

The Scottish Government should not be put off further regulation of alcohol on economic grounds – the greater issue is how it relates to other governments

Conclusions

- Further regulation on alcohol in Scotland may be contentious, but the economic case against policies to reduce alcohol harm is weak
- As an export industry, domestic market regulation has little direct effect on scotch whisky, which accounts for the majority of output and the most productive and highly paid jobs
- The economic cost of reducing alcohol sales in Scotland can be largely offset by gains to other sectors and the benefits of a healthier workforce
- Industry groups sometimes argue that domestic regulation can have a knock-on effect on export markets – for example, by ‘setting an example’. Such claims are speculative at best.
- However, they do raise a genuine ethical challenge for the Scottish Government – to what extent is promoting the Scottish drinks industry abroad (for example, by seeking lower tariffs in a trade agreement with India) simply exporting harmful drinking?

Summary of the Impact of Alcohol on the Scottish Economy



Over £5bn in exports

mainly Scotch whisky



11,000 manufacturing jobs, generally well-paid



50,000 jobs elsewhere in the supply chain, typically less well-paid hospitality jobs

Likely replaced by jobs and income in other sectors if alcohol spending fell



£1.2bn cost to productivity

Due to presenteeism, sickness, unemployment and premature mortality

Scottish Health Action on Alcohol Problems
12 Queen Street
Edinburgh
EH2 1JQ

Angela Constance
Minister for Drugs Policy
Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

20th February 2023

Dear Minister,

I am writing to you on behalf of Scottish Health Action on Alcohol Problems (SHAAP).

SHAAP is a partnership of the Medical Royal Colleges in Scotland and the Faculty of Public Health and is based at the Royal College of Physicians of Edinburgh (RCPE). SHAAP provides the authoritative medical and clinical voice on the need to reduce the impact of alcohol-related harm on the health and wellbeing of people in Scotland and the evidence-based approaches to achieve this.

I am writing to request a meeting to discuss the new area of your portfolio, Alcohol Treatment. We recognise that this shift of responsibility for alcohol treatment to sit more closely alongside that for drugs treatment is an opportunity to streamline current processes and communications with Alcohol and Drug Partnerships.

We would be pleased to have the opportunity to discuss this with you and to present our organisation's views on the best way forward to improve access to alcohol treatment and how to best support those who are affected by alcohol problems. This is an area of work which SHAAP are heavily involved in, and we would be appreciative of the opportunity to meet with you to discuss our ideas in more detail.

We believe that SHAAP can offer valuable insight and support to the Scottish Government as you continue to develop strategies to improve alcohol treatment in Scotland. We also look forward to having the chance to hear your own views and ideas on how you would like to proceed with this area of work.

Thank you for your attention to this important matter. We look forward to the opportunity to meet with you soon.

Yours sincerely,



Dr Alastair MacGilchrist
SHAAP Chair

Scottish Health Action on Alcohol Problems (SHAAP)
12 Queen Street
Edinburgh
EH2 1JQ

17 February 2023

Ms Maree Todd MSP
Minister for Public Health
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

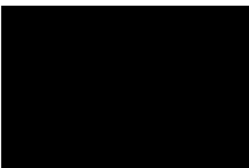
Dear Minister

See *Beyond* parliamentary event, Garden Lobby, Wednesday 7 June 2023

Scottish Families Affected by Alcohol and Drugs (SFAD) and SHAAP are working with the Salvation Army Centre for Addiction Services and Research at Stirling University on a project to reduce the stigma associated with losing someone to alcohol or drugs. The project, known as *See Beyond*, is based on a similar project in Canada. It aims to equip and encourage people to better support others who have lost someone to alcohol or drugs, and encourage people who have lost someone to feel comfortable speaking about their experiences.

We are delighted, therefore, that Monica Lennon MSP and Miles Briggs MSP have agreed to co-sponsor an event in Parliament to highlight the significance of this project with parliamentarians and with people and organisations with an interest from across Scotland. This will take place in the evening of Wednesday 7 June in the Garden Lobby, and we would like to invite you to speak at the event, along with the Minister for Drug Policy (who has also been invited). This will be an opportunity to talk about the importance of creating a culture where people are better able to support each other when they experience the death of someone they love to drugs or alcohol. I do hope this is something that you will be able to address and I look forward to hearing from you.

