overarching consideration of the explicit or inferred position in each submission in relation to the current self-regulatory framework for the regulation of alcohol advertising.

An analysis of notes from the consultation hui and fono, as well as feedback representative of people recovering from alcohol dependence, was then undertaken using the existing coding framework developed.

This report details the key themes arising across the submissions and endeavours to capture in a concise and exact form, the content, tone and flavour of the written submissions and feedback received.

The report highlights the general feedback received by stakeholder groups to demonstrate the difference of opinions held. However, it is acknowledged that there is a potential for diversity of opinion within each stakeholder group. Consequently, reference to a group in the
The report is not necessarily what all submissions in a grouping are saying, but refers to a position held in common or in the majority of submissions within a group. This enables the report to provide a sense of general trends and of “who said what”.

In some instances, where a divergent view is held in a small number of submissions within a group, this is specifically stated.

In the case of regulatory bodies, because there are only two submissions within the group, each reflecting different opinions, reference is made either to 1 regulatory body to show the view of one, or to regulatory bodies where positions are the same.

Similarly, there are only three submissions within the Government grouping, each with different positions. Consequently, the Government group is not shown as representative of a common view unless the same views are held in at least two of the submissions.

The youth submissions were analysed across three different groups: youth-orientated organisations, groups of youth, and young people, as well as in relation to demographics of age, ethnicity and gender.

### 1.5 Report structure

This report is set out as follows:

- Section two provides an overview of key themes by stakeholder groups
- Section three details the youth voice on alcohol advertising and its regulation
- Section four summarises the general stance of the adult submissions on the self-regulatory method and present codes of practice
- Section five details relevant one-off comments and issues noted from the submissions
- Appendix 1 is an alphabetical list of adult submissions received. Names of youth submitters are not provided as a number of youth submissions did not contain the full names of submitters. The appendix also makes reference to submitters who have indicated that they do not give permission for their personal details to be released under the Official Information Act 1982.
- Appendix 2 lists comments contained in submissions about the Consultation Document and process.
Summary of themes
2. Summary of Themes

2.1 Overarching themes

Detailed below is a summary of the key themes emerging across the submissions.

Youth submissions

There is a consensus amongst young people that alcohol advertising influences, and has an impact upon, young people (as do other factors such as peer pressure).

Youth submitters do not think that alcohol advertising influences their own attitudes or behaviours towards alcohol, but it does impact on different peers.

Alcohol advertising is seen as seeking to target youth.

A large number of the youth submissions received indicate that the present regulations are ‘about right’, although more control on youth exposure to alcohol advertising is considered necessary, particularly in relation to forms of media in addition to television.

Submissions from youth orientated organisations propose that alcohol advertising should be Government regulated.

Adult submissions

There submissions are divided as to whether or not the current self-regulatory framework is supported.

Those who support the present system largely see it to be working well. Some of these submissions would support amendments to the present codes of practice in the areas of newer forms of advertising and naming and packaging. Some of these submissions positively refer to a proposed expansion of the regulations by the ASA. Submissions supporting this position generally come from the following groups: media/advertising, liquor industry, sponsored groups.

Submissions that do not support the current self-regulatory framework see alcohol advertising as a public health issue best regulated by Government. In the main, these submissions come from the following groups: voluntary & community sector, individuals, health sector, researchers.

Generally, submissions across the board indicate some concern about newer forms of advertising, youth exposure to alcohol advertisements, and the naming and packaging of products. There is a level of consensus that regulations need to be tighter or expanded to better control potential harmful effects of alcohol advertising in these areas.
2.2 Overview of stakeholder feedback

Detailed below is a high level summary of the main views held by different stakeholder groups. It is acknowledged that there is a diversity of opinion within each stakeholder group. However, this summary offers an overview of the more general views held by each group. Where such a generalised opinion does not exist, the diversity within the group is made explicit.

Stakeholder groups are listed below in order from those with the highest level of support for the existing self-regulatory framework through to those who are not supportive of it and advocate change.

Liquor industry
- Support self-regulation – it is working well, so why change it.
- Support the codes of practice, although just over half would support some amendments.
- Amount of advertising is decreasing (ad-spend).
- More control is needed over newer forms of advertising.

Media & advertising bodies
- Support self-regulation.
- Support the codes of practice, although nearly all would support some amendments.
- Alcohol is marketed in a socially responsible way.
- The amount of alcohol advertising is not an issue and is decreasing (ad-spend).
- More control is needed over naming and packaging material.

Sponsored groups
- Support self-regulation and the current codes of practice.
- The codes of practice and the commitment and responsibility of industry and sponsored groups together ensures alcohol is marketed in a socially responsible way.
- Sponsorship provides vital revenue for community groups and events. Further controls will adversely affect the operation of events and groups.

Government
- Differing opinions.
- One submission appears to support the current codes of practice.
- Another provides that amendments are required to tighten the control of alcohol advertising.
- The other submission received does not indicate support for either self-regulation or the present code, but proposes that alcohol advertising should be Government regulated.
- Two of the submissions provide that more control is needed over alcohol advertising to control the volume of advertising and youth exposure to it.

Regulatory bodies
- Differing opinions.
- One regulatory body supports self-regulation, but proposes that the codes of practice require amendment and more control is needed over promotional advertising. This submission makes reference to a proposal by the ASA to extend its jurisdiction.
- The other regulatory body does not support the current framework and does not consider that a voluntary code is adequate any longer. This submission indicates concern with the amount of exposure to alcohol advertising, and advocates greater balance with advertisements promoting moderation, and a rigorous enforcement regime.
Individuals

- Do not support self-regulation and the Code and propose that alcohol advertising should be controlled by Government regulation. About half of the individual submissions indicate that alcohol advertising should be banned.
- Sponsorship regulations are not effective in minimising harm.
- Concerns about young people’s exposure to alcohol advertising and advertising making drinking desirable.

Voluntary & community sector

- Do not support self-regulation and the codes of practice – alcohol advertising should be Government regulated as alcohol related harm is a public health issue.
- Current system lacks accountability and there are concerns with the complaints process.
- More control is considered necessary over newer types of advertising and placement and exposure to advertising.
- Tighter control of sponsorship is required.

Health sector

- Do not support self-regulation. Support Government regulation because alcohol advertising is a public health issue.
- Do not support the present codes of practice. Almost half of the submissions propose a total ban on alcohol advertising.
- Youth are considered to be exposed to alcohol advertising due to placement. “At risk’ groups are targeted by alcohol advertising.
- More control over newer forms of advertising is considered necessary.

Researchers

- Do not support self-regulation and the codes of practice – alcohol advertising should be Government regulated as alcohol related harm is a public health issue.
- Current complaints process is perceived as biased.
- More control is considered necessary over newer types of advertising and placement and exposure to advertising.
- Indicates sponsorship encourages harmful drinking - alternative sponsorship can be created.
Analysis of youth submissions
3. Youth on the Regulation of Alcohol Advertising

3.1 Introduction

This section offers an overview of the youth voice on the regulation of alcohol advertising. Following the layout of the Consultation Document designed for completion by young people, this section summarises youth submitter responses to:

- Whether alcohol advertising influences attitudes toward drinking
- The impact alcohol advertising has on submitters and their peers
- Targeting of different age groups
- Good and bad things about alcohol advertising
- The regulations about alcohol advertising.

3.2 Limitations

The limitation of the following analysis of the youth voice on the regulation of alcohol advertising is acknowledged, specifically:

- The youth voice as predominantly female
- The potential bias or dampening of the youth voice due to classroom exercises producing a large number of submissions
- Brevity of responses received or incomplete responses provided
- The views expressed are those of young people who made a written submission. The extent to which this represents the voice of their wider peers is unknown. However, it is a useful voice and needs careful consideration.

