

FEDERAL RESEARCH PROGRAM ON DRUGS

SYNTHESIS

ALMOREGAL

ASSESSMENT OF ALTERNATIVE MODELS OF REGULATION ALCOHOL MARKETING IN BELGIUM

Contract - DR/02/77

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CONTEXT AND OBJECTIVE OF RESEARCH

Alcohol use can result in a plethora of avoidable medical, psychological and social issues, and early deaths. Early initiation of alcohol use, before fourteen years of age, is associated with increased risk of alcohol dependence and abusive alcohol consumption patterns later in life, unintentional injuries and alcohol-related accidents in traffic.

Taking into account that alcohol marketing influences patterns of alcohol use, regulation of alcohol marketing is an important policy measure to limit alcohol-related harm by reducing exposure to alcohol marketing and subsequent alcohol use. Several studies have indicated that implementing bans on alcohol marketing, besides other measures, is one of the most cost-effective policy options to reduce the harmful use of alcohol. In regulating alcohol marketing restrictions as well as the supporting framework, need to be taken into account (the legal context, a transparent complaint system, a monitoring body, an independent advisory committee, pre-screening, and sanctions).

Alcohol marketing includes a wide range of marketing activities. Besides traditional advertising in broadcasted or printed media, other integrated marketing techniques and strategies are used as well including pricing, distribution and product design, which also promote consumption. Both longitudinal studies, on the long term effects of alcohol marketing, and experimental studies, on the short term effect of alcohol marketing indicate that there is a positive relation between alcohol marketing communications and early onset alcohol use, the amount of alcohol consumed and the continuance of the alcohol consumption of young people. Moreover, it triggers feelings of craving of recovering alcohol addicts.

This study built on current scientific knowledge of the effects of alcohol marketing and regulation on alcohol marketing. The general objective of this study was to contribute to a better understanding of strengths, weaknesses and conditions of the Belgian alcohol regulating system against the existing knowledge in this domain and an analysis of alternative models in six other European countries (Finland, France, Great-Brittan, the Netherland, Norway and Poland). Furthermore, twenty Belgian stakeholders were interviewed, in order to better understand the specific social and cultural context of alcohol policy in Belgium.

METHODOLOGY

In the context of this study, (inter)national literature and internal documents on marketing strategies for alcohol and regulating alcohol marketing were analysed. The literature study was conducted in order to gain a better understanding of the state of the art on the topic of alcohol marketing regulation and to establish knowledge about how alcohol marketing is regulated in other European countries. In the second part of the study, semi-structured interviews were conducted with twenty stakeholders from the catering, marketing and alcohol industry, health actors, academics and policy makers. They have been interviewed

about the Belgian social, cultural and political context and about what type of regulatory model they perceive as a best fit for Belgium. Based on the analysis, an advice was formulated for a 'best fit' model of regulation of alcohol marketing for Belgium.

MAIN FINDINGS

In order to answer the question of which model can be perceived as a 'best fit', the current working and effectiveness needs to be taken into account. The Belgian model has been examined based on scientific studies that have analysed the effect of self-regulation for alcohol marketing in order to protect public health.

The most important code concerning the regulation of alcohol marketing is the self-regulation code on the advertising and marketing of alcoholic beverages, which is in force since the 12th of May 2005. On the 25th of January 2013 the code was changed and signed by two professional federations of the alcohol industry (represented by the Belgian Federation for Wine and Spirits and the Belgian Brewers Federation), three federations of the catering industry (Fed.Ho.Re.Ca Brussels/Wallonia/Flanders), one representative of the advertising industry (Raad voor de Reclame vzw), two consumer organisations (OIVO and Test Aankoop), one federation of the trade and services sector (COMEOS) and the minister of Public health. The code is monitored by the Jury of Ethical Practices in advertising (JEP), the self-disciplinary body of the advertising sector in Belgium. The code consists of content and volume restrictions. Regulations on the content and volume are formulated as restrictions. The content restrictions stipulate which forms of alcohol marketing are not allowed. The volume restrictions prescribe for whom, where and when a ban on distributing alcohol marketing applies. This means that, in principle, alcohol marketing is allowed in Belgium, but that communications cannot address certain target groups (i.e. minors and pregnant women), advertise at certain locations, or refer to or imply a range of predefined topics. Furthermore, the code stipulates that all alcohol marketing communications need to include an educational slogan. In addition to the self-regulating code, provisions on alcohol marketing are also included in the media decrees of the French, Flemish and German-speaking communities, which are monitored by regional media authorities. In practice, however, it is mainly the JEP that takes decisions on disputes concerning alcohol marketing communications.