Best wishes



Dr Alastair MacGilchrist
Chair
SHAAP

Please return the completed form to alcoholmarketing@gov.scot by 9 March 2023

Sports and event sponsorship

Question 1 - Do you think we should prohibit alcohol sports sponsorship in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please provide your answer in the text box.

The use of sport to promote an addictive and health-harming product is entirely inappropriate, implying as it does that alcohol is compatible with a healthy lifestyle. Sponsorship is an extremely powerful way to influence attitudes and behaviours towards alcohol. Alcohol sport sponsorship should be prohibited as part of comprehensive restrictions on all alcohol marketing.

Question 2 - If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

Illustrative examples include:

- prohibiting the use of alcohol brands on clothing worn by players or staff
- prohibiting alcohol being advertised on pitch side hoarding, pitches, trophies, tunnels or interview boards
- prohibiting players or staff from featuring in alcohol adverts in print or online
- prohibiting online content from linking the sports team, players or competition to an alcohol brand or vice versa.

Please provide your answer in the text box.

Statutory restrictions on alcohol sport sponsorship should cover all marketing activities, including, but not limited to:

- alcohol brand logos on match and training strips;
- advertising within stadium grounds;
- exclusive 'pourage rights' within stadiums and fan zones;
- sports iconography on alcohol products (and vice versa);
- social media activity;
- competition tie-ins;
- players, managers or coaches featuring in adverts;
- partnership activity promoting brands or products; and
- brandsharing and alibi marketing practices.

Rather than providing a list of prohibited activities however, the prohibition should be directed at the purpose of the sponsorship arrangement. The Tobacco Advertising and Promotion Act 2002 provides a useful basis for such restrictions as it bans any form of promotion where money or other help is provided to support an event or activity so as to promote smoking.⁽¹⁾ The Act does not attempt to provide an exhaustive list but notes sponsorship could extend to a building, institution or service. This approach could be adapted for alcohol sponsorship restrictions.

(1) Tobacco Advertising and Promotion Act 2002,
<https://www.legislation.gov.uk/ukpga/2002/36/notes/division/5/9>

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Question 3 - What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship?

Please provide your answer in the text box.

There should be no exceptions to these restrictions. Comprehensive and clear bans are more effective in reducing exposure, provide clarity to the industry and are far easier to implement and enforce than partial or unclear ones. (1)

(1) Purves, R.I. et al. (2022). *Alcohol Marketing Restrictions: Learning from International Implementation*. Alcohol Focus Scotland.

Question 4 - Do you think we should prohibit alcohol events sponsorship in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

Alcohol sponsorship of cultural and music events helps to send the message that alcohol consumption is both normal and necessary to enjoy them. Alcohol event sponsorship should be prohibited as part of comprehensive restrictions on alcohol marketing.

Question 5 - If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

Please provide your answer in the text box.

All events should be prohibited from having alcohol sponsorship. This includes music and cultural events, such as music festivals, and community festivals and events.

Question 6 - What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?

Please provide your answer in the text box.

There should be no exceptions to these restrictions. Comprehensive and clear bans are far more effective. They are also easier to implement than partial or unclear ones.(1)

(1) Purves, R.I. et al. (2022). *Alcohol Marketing Restrictions: Learning from International Implementation*. Alcohol Focus Scotland.

Question 7 - If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these? How long might this be and how would it work?

Please tick one

- Yes
 No
 Don't Know

If you have any comments on the overall approach please record those here.

It is reasonable for there to be a lead-in time for the introduction of alcohol sponsorship restrictions, as this would give organisations time to secure replacement sponsors, as happened when tobacco sponsorship of sport ended completely in 2005. We believe this should be no longer than two years.

Outdoor and public spaces marketing

Question 8 - Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

Removing marketing within outdoor and public spaces could have a substantial effect in reducing exposure to alcohol promotion and should be introduced as part of comprehensive restrictions on alcohol marketing.