3.3 General stance on effect of alcohol advertising on youth

Overall, the submissions indicate that alcohol advertising has a negative effect on youth.

The majority of youth submissions note that alcohol advertising results in harmful behaviours and/or attitudes towards alcohol in youth.
Exceptions are submissions received from the ‘13 and under’ age group and submissions received from individuals identifying as Māori.

Submissions from the ‘13 and under age group’ tend to provide that alcohol advertising has no effect on harmful drinking by youth. Some of these submissions recognise that alcohol advertising may encourage other people to purchase and to drink alcohol. However, alcohol advertising is not said to affect these submitters themselves or their peers of the same age as they are under the legal drinking age, or do not drink alcohol.

Submissions from individuals identifying as Māori are less likely to comment about the effect of alcohol advertising on youth. However, for those that do, most indicate that alcohol advertising does not have a negative effect upon youth. Some submissions recognise that alcohol advertising does encourage youth to purchase alcohol products, but these submissions do not take the view that alcohol advertising encourages harmful or irresponsible drinking.

### 3.4 Alcohol advertising influences attitudes on drinking

<table>
<thead>
<tr>
<th>Overall, most youth submissions provide that alcohol advertising influences attitudes towards alcohol and influences peers drinking.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth submitters do not view alcohol advertising as influencing their own attitudes or behaviours towards alcohol, but do provide that it has an impact on different peers.</td>
</tr>
<tr>
<td>Alcohol products and alcohol drinking are portrayed as being cool, having fun and being stereotypically male.</td>
</tr>
</tbody>
</table>

#### Influences attitudes

A diversity of opinion is evident in the youth submissions as to whether alcohol advertising influences youth themselves or just peers from different age groups or of a different gender. However, overarching feedback is that there is an influence on youth per se.

Alcohol advertising is seen to influence attitudes towards drinking due to the way in which it links drinking alcohol, or alcohol products, to emotions or events that youth find desirable. Alcohol products and alcohol drinking are portrayed as being cool, having fun, or as stereotypically male.

“Advertising makes it seem cool to drink” (female, 16-17 years old)

“It makes them want to give alcohol a try and see what its like” (female, 16-17 years old)

To a lesser degree, submissions also make some reference to alcohol advertising influencing drinking attitudes by showing alcohol products and people drinking alcohol in everyday situations. This is seen as creating a perception that alcohol consumption is an integral part of life.

“It is virtually impossible to be uninfluenced by the amount of alcohol advertising that is being thrown in our faces, telling us to incorporate drinking into our daily lifestyle” (female, 16-17 years old)
“Advertising increases awareness, makes drinking seem more mainstream, normal” (female, 16-17 years old)

A high level of exposure to alcohol advertising, as well as advertising promotions (especially price discounts, giveaways and competitions) is also commonly viewed by youth as factors underlying the influence of alcohol advertising.

“Remember that ‘text and win the ultimate party’ that Coruba Rum did. I drank so much rum around that time it kept me buying it. But I never won” (Groups of youth)

“Advertising for us is all in the prices since we are poor students” (female, 18 years old)

**Limited influence on attitudes**

Some submissions indicate that alcohol advertising does not influence attitudes or behaviours to drinking. For some, this seems to be a general response to advertising – basically a standpoint that “advertising is not going to influence me”.

“An ad doesn’t put a drink in your hand” (Male, 16-17 years old)

Other youth submissions refer to the influence of other factors in shaping drinking attitudes, such as the influence from social groups, family or peer pressure - as opposed to advertising.

“Influences that cause attitudes towards alcohol are usually peer pressure and the need to feel ‘cool’ with the in-crowd” (female, 16-17 years old)

**Views across sub-groups**

A number of differences are notable across the various youth sub-groups.

Submitters responding in a classroom setting (the bulk of submissions), are more likely to indicate that alcohol advertising has no effect on themselves and are divided on the effect upon their peers’ attitudes towards drinking. This response may reflect ‘classroom bias’.

All groups of youth who commented indicate that alcohol advertising did impact upon their own drinking behaviour, as well as impacting upon their peers attitudes towards drinking in general.

Submissions received from youth identifying as Māori are more likely to provide that alcohol advertising influences attitudes towards drinking, and that it impacts upon them personally, as well as their peer group. This influence is in terms of encouraging youth to purchase alcohol, rather than being seen as encouraging harmful drinking.

**3.5 Targeting different age groups**

Overall, there is a general consensus that alcohol advertising seeks to target youth.
Submissions responding to the question about the targeting of youth by alcohol advertising indicate a general consensus that alcohol advertising is aimed at specific age groups.

**Age being targeted**

Of those submissions that comment on age group targeting, most state that alcohol advertising seeks to target youth, although the submissions are divided as to the specific age group being targeted. For some, it is the ‘over 18 year olds’ who are being targeted. Others state that it is the ‘under 18 year olds’, or youth in general, who are being targeted.

“Why are they making ads that we might like but we are underage?” (Groups of youth)

**Mode of targeting**

Age-group targeting is referred to in the submissions as being achieved through the use of specific age related themes, particular actors, or by content.

“That Heineken graffiti one that is aimed at us, ‘cos old people can’t read tag” (Groups of youth)

Age-based targeting is also seen as operating through the design of alcohol products specifically aimed at the youth market. There were a number of comments concerning ready to drink products (RTDs) and youth focused marketing and advertising.

“Beer doesn’t appeal to girls, lolly drinks do… underage drinkers are the biggest consumers of RTDs” (Groups of youth)

“It makes young teenagers think that RTDs are more fizzy drinks than alcohol” (female, 16-17 years old)

Some submissions indicate that specific marketing aimed towards youth of the legal drinking age also appeals to the younger under-age market.

“Teens want to be older beyond their years. If they see an ad with an older person that they perceive as having a good image, then drinking will be cool as well” (female, 18 years old)

**Views across sub-groups**

Submissions received from groups of youth are more likely to provide that alcohol advertising is aimed at different age groups. Further, and like submissions from youth orientated organisations, groups of youth are also more likely to provide that youth are being targeted through the use of role models and youth themes.
3.6 Good and bad things about alcohol advertising

Overall, the good things about alcohol advertising are the humour and entertainment, the information provided about promotions, the watershed time for advertising on television and the encouragement of moderate drinking.

Alcohol advertisements are of concern because of the level of exposure to youth, the one-sided nature of advertisements, and that they contain youth-related content.

Good things

A number of good things about alcohol advertising were noted in the submissions received from youth – alcohol advertising is said to be humorous and entertaining.

“The ads are funny and not really influential” (female, 16-17 years old)

Some submissions also note that alcohol advertising provides information about promotions and giveaways.

Other positive comments about advertising relate to public health promotions about moderate drinking.

“I think the drink-drive ads are good because it influences us not to drink and drive” (female, 16-17 years old)

There is also support for the ‘watershed’ time for alcohol advertising on television.

“It’s good that ads aren’t played till after 8.30pm” (18 year old)

Concerns and suggested improvements

Concerns about alcohol advertising relate to youth exposure, the one-sided nature of advertisements and youth-related content.

Exposure

The most common concern about alcohol advertisements is the perceived exposure of ‘underage’ youth to alcohol advertising, and a present lack of regulations to control this.

“The Bill has ignored billboard and magazine advertising, and I do hope that this review will acknowledge this” (Groups of youth)

To reduce exposure to young people, a number of submissions propose that there should be more control over roadside and billboard advertisements, as well as overall advertisements in general. Television advertising is also seen by many as being in need of more effective control, with the current ‘water-shed’ time as ineffective in reducing exposure of underage youth.