The marketing mix shows a wide variety of marketing techniques that can be used in order to stimulate the sales of a product in the short or long term. The existence of different possible marketing strategies and many marketing techniques makes that marketing is a complex phenomenon and therefore difficult to study in relation to the effect it generates on alcohol consumption patterns. Nevertheless, especially focused consumer and longitudinal studies frequently indicate that there is a clear relation between alcohol marketing exposure and increased alcohol consumption.

Marketers and alcohol producers state that marketing is used to inform people about new products and to stimulate competition. However, by emphasizing the positive elements of

the product and the consumption of it, and overexposure to marketing communications for alcoholic beverages, consumers' perception on the harmful effects of use can be false.

In order to prevent minors from being susceptible to alcohol marketing communications to which they are exposed, the current self-regulatory alcohol marketing code foresees provisions that prohibit advertising that addresses or appeals to minors. However, the question can be raised about which criteria apply to marketing communication in order to determine whether it 'addresses minors'. Minors do not consist of a homogeneous group which, moreover, cannot be strictly separated from adults. It is likely that very young children are attracted to different things than older children, or adolescents. In addition, it does not necessarily have to be the case that the interests of minors differ from the interests of adults.

Although the main focus of a majority of the interviewed stakeholders went to provisions on the content of alcohol marketing communications, it is important to take into account the cumulative effect of exposure to alcohol marketing communications, independent from the content. As studies suggest that the main impact of alcohol marketing is generated by the total exposure to alcohol marketing activities, limitations on the total volume of alcohol marketing are necessary.

As alcohol marketing is related to early initiation into alcohol consumption, it is recommended to limit the exposure to alcohol marketing, especially for young people. Although the current self-regulatory code aims to prevent exposure of minors to alcohol marketing, Belgian regulation still leaves space for children and adolescents to be exposed to alcohol marketing. For example, it is still possible to advertise for alcoholic beverages through traditional media, or in public places, as long as the place is not particularly meant for minors. Nevertheless, this does not imply that young people are not part of the audience.

The French regulatory framework is often referred to as good practice. However, the French model is mainly strict on the content, while bans on means of communication are absent (e.g. digital media, radio outside the watershed, and public spaces). In addition, the law has been weakened in the last decades, which has negatively influenced the effectiveness of the regulation.

In order to limit the exposure to alcohol marketing as much as possible, a total and comprehensive alcohol marketing ban is recommended. However, the international and digital dimensions of alcohol marketing seem to make it unfeasible to limit all forms of alcohol marketing. In addition, the empirical study in this research project has shown that a total ban lacks support of most stakeholders. Examples in other countries, like France and Poland, show that restrictive models are likely to ease over time when they lack enough political and societal support. Therefore, it is recommended to invest in increased support for a restrictive alcohol marketing model.

To assess the scope of the impact of any single restriction, the impact of the entire regulatory model should be considered. No restriction is likely to be able to overcome by itself the harmful health effects of alcohol consumption. As the impact of alcohol marketing derives

from the content and volume of the alcohol marketing activities to which a person is exposed, the combined impact of these restrictions should also be examined when measuring the effectiveness of a regulatory model.

This study shows that voluntary codes primarily impose restrictions on the content of alcohol advertising, but pay less attention to reducing the total volume. Self-regulatory models primarily aim to restrict the content of alcohol advertising, but pay less attention to restricting the total volume. In addition, a self-regulatory code is often not applicable to every type of marketing. In Belgium, this is the case when it comes to alcohol marketing practices in which alcohol producers are not directly involved (e.g. temporary price promotions in pubs), or when it concerns sponsorships by an alcohol brand. As a result, alcohol advertisement can still be disseminated in a way that is not allowed according to the ethical code. Therefore, it is recommended to pay attention to the full marketing mix when evaluating the contemporary regulatory model and constructing a future regulatory model.