Advertising restrictions in public spaces have been successful in reducing the consumption of other unhealthy products. For example, a ban on the advertising of foods high in fat, sugar and salt on the London transport network was associated with significant reductions in energy, sugar and fat purchased from such products. (1)

(1) Yau, A. et al (2022). Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis. *PLoS Medicine*, 19(2), e1003915.

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Question 9 - What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces?

Your answer should include:

- 1) Places where you think alcohol marketing should be prohibited (e.g. on bus shelters, in or near leisure centres or on taxis); and
- 2) Types of alcohol marketing you think should be prohibited outdoors (e.g. billboards or signage).

Please provide your answer in the text box.

All types of alcohol marketing should be prohibited in all outdoor and public spaces and in places visible from public spaces. This includes on public transport and street furniture (such as bus shelters), on vehicles (such as taxis), on billboards, in cinema lobbies, in sports grounds and in branded signage and furniture attached to licensed premises.

Restricting all alcohol advertising in outdoor and public spaces would most effectively prevent exposure of vulnerable groups, including children and young people and those in recovery to intrusive alcohol adverts when outside of the home. It would also reduce the volume of alcohol marketing messages experienced by everyone, which serves to normalise alcohol consumption and sustain high levels of population consumption.

Question 10 - What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

Please provide your answer in the text box.

There should be no exceptions; full and complete restrictions are more effective in reducing exposure. They are more straight-forward for industry to understand and comply with, and are easier to implement and enforce. (1)

(1) Purves, R.I. et al. (2022). *Alcohol Marketing Restrictions: Learning from International Implementation*. Alcohol Focus Scotland.

In-store alcohol marketing

Question 11 - Do you think that we should further restrict the visibility of alcohol in retail environment, giving reasons for your response?

For example by;

- restricting window displays of alcohol,
- restricting the use of mixed alcohol and non-alcohol aisles,
- prohibiting aisle-end displays of alcohol,
- redefining the alcohol display area, and/or
- covering alcohol behind till areas similar to tobacco.

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

The visibility of alcohol in the retail environment is a key form of marketing activity, influencing shoppers to impulse purchase and normalising alcohol as an everyday commodity. Further restricting the visibility of alcohol in shops would reduce the visibility of alcohol to children and young people, and people with or in recovery from an alcohol problem. In addition, it would address the normalisation of alcohol which helps creates and sustain high levels of consumption in the general population.

Question 12 - Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)?

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

Separating alcohol from other products in supermarkets and shops would reduce the visibility of alcohol, protecting groups particularly affected such as children and young people and people in recovery. It would also reduce impulse purchasing more generally, by reducing the visibility of the products themselves and of point-of-sale promotions.

There is evidence from other countries that this kind of restriction is effective. For example, a change to Estonia's legislation requiring alcoholic drinks to be placed separately from other goods within mixed retail outlets, not visible from the rest of the store or from outside, resulted in a 15% decrease in the visibility of alcohol and halved the proportion of impulse buyers. (1)

(1) Kandla, K. et al (2019) cited in Neufeld, M. et al. (2021). Alcohol control policies in Former Soviet Union countries: A narrative review of three decades of policy changes and their apparent effects. *Drug and Alcohol Review*, 40(3), 350-367.

Question 13 - How do you think structural separation of alcohol in Scotland could operate? (e.g. with barriers, closed display cases)

Please explain your answer in the text box.

The display and promotion of alcoholic drinks in mixed retail environments should be limited to a designated area separated from the rest of the store by an appropriate physical barrier through which the alcohol display area should not be visible. For smaller shops, where options such as separate alcohol areas may be impractical, alcohol could be kept behind the counter but should be concealed, as is the case with tobacco products. Alcohol should not be visible from outside the shop; this means for example, that it should not be located within, or visible from, windows.

Brand sharing and merchandise

Question 14 - Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

The sale of alcohol-branded merchandise should be prohibited in Scotland as part of comprehensive restrictions on alcohol marketing.

Branded merchandise is a powerful way to promote alcohol brands and products, having a longer shelf-life than other forms of alcohol marketing. It is particularly influential with children and young people. For example, studies consistently show that young people who own alcohol-branded merchandise are more likely to drink now and in the future. (1)

(1) Jones, S. C. (2016). Alcohol-branded merchandise ownership and drinking. *Pediatrics*, 137(5).