“Ads are still allowed on TV when most pre-teen and younger teens can see them” (18 year old)
Other concerns include exposure to alcohol sponsorship at events and activities that involve youth, and the use of *heroes of the young* in advertising and marketing campaigns.

“I know when I go to a local rugby game, I see alcohol advertisements, and it makes me think about drinking” (female, 17 years old)

“The regulations in place currently still allow alcohol companies to advertise their product by sponsoring niche events for youth from sporting events to rock concerts” (female, 14-15 years old)

“Heroes of the young are shown on billboards right now. They might not be All Blacks but they are Crusaders, and they are heaps of kids’ heroes. The people that make these rules need to make sure that they are being followed, otherwise it’s a joke” (Groups of youth)

**One-sided presentation**

Submissions from youth also note that alcohol advertising portrays alcohol in a one-sided, positive light.

“Since the media around drinking is all so positive, the ill effects of hangovers, alcoholism, and the bad things that can happen while drunk, are generally kept out of the spotlight” (female, 18 years old)

Some submissions propose that this concern could be balanced with public health advertisements and packaging that include warnings and messages about the harmful effects of drinking alcohol (i.e. similar to tobacco products).

“The alcohol bottles should have a warning like cigarette packets” (Groups of youth)

“WARNING DRINKING HARMs YOUR BABY” (female, 18 years old)

**Use of youth-related content**

The use of youth-related content in advertising is noted as an area of concern. It is commonly indicated in the submissions that alcohol advertisements are aimed towards a youth market through linking alcohol consumption to ‘desirable’ youth outcomes such as fun, popularity, partying, sex appeal and ‘fitting in’.
3.7 Current regulation of alcohol advertising

In the main, the present regulation of alcohol advertising is said to be ‘about right’.

Conversely submissions from youth orientated organisations propose a move to Government regulation.

Current regulation about right

In general, submissions indicate that the current regulation of alcohol advertising is ‘about right’. Most of these submissions also provide that alcohol advertising has little influence or no impact upon youth drinking behaviour.

Some submissions state concern over the negative effects of alcohol advertising, but indicate that the regulations are nonetheless ‘about right’. They tend not to explain why this is considered to be the case.

On the other hand, some other submissions state concern over the negative effects of alcohol advertising and propose that the regulations need to be ‘stricter’ to adequately cover labelling and packaging, the placement of advertisements and youth exposure.

Submissions completed by youth in classroom settings, as compared to other submissions received, are more likely to indicate that the present regulations are ‘about right’. A few submissions in this group also state that the regulations should be ‘less strict’, whereas no other submissions received from youth indicate this.

Government regulation favoured by youth orientated organisations

Conversely, submissions received from youth orientated organisations strongly support a move towards a Government regulated framework (as opposed to a self-regulated one). These submissions indicate that the harm caused by alcohol is a public health issue and should therefore be regulated by Government and accompanied by tighter controls or even advertising bans (similar to those for tobacco). Some of these submissions also argue that the Government is obliged to do this under present health policy and in conjunction with the United Nations Convention on the Rights of the Child 2003 (UNCROC).
Analysis of adult submissions
4. Adults on the Regulation of Alcohol Advertising

4.1 Introduction

Overall, this section provides an overview of the key themes arising across the analysed adult submissions and stakeholder feedback and their supporting comments, followed by reference to the submitter groups to whom the viewpoint is attributed to.

The section begins with a high level summary of the overall stance taken by the submissions received in relation to the present self-regulatory framework. This has been discerned from an overview of each submission and consideration of either expressed or implied views in response to the issues and questions asked in the Consultation Document.

This is followed by specific, more detailed consideration of key responses to the themed questions asked in the Consultation Document.

4.2 General stance on self-regulatory framework

The goal of the Review is to assess:

- Whether the current regulatory framework for alcohol advertising is in harmony with the aims of Government in regard to alcohol policy, and if not,
- What must be done to achieve this.

Specific to this, the Consultation Document asked about the effectiveness of the present regulation of alcohol advertising, areas where there are gaps, and whether and how improvements might be made.

Some submissions responded specifically to these questions. Even for those who did not, the general stance of each submission to the current self-regulatory framework could be discerned from the expressed or implied position taken from the submission read as a whole.

4.2.1 General stance on method of regulation

<table>
<thead>
<tr>
<th>Overall, submissions are divided as to whether or not self-regulation is supported.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submissions received from the following groups generally support self-regulation: media/advertising, liquor industry, sponsored groups, 1 regulatory body</td>
</tr>
<tr>
<td>Submissions from the following groups generally do not support self-regulation: researchers, community/voluntary sector, individuals, health sector, 1 regulatory body, hui notes</td>
</tr>
</tbody>
</table>
Support self-regulation

Submissions either expressly or impliedly supporting self-regulation, in the main see it as working well, and therefore, why change it. A self-regulatory framework is seen as:

- Being more adaptable and faster to amend than Government regulation, which requires legislation when changes are necessary or desired
- Instilling and encouraging responsibility in industry who proactively ensure implementation and adherence to the codes of practice
- Resulting in a high level of compliance as there are strong economic reasons for industry to comply (high cost to withdraw advertisements and public will not purchase products found in breach of regulations).

(sponsored groups, media/advertising, liquor industry, 1 regulatory body)

Do not support self-regulation

Submissions which do not support self-regulation, but propose that alcohol advertising should be regulated by Government, state that:

- Alcohol advertising is a public health issue, which should only be regulated by Government
- The advertising industry cannot promote social responsibility and cannot seek to protect public health. This is not in its interests and conflicts with the need to maximise profit. Similarly, the monitoring and control of regulations cannot be left to industry
- There is no adequate accountability or punishment within the self-regulatory framework
- There needs to be stricter controls
- The ban on tobacco advertising should set a precedent for the advertising of harmful products.

(researchers, voluntary & community sector, individuals, health sector, 1 regulatory body, hui notes)

4.2.2 General stance on current codes of practice

Overall, submissions are divided as to whether the current codes of practice are supported.

Submissions from the following groups support the current codes of practice:
sponsored groups, media/advertising, liquor industry, 1 regulatory body

Submissions from the following groups do not support the existing codes of practice:
researchers, voluntary & community sector, Government, individuals, health sector, 1 regulatory body, hui notes
Support current regulations

In the main, submissions, particularly from sponsored groups and the liquor industry, indicate that the present codes of practice are effective in the present form. This is because the:

- Codes of practice are of excellent quality as they are perceived as the right control over alcohol advertising – they are doing what they should be doing
- Codes of practice require the responsible promotion of alcohol
- The Advertising Standards Complaints Board (ASCB) processes complaints in a timely manner, with a high level of compliance accorded with its determinations
- Current regulatory framework is an excellent example of international best practice, as adjudged against the “Madelin report”.¹

Submissions from the following groups support the present codes of practice, but also support some amendments: media/advertising, liquor industry, 1 regulatory body. Amendments are considered necessary to:

- Prescribe greater control over newer forms of advertising and promotion (i.e. internet, viral advertising).
- Tighten controls around naming and packaging.

These themes are discussed further at section 4.3 of this report.

However, these submissions propose that these areas would be addressed by a stated proposal of the ASA to broaden its jurisdiction in the areas of naming, labelling, packaging and sales promotion.

In addition to amendments to the codes of practice, these submissions also state that there needs to be independent audit and monitoring of the ASA and the ASCB, beyond the present internal monitoring that is currently undertaken.

Other submissions

A few submissions in the individuals grouping also indicate support for the present codes of practice, as do a small number from the health sector and one submission from the community & voluntary sector. However, this is contrary to the common position of most of the submissions in these two groups.

Do not support current regulations

Overall, for submissions that do not support the present regulations, their reasoning reflects the stance described above against the present self-regulatory framework.