It also needs to be taken into account that the alcohol industry, as well as the advertising and media sector, are involved in creating alcohol marketing and also benefit from it. As studies show, it is to be expected that voluntary codes and self-regulatory frameworks, orchestrated and controlled by actors with a stake in promoting or selling alcoholic beverages, will not be most effective in protecting public health. A lot of money is spend on marketing by alcohol companies and so it is reasonable to assume that they expect to earn their investment back (either in the short term or long term).

One of the topics that appeared to be sensitive for some stakeholders, had to do with the treatment of complaints. In particular, some actors considered the composition of the review body (JEP) and the interpretation of the rules in the Covenant problematic. Partly due to the lack of committee members with expertise in the field of public health, these participants consider that not enough attention is paid to the possible harmful impact of alcohol marketing on public health when assessing marketing activities. During the interview, all stakeholders indicated that they are open to making changes in order to improve the composition of the jury and give a voice to professionals with a public health background. However, conflicts between the main actors have prevented a change of the composition of the JEP until now.

A general question is what the attributable risk of alcohol marketing is on public health. Attributable risk elements give an indication of the contribution to a causal factor. The fact that alcohol marketing is widespread means that the influence is significant. Although interventions on an individual level can be more effective, the question is whether they also will be more cost-effective. In other words, what are the costs of a micro-level intervention like early-detection and health care, in comparison to restricting alcohol marketing? In addition, taking into account studies that show a significant effect of alcohol advertising on heavy alcohol drinkers, the question is whether the effect of an individual intervention is optimal as long as alcohol marketing is poorly restricted. The other way around, alcohol advertising can also cause more cases of problematic alcohol use, because it does influence the starting age of drinking and the number of units consumed.

Based on this study, it is recommended that, in order to protect public health, a legislative model for the regulation of alcohol marketing be developed, which aims to minimise exposure to alcohol marketing. An important question that arises is to what extent a restrictive model for the regulation of alcohol marketing is a proportionate measure to achieve better protection of public health. Although interventions targeted at certain group or at individuals can be more effective, they are not necessarily also more cost-effective. Moreover, it is important to be aware that the optimal effectiveness of different measures is only achieved when they are part of a coherent and integrated alcohol policy. Therefore, it is important that, in addition to a restrictive model of regulation alcohol marketing, attention will be paid to other measures that aim to protect public health.

RECOMMENDATIONS

Starting from a public health perspective, recommendations are made below based on the research study carried out. The first set of recommendations are aimed at regulating the content of alcohol marketing practices and exposure to alcohol marketing (A). The second set deals with the supported framework (B). Finally, a number of recommendations are formulated on future research and other measures (C).

A. The content and volume

- Taking into account the (short term and long term) effects of alcohol marketing exposure on people's alcohol consumption behaviour by its content and volume, especially on vulnerable populations, **a general ban on alcohol marketing** is recommended. In case this is politically not feasible, the principle should be that alcohol marketing is regulated as restrictively as possible.
- If a general ban is unfeasible, minors should at least need to be prevented from alcohol marketing exposure as much as possible. This means that sufficient volume and content restrictions should be in force in order to **minimize alcohol marketing exposure and to better protect minors** and to **avoid underage people being attracted by alcohol marketing communications**.
 - **Volume restrictions**
 - **A general ban on alcohol marketing should be applicable on traditional media** (i.e. television, radio, newspapers, magazines, and billboards) when a significant part of the audience is expected to be underage. Exposure rates of a particular medium can be used to determine whether alcohol marketing is allowed or not. Since adolescents tend to be most vulnerable to alcohol marketing exposure, it is recommended to use the exposure rates among the adolescence population as the guideline.
 - With regard to **sponsoring sporting and cultural events strict regulation is required**. In order to protect public health, a total ban is recommended. If a complete ban is not feasible, restrictions should be introduced to prevent