Question 15 - Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

The free distribution of marketing materials and services is an important marketing tactic, that should be covered by comprehensive measures to restrict alcohol marketing.

The distribution of free merchandise may be particularly significant for young people, where it can be used to raise brand awareness and build connections.

Question 16 - What, if any, exceptions do you think should there be to prohibiting the sale or distribution of alcohol-branded merchandise?

Please provide your answer in the text box.

There should be no exceptions.

Question 17 - What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?

Please provide your answer in the text box.

It is crucial that alcohol marketing restrictions explicitly include all forms of brand marketing. Alcohol marketing does not need to directly promote an alcoholic product to be successful in achieving its aims. For action on alcohol marketing to be fully effective, legislation must be framed sufficiently broadly to capture both marketing of specific alcohol products and all forms of brand marketing. This includes brand-sharing, where non-alcoholic products (eg. sauces, ice cream) and services are used to promote the brand.

No and low alcohol

Question 18 - Do you think that any potential alcohol marketing restrictions should also apply to no-or low drinks products between 0% ABV and 1.2% ABV, where these carry the same brand name, or identifiable brand markings, as alcohol drinks over 1.2% ABV?

Low or no alcoholic drinks products are between 0% ABV and 1.2% ABV. Alcoholic drinks are over 1.2% ABV. Alcohol by volume (ABV) is a measure of alcohol content.

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

Given the recent growth in no and low alcohol products which brand-share with alcoholic drinks,(1) this is an area of particular concern and should be included within the parameters of the restrictions. People find it difficult to differentiate between alcohol-free and alcoholic products of alcohol brands due to the similarity of the branding.(2)

It is essential that restrictions cover products that feature identifiable alcohol brand markings, even where they do not feature a brand name. Marketers establish visual cues which become synonymous with the brand, such as font type, straplines, colour and shape.

The experience of other countries emphasises the need to prevent the alcohol industry utilising contemporary marketing practices such as brand marketing to circumvent restrictions and thereby undermine the objectives of any legislation. (3)

(1) Corfe, S. et al. (2020). *Alcohol-free and low-strength drinks. Understanding their role in reducing alcohol-related harms*. Social Market Foundation.

(2) Nicholls, E. (2022). "You can be a hybrid when it comes to drinking." *The Marketing and Consumption of No and Low Alcohol Drinks in the UK*. Institute of Alcohol Studies.

(3) Purves, R. et al. (2022). *Alcohol Marketing Restrictions: Learning from International Implementation*. Alcohol Focus Scotland.

Print advertising

Question 19 - Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

Alcohol advertising in newspapers and magazines produced in Scotland should be prohibited as part of comprehensive restrictions on alcohol marketing.

The Scottish Government should also work with the UK Government to ensure that magazines and newspapers produced in the rest of the UK and distributed in Scotland, as well as online versions of these publications, will be similarly restricted.

Question 20 - What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?

If this was taken forward, some consideration would need to be given to specialist consumer publications, trade press and industry focused publications. These are unlikely to be seen, on a large scale, by children and young people or by those in recovery.

Please provide your answer in the text box.

The only exceptions should be for business-to-business publications.

Online marketing

Question 21 - Do you think we should restrict alcohol branded social media channels and websites in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

As part of comprehensive restrictions on alcohol marketing, all digital alcohol marketing should be restricted. Owned media should be covered by these restrictions. In practice, this would mean that alcohol brands would be prohibited from owning social media channels, such as Instagram, Facebook, Snapchat or Twitter, or from being promoted through the social media of their owner companies. This would prevent them from promoting their brand online, while maintaining the ability to sell their products through their websites.

Question 22 - What, if any, exceptions do you think there should be to prohibiting alcohol branded social media channels and websites in Scotland?

Please provide your answer in the text box.

Alcohol companies should retain the ability to sell their products through their websites.

Question 23 - Do you think we should restrict paid alcohol advertising online in Scotland?