(researchers, voluntary & community sector, Government, individuals, health sector, 1 regulatory body, hui notes)

These submissions indicate that:

¹ The “Madelin Report”, is a report whose recommendations on best practice for self-regulation in advertising were adopted by the European Commission.
The public (and particularly young people) are over exposed to alcohol advertisements which do not encourage moderate drinking.

The codes of practice have little impact on exposure.

Regulation and monitoring cannot be left to industry whose goals are considered incompatible with a public health approach to alcohol advertising.

Stricter controls are required.

These submissions either advocate a ban on alcohol advertising; state that a significant number of amendments need to be made to the present framework, or propose an alternative Code.

**Ban alcohol advertisements**

A proportion of submissions propose a ban of alcohol advertising as alcohol advertising is considered an important determinant of New Zealand’s drinking culture. Permitting alcohol advertising is said to weaken or minimise the impact of advertisements seeking to promote the moderate use of alcohol and to reverse binge-drinking trends. Banning advertising would signify societal intolerance towards alcohol promotion.

*(individuals, health sector)*

**Significant number of amendments**

Other submissions propose that a significant number of amendments need to be made to the present codes of practice because:

- Advertising, including sponsorship, encourages harmful drinking, does not promote responsible drinking and the regulations have not been effective in minimising this.

- More control is required over the placement of advertisements (as discussed further at section 4.4.1 of the report).

- Young people are exposed to alcohol advertising, both from newer forms of advertising, as well as the placement of advertisements.

- Alcohol advertising is targeting ‘at risk’ groups.

- Newer forms of alcohol advertising are not sufficiently regulated and are not able to deal with evasive strategies employed to get around regulatory provisions.

*(researchers, health sector, 1 regulatory body, hui notes)*

**Alternative code**

A smaller number of submissions advocate a move away from voluntary self-regulation to a regulatory framework capable of restricting alcohol advertising in a wide range of media. A few of these submissions refer to the French model *Loi Evin* as a viable model for New Zealand – one that only permits messages and images that solely refer to the qualities of the product and which must contain a health message.

*(community & voluntary sector)*
4.3 Perceptions on alcohol advertising

This part to the report provides a brief overview of what the submissions indicate the role of alcohol advertising to be, and the benefits and harms of alcohol advertisements identified.

4.3.1 Role and effect of alcohol advertising

Overall, the submissions view the main role of alcohol advertising as increasing sales and market share.

A notable benefit of the role of alcohol advertising is stated as providing important revenue to community groups and events.

On the other hand, some submissions state that alcohol advertising ignores the harmful effects of alcohol in its encouragement and ‘normalisation’ of alcohol consumption.

Consultation Document information

At the outset, the Consultation Document asks about the role of alcohol advertising.

The role of alcohol advertising

In general, submissions across the submitter groups indicate that the purpose of alcohol is to increase sales and market or brand share.

Some submissions also state that the role of advertising is to market alcohol in a socially responsible way, and that this is how alcohol is advertised. In support of this, reference is made to the responsibility of the industry evidenced by:

- Only a small number of complaints being received against alcohol advertisements per annum\(^5\)
- Wide use and acceptance of the pre-vetting system
- Examples of the liquor industry devising and following its own codes of responsible marketing activity in addition to adherence to the codes of practice.

(sponsored groups, media & advertising, liquor retailers & producers, 1 regulatory body)

Conversely, a smaller number of submissions make reference to the role of advertising being to market alcohol in a socially responsible way, but disagree that this occurs as:

- It is difficult to find instances of alcohol advertising promoting moderation
- Advertisements fail to show the harmful effects of alcohol, but show drinking alcohol to be normal, glamorous and fun and/or equate alcohol consumption with sports heroes and sex appeal.

(voluntary & community sector, individuals, health sector)

\(^5\) Reference is made to alcohol advertisements representing only 8% of total complaints to the ASCB.
4.3.2 Definition of social responsibility

The submissions are divided as to whether alcohol advertising is compatible with social responsibility.

Consultation Document information

The Consultation Document refers to the overarching principle of the Code as the ‘principle of social responsibility’ and asks submitters about what this principle means in the context of alcohol advertising.

Only a small number of submissions responded to questions about ‘social responsibility’.

Views on social responsibility

Overall for the submissions that respond to this question, social responsibility is defined as being mindful of the harm and consequences of alcohol consumption and ensuring that advertisements do not ignore its negative effects.

Submissions from individuals identifying as Māori, indicate that social responsibility means undermining the normalisation of alcohol in Māori communities and education and educating whanau to deal with problems with alcohol.

(sponsored groups, individuals, hui notes)

Some submissions provide that alcohol cannot be marketed in a socially responsible context as this is incompatible with the industry’s need to make profit and its responsibility to shareholders to increase profits.

(individuals, health sector)

Conversely, submissions received from the media/advertising group indicate that ‘social responsibility’ is already defined in the Code, and that the Code demands a high level of social responsibility which is followed by most in the industry.

4.3.3 Benefits and harms of alcohol advertising

The submissions indicate that the benefits of alcohol advertising are in terms of the revenue it creates for wider society.

Alcohol advertising is viewed as harmful as advertisements fail to show the negative side of alcohol use.

Consultation Document information

The Consultation Document asks about the benefits and harms of alcohol advertising.
Views on benefits of alcohol advertisements

Some submissions identify alcohol advertising as beneficial and often vital, in terms of the revenue provided to community and sports groups, museums and events, and the wider contribution made to economy and society as a result, including:

- Enabling the operation of sports clubs, who in turn contribute to healthy societies
- The ability of cultural, creative and sporting events to ‘go big’ and to attract overseas entrants and visitors
- The huge contribution to music, the arts and cultural events.

The revenue that alcohol advertising provides to enable local domestic broadcasting is also seen as significant in submissions from sponsored groups and media/advertising.

(sponsored groups, media/advertising, liquor industry)

A number of submissions also provide that alcohol advertising has no or little effect on drinking attitudes and behaviour (instead attitudes and behaviour are shaped by a range of other complex societal factors), or argue that research to support this is lacking or not conclusive.

(sponsored groups, media/advertising, liquor industry)

Views on harms of alcohol advertisements

Some submissions indicate concern that alcohol advertising fails to show the harmful effects of alcohol, as:

- It links alcohol to ‘normal’ or desirable behaviour
- Alcohol advertisements promote only the positive side of alcohol use.

Some submissions argue that alcohol advertising does affect harmful drinking attitudes and behaviours and has a particular impact upon individuals in society recovering from alcohol dependence, as well as young people.

The ‘normalisation’ of alcohol causes people in recovery to see themselves and abstinence as abnormal, putting the recovery process at risk – the promotion of alcohol through advertising raises doubts that alcohol consumption can be harmful.

Reference is also made, in a general sense, to research said to demonstrate a predictive relationship between the level of alcohol advertising youth are exposed to and subsequent alcohol consumption.

(researchers, voluntary and community sector, Government agencies, individuals, health sector, fono notes)

The next part to this report summarises responses to the key themes contained within the Consultation Document. It also provides the contextual background to the general positions taken by the submissions to the current regulatory framework as discussed above.
4.4 Key Themes

The Consultation Document contains general and themed questions seeking submitter responses about alcohol advertising regulation and about the following seven key issues:

- Placement and volume of advertisements
- Sponsorship
- Naming, packaging and merchandising, and point of sale material
- Newer types of advertising and liquor-branded merchandise
- Content of advertisements
- Complaints
- Review.

Responses to these issues provide the contextual basis from which the general stance on the regulations and the self-regulatory framework has been discerned from the submissions. Responses to these key themes, as well as the central issues presented in the Consultation Document to each theme, are now discussed.

4.4.1 Placement and volume of alcohol advertisements

A number of submissions indicate that young people are exposed to alcohol advertising.