- sponsored events, associations or teams from being used to promote alcoholic beverages, especially when the events also appeal to minors.
- **Product placement of alcohol brands should be part of alcohol marketing regulation.** It needs to be avoided, especially if a significant part of the public consists of minors.
 - Since temporary price promotions, like happy hours, encourage people to consume more than initially intended, it is **recommended to generally prohibit temporary price promotions.** Exceptions could be made in certain circumstances, for instance for aperitifs offered in on-site premises.
 - **Include all forms of alcohol marketing practices in digital media in alcohol marketing regulations.** Given the interactive nature of new media, alcohol brands must not only be seen as creators of alcohol marketing, but also as mediators, providing tools to users to generate their own alcohol-related content.
 - **Marketing for non-alcoholic goods of the same brand or with the same characteristics (i.e. name, logo, style and design) as an alcoholic beverage should be part of alcohol marketing regulations.** Exceptions can be made for marketing communications that can clearly be distanced from the alcoholic counterparts.
 - It is recommended that **industry involvement in prevention campaigns be avoided**, as there is insufficient evidence that such campaigns effectively protect public health. In case of public-private partnership, the assessment of the measure needs to be done by a fully independent actor.
 - **Content restrictions**
 - It is recommended to **limit the permitted content of alcohol marketing messages to product-related information** (e.g. product, brand and/or producer name, ingredients, place of production, and production process). Given the specific appeal to minors, especially humorous messages, and associations with the lifestyle of the user should be avoided.
 - In order to increase consensus on the interpretation of rules, articles should be clear and unambiguous. Therefore, it is recommended to **address all content elements that are allowed to appear in alcohol marketing communications**, rather than listing what is not allowed.

B. The supported framework

- In order to protect people from the harmful health effects of alcohol marketing exposure, **a clear and comprehensive regulatory framework is required**, including all the elements as described in the discussion (i.e. a complaints system, a monitoring body, an independent advisory committee, support and deterrent sanctions).
 - **The approach to alcohol marketing should be comprehensive.** Alcohol marketing is not limited to the promotion of alcoholic beverages only.

Therefore, restrictions need to apply to all forms of marketing (see also the marketing mix) in order to avoid displacement effects.

- From a public health perspective it is recommended to **implement statutory regulation of alcohol marketing**.
- It is recommended to **establish an independent monitoring body** that carries out monitoring of compliance with existing regulations and that does not have any commercial interest in the sale or promotion of alcoholic beverages. The monitoring should happen routinely and systematically.
- **Implement an open and transparent complaints system**. It should be possible for anyone without the goal of financial gain, to file a complaint. Sufficient publicity is required to raise awareness about the complaints system among the general public.
- **Establish an independent review committee responsible for the assessment of complaints**. The committee should have no commercial interest and should primarily aim to protect public health.
- It is recommended that, where permitted, **alcohol marketing practices should be subject to mandatory pre-screening** by an independent committee that prioritises the protection of public health.
- In order to avoid violation of the regulations **deterrent sanctions are required**, including sufficient financial penalties.
- Restrictive models are likely to ease over time when they lack enough political and societal support. Therefore, it is recommended to **invest in increased support for restrictive alcohol marketing measures**, for example by awareness campaigns about the harmful effects of alcohol.
- **The effectiveness of the regulations should be systematically analysed and evaluated**. The results of these studies should be decisive for future relaxation or tightening of the regulation of alcohol marketing.

C. The future research and other measures

- It is recommended to **continue conducting research about the effects of alcohol marketing on Belgian citizens**. Longitudinal studies can be especially helpful to better understand the complex and reciprocal relationship between alcohol marketing, people's beliefs about alcohol (brands) and alcohol consumption (in the short-term and in the long-term).
- The statutory regulation of **alcohol marketing should be part of a comprehensive and integral national alcohol policy, including other measures that aim to reduce harmful alcohol use**. Therefore, recommendations of other (inter)national studies and expert organizations, such as the World Health Organization and the Belgian Superior Health Council. In addition, recommendations made in other recent research, such as the study to 'the law of 2009 concerning the selling and serving of alcohol to youths: From state of the art to assessment' must be considered.

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