Examples include adverts appearing on websites, via pop ups, on social media platforms, on search engines or influencer advertising.

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

As part of comprehensive restrictions on alcohol marketing, paid alcohol advertising online should be restricted.

Studies consistently report that participation and engagement with digital alcohol marketing - such as clicking on an alcohol ad, visiting an alcohol-branded website, liking or sharing an ad on social media, or downloading alcohol-branded content - is positively associated with alcohol use for adolescents and young adults. (1)

(1) Noel, J. K. et al. (2020). Exposure to digital alcohol marketing and alcohol use: A systematic review. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 57- 67.

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Question 24 - What types of paid alcohol advertising do you think should be covered by any restrictions?

Please provide your answer in the text box.

All types. This should explicitly include influencer marketing. The financial relationships between brands and influencers has become less transparent, such as where items are 'gifted' with an expectation of exposure in return. We recommend that legislation explicitly restricts alcohol brand owners from providing free products or services to online celebrities and influencers.

Question 25 - What, if any, exceptions do you think should there be to restricting paid alcohol advertising online?

Please provide your answer in the text box.

There should be no exceptions.

Question 26 - Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) – whether this is produced by them or by consumers?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

Alcohol brands should be prohibited from having social media accounts, and owner companies prohibited from brand promotion on social media channels. This would prevent them being able to promote their brand, and alcohol consumption more generally, either through their own content or sharing the content of consumers.

Question 27 - What, if any, exceptions do you think there should be from restricting alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) – whether this is produced by them or by consumers?

Please provide your answer in the text box.

There should be no exceptions.

Television and radio advertising

Question 28 - Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

As part of comprehensive restrictions on alcohol marketing, alcohol advertising on television and radio should be prohibited.

Question 29 - Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland), and if so how would this work?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

We strongly recommend that the Scottish Government introduce a comprehensive ban on alcohol marketing because this would offer the greatest protection to people by preventing exposure to marketing in the first place. As noted in our answer to question 28 our preference is for a complete prohibition on TV and radio advertising. A watershed for alcohol advertising would only become relevant in the event that comprehensive restrictions were not put in place.

Cinema advertising

Question 30 - Do you think alcohol advertising should be restricted in cinemas?

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

Cinema is a powerful advertising medium, uniquely offering a captive audience that consciously processes marketing messages. With going to the cinema the most popular leisure activity in Scotland, (1) millions of people, including children, are exposed to harmful alcohol marketing messages, establishing and reinforcing the connection between alcohol brands and leisure activity. Alcohol advertising in cinemas should be restricted as part of comprehensive restrictions on alcohol marketing.

(1) Scottish Government (2020). *Scottish Household Survey: Culture and Heritage Report 2019*.

Question 31 - If alcohol advertising was restricted in cinemas, what, if any exceptions (e.g. products in scope, times of day or specific movie ratings) do you think should be considered?

Please explain your answer in the text box.

There should be no exceptions to alcohol advertising restrictions in cinemas. Restricting alcohol advertising e.g. to specific movie ratings would not provide adequate protection to the general population or people with or in recovery from alcohol problems, for whom the intrusive nature of cinema advertising presents unique risks.

Restrictions on content of advertising

Question 32 - Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

We strongly recommend that the Scottish Government introduce a comprehensive ban on alcohol marketing because this would offer the greatest protection to people by preventing exposure to marketing in the first place.

Content restrictions would only become relevant in the event that comprehensive restrictions were not put in place. They would offer a much more limited protection by seeking to reduce the appeal and salience of any marketing that might be permitted.

Current rules do not provide any protection from the appeal of alcohol adverts for the general population. Restricting the content of alcohol advertising to factual criteria only would reduce the appeal of adverts and limit the potential for advertising to create positive feelings and attitudes towards alcohol brands and products, as well as towards drinking itself. In addition to restricting the content of adverts to factual elements only, any content restrictions should also include a mandatory health warning on all advertising.

Question 33 - Do you think we should only allow alcohol marketing to include elements set out in a list, like in Estonia? This would mean all other elements not on the list would be banned from adverts.