A number of submissions also indicate that more control is required over the placement of advertising.

However, the submissions are divided as to whether the amount of advertising is problematic.

Consultation Document information

The Consultation Document makes reference to both the amount and placement of alcohol advertisements. It notes issues around the level of exposure to young people (including the “watershed” time on television), control of alternate forms of media (radio and outdoor advertising) and the ability of the present regulations to take matters of volume into account.

Specifically the Consultation Documents asks about the overall amount of alcohol advertising and placement of advertisements in the New Zealand environment.

Views on the placement and volume of alcohol advertisements

Overall, there is a general view that youth are exposed to alcohol advertisements. There is some reference and divide in the submissions about what is considered a suitable time for alcohol advertisements to be shown on television. Essentially however, more submissions refer to the level of control that needs to be exercised over the placement of advertisements.
and level of exposure to young people from different forms of media, other than just television.

(researchers, voluntary & community sector, Government agencies, individuals, health sector)

**Placement**

A number of submissions propose that more control over the placement of advertisements is required, particularly to reduce exposure to youth. It is perceived that young people are much more exposed than ever before as there are few media or environments free from alcohol promotion. Advertisements are inappropriately placed, for example, around schools and at youth and family events.

Some submissions provide that television advertising needs more control and that more control also needs to be exercised over other forms of media, such as billboards and advertising by sponsorship. Some suggestions for further control include:

- Restrict television "watershed time" further and decrease the time-limit and number of advertisements that can be shown each evening
- Tighten controls to prevent programme sponsorship being able to get around television time restrictions
- Clearly define restrictions on where and when advertisements can take place. Reasonable precautions need to be taken around the time, place and manner of placement and promotion in order to reduce exposure to youth
- Advertisements for brands of alcohol should only be placed where those items can be exclusively purchased
- Limit or ban alcohol advertising at youth events/where young people congregate
- Place restrictions on billboards, flyers and brochures, or prohibit advertisements on high exposure media such as billboards and bus shelters.

(researchers, voluntary & community sector, individuals, health sector)

Concern is also expressed, particularly in submissions from individuals in recovery from alcohol dependence, about product displays in supermarkets. The high profile given to alcohol products in supermarkets is said to make it difficult for people in recovery to go shopping.

Conversely, a smaller number of submissions provide that the placement of alcohol advertisements is sufficiently controlled, both by the codes of practice and as a result of industry responsibility (for example industry ensuring placement where the majority of the audience is of the legal purchase age or older).

(sponsored groups, media/advertising, liquor industry)
Amount

For a number of the submissions, the actual amount of advertising (as opposed to placement) is generally not considered problematic in terms of exposure as:

- The amount of advertising is not excessive and adequately reflects the size of the industry
- In terms of ad-spend the amount of alcohol advertising is actually decreasing.\(^6\)

\(\text{(sponsored groups, media/advertising, liquor industry)}\)

Some submissions however either perceive, or point to alternate figures to show, that the amount of advertising is increasing and therefore more control is needed to reduce the amount of advertising permitted.\(^7\)

\(\text{(researchers, voluntary & community sector, Government agencies, individuals, health sector)}\)

4.4.2 Advertising by sponsorship

Overall, many of the submissions recognise the important revenue contribution alcohol sponsorship makes to community groups and events. However, a number of submissions state that tighter control is needed over alcohol advertising relating to sponsorship.

Consultation Document information

The Consultation Document refers to issues such as the link between sponsorship advertising and alcohol, the link between drinking and sports sponsorship, and issues around alcohol sponsorship of youth events.

Views on advertising by sponsorship

A number of the submissions provide that without sponsorship from alcohol advertising, community groups and events will be adversely affected.

Most of the submissions from sponsored groups, representing both large and small organisations and interests, indicate that reductions in funding from sponsorship would effect these groups ability to function, and in turn, their ability to contribute to wider society and their

\(^6\) Alcohol advertising is stated by some as being in decline. It is said that since 1992 expenditure has decreased by 27.7% and when adjusted for inflation, has decreased by 45.9%. This is despite total advertisement spend across all product and service categories in this period having increased by 88%. In 2005, alcohol advertising is said to represent only 0.66% of total advertising spend (Foundation for Advertising Research analysing “Nielsen data”).

\(^7\) Conversely, reference is made in some of the submissions to Nielsen media research which is interpreted to show annual expenditure on all alcohol advertisements in the broadcast media as having increased overall from $8 million in 1991 to $25 million in 2005.
community. Restrictions would also negatively affect New Zealand’s ability to attract and broadcast international events. Comment is also made that large events in New Zealand have only been able to develop into the size and status they now are as a result of alcohol sponsorship.

One estimate contained in a submission from the liquor industry is that the industry invests $20 million a year in sponsorship, with one company indicating that it alone invests approximately 30% of its annual marketing expenditure. That submission states that any loss of financial contribution to a major sponsorship property would mean the discontinuation of a number of national competitions and player development activities, which would in turn mean that the sponsorship property no longer qualified for funding from Sport and Recreation New Zealand (SPARC).

That there will be an adverse effect from reduced alcohol sponsorship is a view held also by some in the health sector and 1 Government agency. The submission from SPARC notes the huge financial contribution alcohol sponsorship makes to sport and recreation organisations which themselves are a significant driving force behind physical activity rates in New Zealand. The SPARC submission notes that restrictions on sponsorship from alcohol advertising will make it particularly difficult for community clubs and events to secure alternative sources of income and reduce the ability of sports clubs to function.

A counter argument to this is the position taken by the submission from the Health Sponsorship Council (HSC) which refers to the predicted but unrealised downfall of the sport and cultural sector with the phasing out of tobacco sponsorship. The submission from the HSC states that funding availability changes constantly and affected sectors are able to adjust and move on quickly. Further, in the last decade, there has been an increase in the amount of money available to sports and cultural groups with SPARC, Creative New Zealand and charitable trusts, distributing more funds to sporting and cultural groups.

**Support present sponsorship regulation**

Submissions, mainly from sponsored groups, media/advertising, liquor industry, indicate that the present codes of practice and/or the commitment and responsible approach taken together by the industry and those sponsored, provide sufficient controls in relation to alcohol advertising through sponsorship. This is because:

- Sponsorship properties are required to meet a range of key performance indicators related to responsible alcohol promotion and therefore alcohol sponsorship is well controlled

- Sponsorship is heavily restricted by current guidelines which prohibit showing the product, and the brand logo must be secondary to that of the sponsored property. “Heroes of the young” may also not be used

- In terms of ad-spend, the amount of sponsorship is in fact decreasing

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8 The ban from tobacco sponsorship and its particular impact on smaller beneficiaries is cited as an example.

9 One submission from the liquor industry indicates that while sponsorship regulations are good, some of the regulatory restrictions are unclear and could be enhanced with clarification.
Current research does not lead to firm conclusions that the exposure of youth to sponsorship messages encourages young people to drink. There may be overseas research suggesting this, but not from New Zealand where there are tighter controls.

Alcohol sponsorship does not increase harmful behaviours or attitudes to drinking.

In reference to this last point, a small number of submissions provide that consumption of pre-mixed ready to drink beverages (RTDs) has increased in volume since RTDs first came onto the market in 1995, despite there having been minimal advertising of RTDs and no RTD brands involved in sponsorship.

Submissions oppose changes to the codes of practice that would result in reduced sponsorship of community groups unless viable sponsorship alternatives are available. Others implore that no changes should be made to the regulation of alcohol sponsorship until there is robust evidence applicable to the New Zealand context which confirms that alcohol sponsorship is harmful or detrimental.

