



## **SUBMISSION TO EUROPEAN COMMISSION - IRISH PUBLIC HEALTH (ALCOHOL) BILL**

Alcohol Focus Scotland (AFS) is the national charity working to prevent and reduce alcohol harm in Scotland through the implementation of effective alcohol control policies and legislation. AFS welcomes the opportunity to submit our opinion to the European Commission on the Irish Public Health (Alcohol) Bill in so far as it relates to the three additional specifications on labelling, advertising and broadcast watershed.

### **General comment**

AFS welcomes the proposals set out in the Public Health (Alcohol) Bill, including those relating to labelling, advertising and a broadcast watershed. Alcohol places a significant burden on health, the economy and society across Europe. Governments that choose to adopt evidence-based policy interventions to prevent alcohol harm should be applauded. Irish authorities have taken appropriate steps to inform the public about the dangers of drinking alcohol in relation to cancer prevention, and to protect children from the impact of alcohol marketing.

It is our hope that the European Union institutions and its Member States will allow Ireland to put the health of their citizens ahead of profits of the alcohol industry. The right to health should be considered alongside the right of commercial operators to trade, to property and to expression. Under European law, the legal right for commercial operators to promote their goods and services through marketing communications are not absolute and can be restricted on public health grounds, provided that the restrictions imposed are proportionate.<sup>1</sup> When assessing the proportionality of marketing restrictions, both UK courts and the Court of Justice of the European Union (CJEU) have clearly stated that the EU and Member States have a broad margin of discretion in how they decide to protect public health, including through the imposition of extensive marketing restrictions.

This response briefly outlines evidence from Scotland and the UK that supports the proposals in the Bill, acknowledging the wealth of evidence already presented within the notification from the Irish Government.

### **Labelling**

Alcohol is linked to over 200 diseases and injury conditions including cancer, heart disease and liver disease,<sup>2</sup> and the public have the right to know about these harms, in order to make informed choices about their drinking. Worryingly, in many countries awareness of these harms is currently very low. In the UK, research has found that only 1 in 10 people are aware of the link between alcohol and cancer,<sup>3</sup> despite the strong evidence linking alcohol consumption to at least seven types of cancer including breast, bowel, throat and mouth.<sup>4</sup> Labelling of alcohol products has been shown to increase awareness of the harms associated with drinking.<sup>5</sup> There is strong public support for information on labels, including health warnings; around a third of people believe that cancer health warnings on labels would reduce the amount of alcohol they consume.<sup>6</sup>

In 2016 the UK Chief Medical Officers (CMOs) updated the low risk drinking guidelines for adults taking account of the latest available evidence linking alcohol to a number of health conditions, notably cancer. Weekly guidelines were revised to 14 units for both men and women.<sup>7</sup> The new guidelines were based on two principles:

1. People have a right to accurate information and clear advice about alcohol and its health risks.
2. Government has a responsibility to ensure this information is provided for the public in a clear and open way, so they can make informed choices.

Based on the latest available evidence on effectively tackling alcohol harm, and taking account of consumer rights relating to knowledge of the health effects of drinking alcohol, the UK CMOs' guideline development group recommended that health warnings and consistent messaging should appear on all alcohol advertising, products and sponsorship.<sup>8</sup> AFS supports the Irish Government's proposals, which are consistent with these recommendations.

### Advertising and watershed

The pervasive nature of advertising in the UK means children are regularly exposed to alcohol messages, despite the existence of regulatory codes designed to restrict exposure of under-18s to alcohol marketing. Children can also demonstrate high levels of awareness and familiarity with alcohol brands; a survey of Scottish primary schools found 10 and 11 year olds were more familiar with certain beer brands than leading brands of biscuits, crisps and ice cream.<sup>9</sup>

Research indicates that alcohol marketing has an impact on children and young people; they find alcohol marketing messages appealing,<sup>10</sup> and alcohol marketing influences their attitudes.<sup>11</sup> Most significantly, exposure to alcohol marketing reduces the age at which young people start to drink, increases the likelihood that they will drink, and increases the amount of alcohol that they consume if they already drink.<sup>12</sup>

Television remains an important medium for alcohol advertisers to reach large audiences, with about half of alcohol advertising expenditure on measured media spent on TV advertising.<sup>13</sup> Around 650,000 alcohol adverts are shown on UK TV each year, with almost half broadcast before 9pm, during peak viewing hours for children and young people.<sup>14</sup>

In 2017, an international expert group on alcohol marketing made a number of recommendations to protect children in Scotland from the impact of alcohol marketing; this included restrictions on alcohol advertising on television during certain time periods.<sup>15</sup> The introduction of such restrictions should reduce children's exposure to alcohol marketing, and create a more transparent system of regulation, providing certainty about the times when alcohol adverts can be shown. AFS therefore welcomes the advertising and watershed proposals within the Irish Bill.