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

As above, we strongly recommend that the Scottish Government introduce a comprehensive ban on alcohol marketing because this would offer the greatest protection to people by preventing exposure to marketing in the first place.

Content restrictions would only become relevant in the event that comprehensive restrictions were not put in place. The approach as used in Estonia, which limits the content of any remaining marketing to factual criteria as set out in a list, would provide some limited protection by reducing the appeal and salience of that marketing.

Question 34 - Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

As above, we strongly recommend that the Scottish Government introduce a comprehensive ban on alcohol marketing. Content restrictions would only become relevant in the event that comprehensive restrictions were not put in place.

Evaluation and enforcement

Question 35 - How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?

Please provide your answer in the text box.

The Scottish Government should implement systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.

The experience of other countries demonstrates the continued need for monitoring and enforcement to ensure the restrictions are adhered to and that any breaches are dealt with appropriately, as companies will test the limits of what is permitted. For example, in France, the alcohol industry has regularly broken the alcohol marketing rules, leading to legal challenges, with an estimated 85% upheld. (1)

Sufficient resources must be allocated to monitoring compliance with regulations and to enforcing breaches where these occur, in a timely manner. Sufficiently robust and punitive sanctions, such as substantial financial penalties, need to be an integral element of the enforcement regime, as these are necessary for restrictions to be effective and meaningful. (2)

Legislation will require to clearly differentiate between permitted and restricted activity. The Scottish Government should adopt a 'positive list' approach to legislation, stating what activities are permitted under the legislation, rather than what are not. This will ensure that restrictions are straightforward and clear, limiting the potential for industry to exploit loopholes or ambiguities.

(1) Purves, R.I. et al. (2022). *Alcohol Marketing Restrictions: Learning from International Implementation*. Alcohol Focus Scotland.

(2) De Bruijn, A., Johansen, I. & Van den Broeck, A. (2010). *Effective Alcohol Marketing Regulations: A proposed framework to evaluate existing alcohol marketing regulations*. STAP2010.

Question 36 - Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box.

The requirement to provide information and data on alcohol marketing campaigns in Scotland should inform an evaluation programme to assess the effectiveness of marketing restrictions. Information and data required to be provided should include marketing spend, media used, and data on the demographics of audiences reached.

Ensuring robust evaluation of restrictions is an important means of measuring their impact on outcomes. It could also be used to track whether there are unintended consequences arising from the implementation. Such evaluation could be important in combatting challenges to regulation by the industry, to identify any loopholes and to inform further restrictions, if necessary. It could also act as important evidence for other countries considering how to implement potential restrictions and for the World Health Organization in considering action at the international level, such as in relation to digital marketing.

Question 37 - Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?

Please tick one

- Yes
 No
 Don't Know

Please explain your answer in the text box

Requiring the provision of local alcohol sales data would enable the Scottish Government to undertake or commission the most robust evaluations of alcohol policy, including on the proposed restrictions on alcohol marketing. It would also significantly enhance local licensing policy development and decision-making by providing licensing boards with a much clearer and more accurate picture of the availability of alcohol in a geographic area and the impact of different types of premises. Such sales data would also help to increase our understanding of how the alcohol 'best-buys' are inter-connected, to understand whether interventions are being effective, and to inform future policy.

End questions

Question 38 - Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this package should include?

Please tick one

Yes

No

Don't Know

Please explain your answer in the text box.

The long-standing recommendation of the World Health Organization (WHO) is for comprehensive restrictions on alcohol marketing. According to WHO, this is an impactful and cost-effective approach which will help protect children, adolescents, people in recovery and abstainers from the pressure to drink as well as disrupting the industry's ability to create and maintain social norms that encourage high levels of alcohol use in the population more generally.(1)

The Scottish Government should introduce statutory restrictions on alcohol marketing activities in all areas of its competence, as recommended by the Alcohol Marketing Expert Network. (2) These include but are not limited to advertising in outdoor and public spaces; sponsorship of sports and events; branded merchandise; competitions, giveaways and rewards; point-of-sale promotions; advertising in print publications; the display and placement of alcohol in shops; the use of price as a promotional tool; and product packaging. Regulating these activities would substantially increase the protection from alcohol marketing afforded to children, people with (or at risk of) an alcohol problem, and the general population by unplugging a range of marketing channels and activities and reducing the power of the remaining marketing activities by disrupting the marketing mix.