The submission from SPARC stresses that the effect of alcohol advertising on alcohol consumption levels is complex and that research regarding this is inconclusive. As an alternative to increased restriction, this submission provides that other initiatives outside of the regulatory framework should be considered to produce changes in drinking behaviour associated with sports clubs and teams. Reference is made to a Victorian project “Good Sports” which seeks to help clubs reduce reliance on income from bar sales by finding alternative sources of income.

The submission from the HSC conversely argues that it is a nonsense to attempt to demonstrate an absolute link between advertising and the effects it might have on an individual’s behaviour. Rather advertising is clearly about the gradual building of familiarity and brand loyalty.

Present regulation of sponsorship not sufficient

Submissions from the following groups indicate that the current regulation of sponsorship is not sufficient and that more control is needed: researchers, voluntary & community sector, individuals, health sector, 1 regulatory body.

Alcohol advertising through sponsorship is seen as increasing harmful drinking attitudes and behaviour by normalising or making alcohol desirable, or by encouraging the purchasing of the product that sponsors a particular group. This is because:

- Celebrities and role-models are used to promote alcohol brands, which implies approval of, and encourages, use of the product
- Alcohol sponsorship of youth events and youth television programmes is common
- There is excessive placement/volume of alcohol advertising in sponsored sports clubs
- Sponsorship of broadcast media enables exposure outside the time restrictions placed on direct advertising, thus allowing an association with “heroes of the young”.

These submissions support either tighter restriction on alcohol sponsorship or propose that as with tobacco, alcohol sponsorship be phased out. They propose that alternative
Sponsorship is created or facilitated through, for example, the HSC or Ministry of Health. Suggestions include:

- Prohibiting alcohol advertising hoardings around sports fields where children are playing, as well as in clubrooms used by children.
- Balancing alcohol advertising with advertising of non-alcoholic beverages and accurate information about the harms of alcohol.
- Banning alcohol sponsorship of events with a broad appeal to youth, and continue to permit sponsorship for events attended by an adult audience.
- Ban alcohol sponsorship and provide alternative funding through alcohol tax or a levy (with an interim replacement fund established through the HSC).

4.4.3 Naming, packaging and merchandising, and point of sale material

| Overall, submissions provide that more control is needed over naming, packaging and merchandising materials than is presently provided. |

Consultation Document information

The Consultation Document identifies issues around the enforcement of existing packaging guidelines, packaging featuring ‘heroes of the young’ and the visibility of liquor-branded equipment and clothing to children and young people.

Views supporting extended jurisdiction

Submissions, including several from the media/advertising and liquor industry, indicate that more regulatory control is needed over the naming and packaging of products. This is because product naming, packaging and many aspects of product promotion, are not subject to the pre-vetting process and are not covered by the Code. However, these submissions also refer to an intention of the ASA to consider extending its jurisdiction in this area.

Further, it is also provided that labelling and packaging should be strictly controlled as young people particularly are exposed through the appearance of products being brought into the home by adults and at sports and other public events.

(researchers, voluntary & community sector, media/advertising, individuals, liquor industry, health sector)

A number of submissions make suggestions for the regulation of this area including:

- The requirement of health warnings to accompany alcohol advertising and packaging, (as with tobacco control)

(voluntary & community sector, individuals, health sector)

- Restrictions on the size of brand/logo on a product to make this more discreet

- Prohibiting youth-related themes.
No problems with present situation

Some submissions have no concerns with naming, packaging and merchandising, and point of sale materials as:

- Available guidelines (devised initially by the Alcohol Advisory Council of New Zealand), are excellent and an example of industry responsibility and its proactive ability to self-regulate and respond to new concerns
- It is possible to use the pre-vetting system for point-of-sale material and this process is robust
- These materials are not perceived to influence attitudes and behaviour.

(sponsored groups, liquor industry)

RTDs

The appearance of RTDs are noted to be of particular concern in some submissions – not necessarily due to RTDs being advertised, but by the way in which they are marketed through price, naming, taste and packaging.

In terms of naming, packaging and appearance, RTDs are seen as being promoted and attractive to youth. RTDs are colourful and names such as “chocolate mudslide” and “wipeout” appeal to youth or conceal the alcoholic nature of the drink.

A small number of submissions suggest that health-warnings be placed on these drinks, and clear packaging or packaging that obscures the colour of the drink is required.

(individuals, health sector)

4.4.4 Newer types of advertising and liquor-branded merchandise

Overall, a number of submissions provide that more control is needed over newer forms of advertising due to youth exposure.

Submissions are divided as to whether more control is needed over liquor-branded merchandise.

Consultation Document information

The Consultation Document makes particular note of youth exposure to alcohol advertising from newer forms of advertising media such as internet sites, cellular phones and competitions. It is noted in the Consultation Document that younger people’s exposure to alcohol advertising is higher than it used to be. Sophisticated campaigns are said to appeal strongly to younger audiences and it is difficult to control young teenager’s exposure to these newer forms of advertising.

The Consultation Document raises questions about particular problems associated with newer forms of advertising and the control of them, as well as whether problems exist with liquor-branded merchandise, such as clothing and bags.
Views supporting more control over newer forms of advertising

A relatively large number of submissions across the stakeholder groups provide that more control needs to be exercised over newer forms of alcohol advertising.

(researchers, voluntary & community sector, media/advertising, individuals, liquor industry, health sector)

In the main, concerns relate to high levels of exposure of young people to alcohol advertising and promotions with the move from mainstream media to electronic media. This is because young people use this media in greater numbers and frequency. It is also perceived in some submissions that newer forms of advertising are more in tune with the current youth culture. This is both by overt advertising, as well as by ‘undercover marketing’, where young people are not aware that they are being targeted, (for example in chat rooms).

(researchers, voluntary & community sector, Government, individuals, health sector)

Some submissions suggest further control should:

- Ensure cover and capture of all possible technologies and media
- Ban the targeting of youth
- Require inclusion of health warnings in advertisements
- Ban alcohol advertising from all electronic media.

However, a number of submissions refer to the difficulties inherent in attempting to control non-New Zealand media, such as television broadcasting, magazines and the Internet.

(media/advertising, liquor industry)

From the perspective of the submissions received from the media/advertising group, newer forms of advertising are not considered to be of concern at the present time, with advertising by email and internet being within the jurisdiction of the ASA. However, it is recognised that there could be problems in the future due to maverick advertisers and enhanced broadband access in New Zealand. There is though a level of confidence expressed in these submissions which provide that proposed changes to the Code by the ASA and to the scope of enforcement will be able to address these future concerns.

No further control required over newer forms of advertising

Some submissions indicate that no further control is required despite newer forms of advertising, either because:

- The existing regulations are considered sufficient and effective, or
- Newer forms of advertising represent only a small portion of market share.

Submissions, mainly from sponsored groups and media/advertising, also express concern that the imposition of additional controls may have the undesirable effect of driving advertising to less-controlled off-shore markets.
More control over branded merchandise

Submissions from the following groups indicate that more control is needed over branded merchandise: voluntary & community sector, individuals, health sector. This is because branded merchandise is seen as:

- Influencing drinking behaviour, particularly in the young, by increasing exposure and 'normalising' alcohol consumption\(^\text{10}\)
- Making particular brands desirable and encouraging the drinking of those brands
- Being distributed to young people.

As a result, some submissions propose that branded merchandise is prohibited all together or prohibited from placement on children’s clothing and personal items.

No further control required over branded merchandise

Conversely, submissions from the following groups generally do not see further controls over branded merchandise as necessary: sponsored groups, media/advertising, liquor industry because:

- There are difficulties inherent in attempting to place controls over what people wear
- Branded merchandise does not promote harmful consumption
- There is no robust evidence showing that restrictions or the prohibition of liquor branded merchandise would contribute to a reduction in harm from alcohol.