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- <sup>1</sup> Alemanno, A., & Garde, A. (2013). *Regulating Lifestyles in Europe: How to prevent and control non-communicable diseases associated with tobacco, alcohol and unhealthy diets?* Stockholm: Swedish Institute for European Policy Studies (SIEPS). Accessed at: [http://www.sieps.se/en/publications/2013/regulating-lifestyles-in-europe-how-to-prevent-and-control-non-communicable-diseases-associated-with-tobacco-alcohol-and-unhealthy-diets-20137/sieps\\_2013.pdf](http://www.sieps.se/en/publications/2013/regulating-lifestyles-in-europe-how-to-prevent-and-control-non-communicable-diseases-associated-with-tobacco-alcohol-and-unhealthy-diets-20137/sieps_2013.pdf)
- <sup>2</sup> World Health Organization (2015). *Alcohol Factsheet*. Geneva: World Health Organization. <http://www.who.int/mediacentre/factsheets/fs349/en/>
- <sup>3</sup> Alcohol Health Alliance (2017). *Right to Know: Are alcohol labels giving consumers the information they need?* London: Alcohol Health Alliance. Accessed at: <http://12coez15v41j2cf7acjzaodh.wpengine.netdna-cdn.com/wp-content/uploads/2017/08/Right-to-Know-AHA-August-2017-1.pdf>
- <sup>4</sup> Alcohol Health Alliance UK (2017). *Alcohol and cancer: knowing the risks*. London: Alcohol Health Alliance. Accessed at [http://12coez15v41j2cf7acjzaodh.wpengine.netdna-cdn.com/wp-content/uploads/2017/06/Alcohol\\_and\\_cancer\\_4pp.pdf](http://12coez15v41j2cf7acjzaodh.wpengine.netdna-cdn.com/wp-content/uploads/2017/06/Alcohol_and_cancer_4pp.pdf)
- <sup>5</sup> Public Health England (2016). *The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review*. London: Public Health England. Accessed at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583047/alcohol\\_public\\_health\\_burden\\_evidence\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583047/alcohol_public_health_burden_evidence_review.pdf)
- <sup>6</sup> Maynard, O., Blackwell, A., Munafò, M. & Attwood, A. (2018). *Know your limits: Labelling interventions to reduce alcohol consumption*. London: ARUK. Accessed at: [http://alcoholresearchuk.org/downloads/finalReports/FinalReport\\_0150.pdf](http://alcoholresearchuk.org/downloads/finalReports/FinalReport_0150.pdf)
- <sup>7</sup> UK Chief Medical Officers (2016). *UK Chief Medical Officers' Low Risk Drinking Guidelines*. Accessed at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545937/UK\\_CMOs\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/545937/UK_CMOs_report.pdf)
- <sup>8</sup> Department of Health (2016). *Alcohol Guidelines Review – Report from the Guidelines development group to the UK Chief Medical Officers*. London: Department of Health. Accessed at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545739/GDG\\_report-Jan2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/545739/GDG_report-Jan2016.pdf)
- <sup>9</sup> Alcohol Focus Scotland, Alcohol Concern, Balance North East and Drink Wise (2015). *Children's Recognition of Alcohol Branding*. Accessed at: <http://www.drugs.ie/resourcesfiles/ResearchDocs/Europe/Research/2015/ChildrensRecognitionOfAlcoholMarketingBriefing.pdf>
- <sup>10</sup> Winpenny, E. et al (2012). *Assessment of young people's exposure to alcohol marketing in audiovisual and online media*. RAND Europe. Accessed at: [https://ec.europa.eu/health/sites/health/files/alcohol/docs/alcohol\\_rand\\_youth\\_exposure\\_marketing\\_en.pdf](https://ec.europa.eu/health/sites/health/files/alcohol/docs/alcohol_rand_youth_exposure_marketing_en.pdf)
- <sup>11</sup> Chia, S.C. (2006). How peers mediate media influence on adolescents sexual attitudes and sexual behavior, *Journal of Communication*, 56(3): 585–606; Chia, S.C. (2010). How social influence mediates media effects on adolescents' materialism. *Communication Research*, 37(3): 400–19.
- <sup>12</sup> Anderson et al. (2009), Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies, *Alcohol and Alcoholism*, 44(3):229-43; Smith, L. & Foxcroft, D. (2009), The Effect of Alcohol Advertising, Marketing and Portrayal of Drinking Behaviour in Young People: A Systematic Review of Prospective Cohort Studies, *BMC Public Health*, 9:51; Jernigan, D. et al. (2016) Alcohol Marketing and Youth Consumption: A Systematic Review of Longitudinal Studies Published Since 2008, *Addiction*, 112: 7–20
- <sup>13</sup> Mintel (2014). *Drinking in the Home – UK – 2014*. Mintel.
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