In addition, the Scottish Government should press the UK Government to introduce restrictions on alcohol marketing on TV, radio, newspapers and magazines produced in the rest of the UK, in cinemas, and online, to complement the restrictions which can be delivered by the Scottish Parliament.

(1) World Health Organization (2019). *The SAFER technical package: five areas of intervention at national and subnational levels*.

(2) Alcohol Focus Scotland (2022). *Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network*.

Question 39 - What, if any, additional alcohol marketing methods or channels not covered in the consultation would you like Scottish Government to consider restricting and why?

Please provide your response in the text box.

As indicated in our answer to question 38, comprehensive restrictions on alcohol marketing are most effective. Although the proposals in this consultation cover a wide variety of types of marketing activities, it does not cover them all. The Scottish Government's approach to legislation should be to state what activities are permitted under the legislation, rather than what are not. This would ensure the most comprehensive approach to restricting alcohol marketing.

Question 40 - What further evidence on alcohol marketing would you like the Scottish Government to consider?

Please provide your answer in the text box.

The Scottish Government should consider that introducing alcohol marketing restrictions would contribute to efforts to tackle Scotland's consistently high levels of alcohol consumption and related problems. Seven in ten children are drinking alcohol by age 15 (1) and around a quarter of adults in Scotland drink at levels that put their health at risk. (2) There are over 3,700 deaths each year from alcohol (nearly 1 in 15 of all deaths). (3) Alcohol harm was recognised as a public health emergency following dramatic increases in alcohol death rates during the pandemic. (4)

The evidence on the impact of alcohol marketing on drinking behaviours, and in turn, alcohol-related harm, provides clear rationale for the introduction of comprehensive restrictions. Most significantly, exposure to alcohol marketing is causally linked to consumption. (5) (6) (7) Critical appraisals of alcohol marketing campaigns show that promotional activity by alcohol companies not only enables brands to retain customers and to facilitate switching between brands or products, but also serves to recruit new drinkers and increase consumption. (8)

The Scottish Government should consider alcohol-related harm from alcohol marketing as a major human rights concern and its legally binding obligations as a duty-bearer to respect, protect and fulfil people's rights. As well as harming the right to health and the right to life, survival and development, alcohol marketing also undermines people's rights to privacy and to be free from exploitation. (9) The UN Convention on the Rights of the Child recognises that children, including adolescents, are a vulnerable group requiring special protection. Evidence demonstrates that the impact of alcohol marketing threatens to undermine a wide range of children's rights, including their rights to life, survival and development, to the enjoyment of the highest attainable standard of health, to privacy, and to be free from exploitation.

(1) Scottish Government (2019). *Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2018: Alcohol Summary Report*.

(2) Hinchliffe, S. & Wilson, V. (Eds.) (2022). *The Scottish Health Survey 2021 - volume 1: main report*. Scottish Government.

(3) Tod, E. et al. (2018). *Hospital admissions, deaths and overall burden of disease attributable to alcohol consumption in Scotland*. NHS Health Scotland.

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(8) Hastings, G. (2009). *"They'll drink bucket loads of the stuff": An analysis of internal alcohol industry advertising documents*. The Alcohol Education and Research Council.

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Scottish Government - Restricting alcohol advertising and promotion: consultation

Question 41 - If you sell, distribute, advertise or manufacture alcohol, or represent those who do, how do you think the potential restrictions in this consultation paper would impact you, and the wider alcohol sector?

Please provide your answer in the text box.

Declaration of direct or indirect links to the alcohol industry

Please indicate any direct or indirect links to the alcohol industry?

Please tick one

- No links
- Direct links
- Indirect links
- Don't Know

If you have links to the alcohol industry, please explain what those are below.

Impact assessment

Question 42 - Are there any relevant equality issues that Scottish Government should be considering at this stage in the policy development?

Please provide your response in the text box.