4.4.5 Content of advertisements

Some submissions provide that the content of advertisements use youth interests to promote alcohol.

There is a level of divided opinion across the submissions about whether more control is needed over the content of advertisements.

There is some support for more control over promotional advertising.

Consultation Document information

The Consultation Document indicates that the ASCB has been criticised for not taking public health issues into account and for allowing advertisers to push the limits of the Code. As a result, sex and sexual themes are used to promote alcohol, including scenes and music appealing to young people. Humour and hyperbole may also be used to create fantasy images.

The Consultation Document also indicates that the Code does not refer to the advertising of price promotions.

\(^{10}\) Reference is broadly made to research in the United States showing that students who owned alcohol branded merchandise are significantly more likely to have initiated alcohol use than those who did not own merchandise.
Submitter views against further control over content

For those submissions that do not see further regulatory control as necessary:

- The present codes of practice are considered effective in controlling advertisement content
- Current content restrictions are seen as strict by international standards
- There is perceived a high level of compliance with the codes of practice, industry is perceived as responsible and content is seen as well controlled.

(sponsored groups, media/advertising, liquor industry)

More control over content

Conversely, some submissions provide that more control over content is necessary as despite present regulation, alcohol advertising is perceived as:

- ‘Normalising’ alcohol consumption and making drinking desirable
- Reflecting youth interests, culture and taste, and therefore influencing young people
- Being presented in ways that get around the Code.

(researcher, voluntary & community sector)

The submissions provide the following suggestions for further regulation:

- A single statutory body responsible for the monitoring and control of alcohol advertising to ensure consistency and rigorous application of restrictions
- Mandatory pre-vetting by a Government body to cover all forms of advertisements
- Similar controls to the French Code: Loi Evin permitting only messages and images that refer to the qualities of the product and require a health message.

(researchers, voluntary & community sector, individuals, health sector)

Promotional advertising

A small number of submissions make reference to the issue of promotion based advertising. Most of these submissions, from across different groups, either state that more control is needed and/or some are of the view that promotions result in increased alcohol consumption and harm. This is because:

- Young people are enticed to consume, or can afford to buy, more alcohol through low cost promotions
- Promotions encourage excessive or binge drinking (not moderation) through encouragement of competitions, over which there is little control.
However, some of these submissions also refer to an intention of the ASA to extend its jurisdiction in this area to cover sales promotion.

(researchers, media/advertising, liquor industry, health sector, 1 regulatory body)

4.4.6 Complaints

Overall, the submissions are divided about the present complaints process. Submissions either perceive the current complaints process as effective and efficient, or do not consider it to be accessible or effective at minimising harm. A large number of submissions do not comment on the complaints process.

Consultation Document information

The Consultation Document refers to an inability of the complaints system to address the overall volume and amount of alcohol advertising that young people are exposed to. It also makes reference to the time it may take to judge an advertisement to be in breach of the Code, and the involvement of solicitors and technical arguments in the complaints process.

The Consultations Document asks about familiarity with the complaints process, whether those submitting have used the complaints process and whether there are any problems with it.

Views on the complaints process

A large number of the submissions did not address the questions raised in the Consultation Document about the complaints process. For those submissions that did address this, a number indicated an awareness of the complaints process.

Only a small number of submissions indicated previous use or involvement in the complaints process. Some submissions, mainly received from the media/industry, provide that while there is good awareness about the right to complain, there is a low or lower level of awareness of the ASA and how to complain.11

A number of submissions, irrespective of whether or not the submitters have been involved in the complaints process, express views on the effectiveness of the present complaints system and either view it positively or unfavourably. There is little difference between the views of those who have been involved in the process and the perceived views of those who have not.

Complaints process effective

The submissions that support the current complaints process consider it to be working well. For many of these submissions, the perceived low number of complaints received is

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11 These submissions refer to research commissioned by the ASA said to indicate that 87% of the New Zealand public are aware they can complain about alcohol advertising and 6.5% had an unprompted awareness about the ASA or ASBC. After prompting, 61% referred to the ASA and 41% to the ASCB.
indicative of the effectiveness of the existing regulations overall. The present complaints system is seen as satisfactory because:

- It is a good process which is fair, transparent and unbiased
- The process is efficient, fast and of low cost\(^\text{12}\)
- It is of an international standard
- There is a high level of awareness of the right to complain
- Members of the complaints board are neutral. It adjudicates in a fair and impartial manner and there is a public member majority
- There is 100% adherence by industry to requests to withdraw advertisements. A punitive system is perceived by these submitters as being less effective.

(sponsored groups, media/advertising, liquor industry, 1 regulatory body)

**Complaints process not effective**

The submissions which indicate that the present complaints system is not effective, mainly take this position for the converse reasons as those submissions that indicate support for it. That is:

- The complaints process takes too long to determine complaints
- It is too complex and not easy to use
- The process is biased towards the advertising industry and is constituted by non-neutral members
- It is reactive and of limited effect given that the harm is already done by the advertisement before it is withdrawn.

(researchers, voluntary and community sector, individuals, health sector, 1 regulatory body)

Māori attending the consultation hui indicated that Māori do not generally like the formal complaints processes as these processes are often not accessible or too long and involved. One participant also questioned the effectiveness of the complaints process when the advertisement continued to be aired until a decision had been made.

For Pacific peoples who attended the consultation fono, the complaints system is not considered user-friendly and is unfamiliar. Language is an obstacle to native speakers of Pacific languages participating in the complaints process. It was also suggested that consideration be given to including a Pacific person on the ASCB to provide advice from a Pacific perspective.

Some submissions also indicate dissatisfaction with the present complaints process stating that it needs:

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12 A complaint is said to take twenty-three days to process on average.
• Streamlining and the current process needs to be better publicised so it is more accessible to the public

• Provision for significant penalties to be imposed to ensure compliance and to discourage attempts to get around the codes of practice.

4.4.7 Reviews

In the main, the submissions indicate that the review of the regulation of alcohol advertising should be undertaken by a neutral body and should be based on wide consultation.

Most submissions that address the frequency of review indicate this should occur every three years or more.

Consultation Document information

The Consultation Document indicates there is a view held by some that decisions on review processes are public policy matters that should not be left entirely to an industry body.

Views on review

The submissions responding to questions about how and when the regulation of alcohol advertising should be reviewed make four specific points relative to the review process:

• The process should be reviewed once every three years or more

  (media/advertising, individuals, liquor industry)

• Regulations need to be able to adapt to changing environments and to enable new research and evidence to be considered

  (health sector)

• The review board is biased toward industry or non-representative and it should be independent of the industry and Government led

  (voluntary & community sector, media/advertising)

• Wide consultation is necessary.

  (media/advertising, liquor industry)
5. Other Comments

The following section provides one-off comments made in a range of submissions from both groups and individuals.