Alcohol harm is not equally experienced in Scottish society. People who live in the most deprived areas of Scotland are more than five times more likely to die and seven times more likely to be admitted to hospital due to alcohol than those who live in the least deprived areas. (1)(2)
Population measures that aim to reduce the overall consumption of alcohol will therefore have the most benefit for the most disadvantaged people in our society.

(1) National Records of Scotland (2022). *Alcohol-specific deaths 2021*.

(2) Public Health Scotland (2022). *Alcohol-Related Hospital Statistics Scotland 2020/21*.

Consultation on Restricting Alcohol Advertising and Promotion

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Scottish Government - Restricting alcohol advertising and promotion: consultation

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

Scottish Health Action on Alcohol Problems
12 Queen Street
Edinburgh
EH2 1JQ

Maree Todd
Minister for Public Health, Women's Health and Sport
Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

7th March 2023

Dear Maree

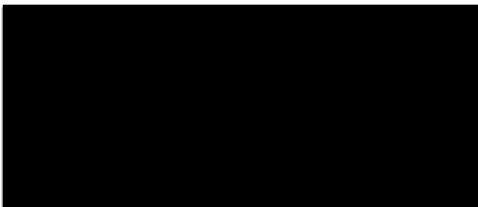
I am writing to you on behalf of Scottish Health Action on Alcohol Problems (SHAAP) to request a meeting.

In light of comments made by at least two of the three candidates for SNP Leader, SHAAP is concerned that a change in First Minister may result in a lessened urgency in tackling alcohol harms in Scotland and that this could have a negative impact on the alcohol marketing proposals currently being consulted upon.

SHAAP believes that the introduction of a comprehensive set of restrictions on alcohol marketing in a variety of settings is a vital step in tackling Scotland's alcohol crisis, and we believe you share this view. Scotland is regarded by international colleagues as a world leader in alcohol policy. We at SHAAP would appreciate the opportunity to discuss with you how we can help ensure that the current alcohol marketing consultation is not blown off course, and that Scotland's reputation in this field continues to grow.

I look forward to hearing from you.

Yours sincerely,



Dr Alastair MacGilchrist
SHAAP Chair

Scottish Health Action on Alcohol Problems
12 Queen Street
Edinburgh
EH2 1JQ

Humza Yousaf
CC: Maree Todd
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

10th March 2023

Dear Mr Yousaf,

I am contacting you today on behalf of Scottish Health Action on Alcohol Problems (SHAAP) regarding the alcohol advertising and promotion proposals currently being consulted on by the Scottish Government.

Through your role as Cabinet Secretary for Health, you will understand that alcohol harms are one of Scotland's greatest public health issues. Every day, almost 100 people are hospitalised and 3 people die because of alcohol, and alcohol marketing is contributing to this. It is well established that exposure to alcohol marketing is causally associated with the initiation of drinking in young people, an increase in alcohol consumption (including binge drinking), and also an increased risk of relapse (for people in recovery). However, these harms are preventable: the World Health Organization cite restrictions to marketing as one of their 'best buy' measures to cost-effectively reduce alcohol harms.

SHAAP believes that the introduction of a comprehensive set of restrictions on alcohol marketing in a variety of settings is a vital step in tackling Scotland's alcohol crisis. We are concerned that a lack of continuation with this consultation process would hugely undermine the public health gains that Scotland has made while your party has been in government in implementing population-wide, evidence-based policies to reduce alcohol harms.

The recent release of the alcohol-related hospital admissions data made clear that immediate and drastic attention is required to address the epidemic which Scotland is facing with alcohol harms.

In the aftermath of the COVID-19 pandemic and resulting changes to alcohol consumption patterns in Scotland, now is not the time for us to turn our back on addressing Scotland's problem with alcohol. It is imperative that the SNP uphold their reputation as world-leaders in alcohol policy (following the introduction of Minimum Unit Pricing) and keep to their manifesto commitment to protect children from alcohol advertisement.

We are concerned that some in the media have misinterpreted your comments on the current consultation as opposition to any legislation to restrict alcohol marketing. We are confident that is not the case and would appreciate the opportunity to meet to find the best way to publicly clarify your position.

Yours sincerely



Dr Alastair MacGilchrist
SHAAP Chair