1. Research
   a. Concern that the debate on alcohol advertising issues is not founded in robust New Zealand specific evidence and research. Before changes are made there needs to be evidence to show the changes will actually contribute to reducing harm from alcohol.
   b. There are two streams of academic research. One maintains advertising to be a cause of increased alcohol related harm and is usually in the public health arena. The other maintains there is no link and is usually found in the marketing/legal arena. Both streams of research need to be considered together.
   c. Concern about the use of product placement as a tool for promoting alcohol and a query as to whether the impact of this has been measured or researched.
      (liquor industry, media/advertising, hui notes)

2. Advertising is changing
   a. Volume, tone and media of alcohol advertising have changed due to changed drinking habits.
      (sponsored groups)

3. Alcohol is changing
   a. Alcohol has become more accessible, particularly as a result of price – alcohol is often cheaper than food. This is problematic for people on limited incomes and living with alcohol dependency.
   b. The culture of binge-drinking and self-centred alcohol use is completely different from traditional kava culture, and it is becoming more common, particularly with younger generations.
   c. It is easier to purchase alcohol at supermarkets and dairies for many Pacific peoples who are conscious of their image in relation to buying alcohol and being seen in bottle stores.
      (fono notes, hui notes)

4. Impact of further/changed regulation
   a. If more control is placed on alcohol advertising there may well be a “backlash” from overseas alcohol advertisers.
   b. Caution should be given to the consideration of alternate forms of regulation. Government intervention or a punitive system may undermine the motivation of various industry members to responsibly self-regulate.
      (sponsored groups)
5. Social marketing
   a. Alcohol companies will always find a way to promote their products regardless of the regulations. The best response is to have effective social marketing.
   b. Social marketing campaigns need to consider carefully how to reach Pacific peoples through key settings including churches and sports clubs/events. (fono notes, hui notes)

6. Government
   a. Government policy of harm minimisation needs to be reconsidered – what message is given if alcohol promotion by advertising is permitted. (Hui notes)

7. Personal stories from individuals recovering from alcohol dependence
   a. People in recovery describe how alcohol advertising acts as a constant reminder that abstinence is not normal, it offers promises of companionship, good times and association with famous people/groups. “After seven years I can still be triggered into thinking drinking would be a good idea by advertising in all its forms”. (Persons in recovery)

8. Levy / tax on industry
   a. Industry should pay a levy to fund more anti-alcohol advertisements. Brands should be required to contribute to more sponsorship. (individuals, sponsored groups)

9. Rights in relation to advertising
   a. It is the right of industry to advertise and to inform consumers.
   b. People expect to be able to market alcohol as a right. However, alcohol is not an ordinary commodity and should not be treated as such.
   c. The public also has the right to be free from being bombarded by advertisements - a right to advertise must be taken as a responsibility by the promoters to ensure others are not offended by the barrage of information presented. (media/advertising, liquor industry, individual, voluntary & community sector)

10. Other
    a. Campaigns like it's not that we drink it's how we drink are a typical recent sign of the unwillingness to address the harm being caused. (Persons in recovery)
1. Submission names

The following table is an alphabetical listing of adult submitters.

This table does not include the details relevant to submissions numbered 62 and 63 as those submissions do not permit their personal details to be released under the Official Information Act 1982. Reference is also not made to the youth submitters as a large number did not provide full names.

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<th>Harpham, M.</th>
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<td>Alcohol Drug Assessment &amp; Counselling</td>
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<td>Alcohol Health Watch</td>
<td>Hill, L</td>
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<td>Alexandra Rugby Football Club</td>
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<td>Johnsonville Rugby Club</td>
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<td>Churches’ Agency on Social Issues</td>
<td>Mackenzie Rugby Football Union</td>
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<td>Clutha Valley Rugby Football Union</td>
<td>Magazine Publishers Association Inc of N.Z.</td>
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<td>Communication Agencies Association of N.Z.</td>
<td>Manawatu Rugby</td>
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<td>Counties Manukau Rugby Football Union</td>
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<td>DB Breweries</td>
<td>Marist St Michael’s Rugby &amp; Sports Club</td>
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<td>Marist Saint Pats Rugby Football Club</td>
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<td>Distilled Spirits Association of N.Z.</td>
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<td>Harbour Rugby</td>
<td>Netball N.Z.</td>
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<td>N.Z. Cricket</td>
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<td>N.Z. Drug Foundation</td>
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</tbody>
</table>
- N.Z. Federation of Business & Professional Women
- N.Z. Institute of Liquor Licensing Inspectors
- N.Z. Marketing Association
- N.Z. Medical Association
- N.Z. Music Industry Commission
- N.Z Pacific Union Conference of the Seventh-day Adventist Church
- N.Z. Retailers Association
- N.Z. Rugby Union
- N.Z. Television broadcaster’s Council
- N.Z. Rugby League Inc
- N.Z. Thoroughbred Racing
- N.Z. Wine
- N.Z. Woman’s Christian Temperance Union
- North Otago Rugby Football Union
- Ontario Public Health Association
- Oriental-Rongotai Rugby Football Club
- Otago Rugby Football Union
- Otautahi Rugby Football Union
- Outdoor Advertising Association of N.Z.
- Patumahoe Rugby Football Club
- Pirates Football Club
- Pleasant Point Rugby Football Club
- Poverty Bay Rugby Football Union
- Presbyterian Support N.Z.
- ProCare Pacific Advisory Committee
- Public Health Association of N.Z.
- Public Health South
- Pukekohe Rugby Club
- Radio Broadcasters Association
- Rolleston Rugby Football Club
- Roskill Districts Rugby Football Club
- Ross, E
- Royal Australian and N.Z. College of Psychiatrists
- Rugby Southland
- Schmidt-Uili, E
- Silverdale United Rugby Football Club
- Sky Network Television Limited
- Speights Coast to Coast
- South Canterbury Rugby Football Union Inc.
- Southern Rugby Football Club
- Sport and Recreation N.Z.
- Suburbs Rugby Football Club
- Super Liquor Holdings Limited
- Taieri Rugby Football Club
- Takapuna Rugby Football Club
- Tapawera Rugby Football Club
- Taranaki District Health Board
- Taranaki Rugby Football Club
- Taylor, R
- Television Commercial Approvals Bureau
- Te Papa
- Thames Valley Rugby
- The Salvation Army Social Policy and Parliamentary Unit
- The Scotch Whiskey Association
- Toi Te Ora – Public Health
- Tupu Alcohol Drug and Gambling Services
- Turner, C
- University of Otago Rugby Football Union
- Upper Clutha Rugby Football Union
- Waikato District Health Board
- Waiohau Rugby Sports & Cultural Club
- Wairarapa Bush Rugby Football Union
- Waitakere District Health Board
- Wanganui Rugby Football Club
- Wanganui Rugby Football Union
- Wellington Rugby Limited
- Wellington Rugby Referees Association
- Whakawerawera Rugby Community Sports Inc
- Whanganui District Health Board
- Woman’s Health Action
- Woodfield, Dr. D.
- Zingari Richmond Rugby Football Club

On behalf of individuals:
- T. Liew – Ka Mau Te Wero Charitable Trust
- M. Mac Master, M. McGrath, T Kunaiti - MidCentral Health Public Health Service
2. Views expressed on Consultation Document and process

Some submissions take issue with aspects of the Consultation Document and consultation process undertaken for this Review. Specifically:

A. The discussion document is biased due to the level of focus on the harm caused by alcohol advertising - the information provided is misleading and not based on fact

(media/advertising, liquor industry)

B. More focus is needed on the harm caused by alcohol in terms of health, family and income

(health sector)

C. The use of the word ‘regulation’ in the Consultation Document to refer to voluntary codes of practice may lead submitters to misunderstand the document/existing situation, or for the Review committee to misread the views/proposals put forward in submissions

(researcher)

D. Alcohol advertising expenditure is not correctly reported in the Consultation Document. Expenditure is decreasing, not increasing, as is reported at pages 4 and 12 of the discussion document

(media/advertising, liquor industry)

E. The document misrepresents the definition of ‘social responsibility’ as non-existent, despite this being provided in the Code. This will skew people’s views and the results of the Review

(media/advertising, liquor industry)

F. A wider review of the research and evidence is needed

(researchers, liquor industry)

G. There should be allowance for oral submissions to be provided

(individual views expressed across groups)

H. A number of forums could have added to the Māori consultation process – it is frustrating that there was not enough time for more Māori to be involved

(hui notes)

I. The Steering Group does not include a representative from the liquor industry.

(liquor industry)

13 Refer footnotes 5 & 6 in the main text in respect of the differing positions as to whether alcohol advertising is increasing or decreasing.