



Scottish Government
Riaghaltas na h-Alba

Consultation on Restricting Alcohol Advertising and Promotion: Analysis of responses



HEALTH AND SOCIAL CARE



**social
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Consultation on Restricting Alcohol Advertising and Promotion: Analysis of responses

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Ministerial foreword

I am pleased that today the Scottish Government is publishing the analysis of our restricting alcohol advertising and promotions consultation - that ran from November 2022 to March 2023, as well as summary notes of each of the roundtable engagements that were held between January and March this year. Both the consultation and roundtables have provided valuable insights and feedback from stakeholders with a broad range of interests on restricting alcohol marketing.

I would like to express my gratitude to all the individuals and organisations who took the time to contribute their thoughts and opinions. Their input has played a significant role in shaping understanding of the challenges and opportunities the Scottish Government faces in its commitment to reduce the alcohol-related harm that Scotland faces.

Whilst there was a divergence of views on many of the broad range of potential interventions, it is clear there are areas of wide agreement including the importance of tackling alcohol-related harm in Scotland and reducing children and young people's exposure to alcohol advertising and promotions.

The World Health Organization's three 'best buys' recommend restricting alcohol marketing as one of the most cost-effective measures to prevent and reduce alcohol-related harm. I remain committed to progressing work on restricting alcohol marketing, noting the challenges and range of views put forward as part of this consultation. I will be considering this feedback carefully as next steps are shaped.

It is clear that further engagement is needed, to ensure that future proposals have adequately taken account of the range of views on this matter. To that end, in early 2024 the Scottish Government will undertake targeted stakeholder engagement on alcohol marketing, to better understand the concerns raised by business stakeholders on this matter. I am committed to working with stakeholders on the impact and the implementation of proposals, and this collaborative approach will enable us to refine and enhance our proposals, ensuring that they're well informed, deliverable and achieve our aim of reducing alcohol harms.

The Scottish Government will then seek to undertake a further public consultation in 2024 on a narrower range of proposals, following the planned engagement with stakeholders in early 2024.

Thank you, once again, to everyone who engaged with the consultation earlier this year – your responses will help shape our thinking and the next steps on this key intervention that seeks to reduce alcohol-related harm in Scotland.

Sincerely,



ELENA WHITHAM MSP

Minister for Drugs and Alcohol Policy

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Abbreviations used in this report

The following abbreviations are used throughout this report:

ABV: Alcohol by Volume – a measure of alcoholic strength

ASA: Advertising Standards Authority

BCAP: UK [Code of Broadcast Advertising](#)

CAP: UK [Code of Non-broadcast Advertising and Direct & Promotional Marketing](#)

HFSS foods: Foods which are high in fat, sugar and salt

NoLo drinks: No or low alcohol drinks – those with an ABV ranging from 0% to 1.2%

WHO: World Health Organization

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Executive summary

1. The Scottish Government is considering options for restricting the advertising and promotion of alcohol and alcohol-branded products. A consultation seeking views on possible restrictions in various contexts, and matters related to such restrictions, was carried out between November 2022 and March 2023.
2. The consultation paper sought views on possible areas where (further) restrictions might apply. These related to sports and events sponsorship; advertising in outdoor and public spaces; in-store marketing; brand-sharing and branded merchandise; print advertising; online marketing; television and radio advertising; and cinema advertising. The consultation also sought views on more general issues such as restrictions on the content of advertisements, and how any restrictions could be monitored and enforced. The aim of the proposed measures is to reduce the attractiveness and appeal of alcohol, which may reduce alcohol consumption and alcohol harm in Scotland. A specific rationale for these measures is to protect children and young people, and people in recovery from alcohol harm. Restricting alcohol marketing is one of the World Health Organization's three 'best buy' policies to prevent and reduce alcohol-related harms.
3. Respondents were asked for their views about the marketing of alcohol in these varied settings – that is, whether they agreed or disagreed with the proposals, and why. Their comments focused on (i) their reasons for supporting or opposing the introduction of (further) restrictions on alcohol marketing, (ii) what they thought the (potential) benefits and / or disadvantages of such restrictions would be, and (iii) possible alternatives to the proposals.
4. The consultation received 2,411 personalised responses from 1,985 individuals and 426 organisations. In addition, it received 585 responses through campaigns organised by the Campaign for Real Ale and the Scottish Beer and Pub Association.

Summary of main views

5. Almost all respondents to the consultation acknowledged that harmful drinking is a serious issue in Scotland and needs to be addressed. They also agreed that children and young people should not be unduly exposed to the marketing of age-restricted products such as alcohol. However, in the main, respondents thought that the proposals as set out would not achieve the intended outcomes of reducing alcohol consumption and alcohol harm, and / or were disproportionate to the scale of the problem.
6. Respondents fell into two main groups:
 - **The first group** comprised a large majority of individuals (around 3 in 4) and most organisational respondents (i.e. advertising and media organisations; alcohol producers; music, culture, events and sporting organisations; retail and hospitality organisations; business and private sector organisations; and organisations involved in setting advertising standards or developing self-regulatory codes). Respondents in this group were content with the status quo and opposed further restrictions of any kind. However, some respondents in this group did agree that additional (limited)

restrictions – especially those which would help to protect children and young people – could be beneficial.

- **The second group** comprised public health and third sector organisations, academic organisations, some local authorities and public bodies, and a fairly small proportion of individuals. In the main, these respondents called for a ‘blanket ban’ on alcohol marketing with no (or minimal) exceptions. This group argued that a comprehensive approach was required to (i) fully protect vulnerable groups – children and young people, and those in recovery were most often mentioned in this regard, (ii) reduce the harms caused by alcohol across the population as a whole, and (iii) move away from the current culture in Scotland where alcohol consumption is routine, commonplace and ‘normalised’.

Summary of views on specific proposals

7. Overall, there were high levels of **opposition** to the specific measures proposed, and both individuals and organisations expressed similar levels of opposition. Opposition was highest in relation to banning the sale of alcohol-branded merchandise (82% of respondents opposed this) and banning alcohol sponsorship of music and cultural events (81% opposed this). However, 70% or more of respondents opposed **nearly all** the other specific proposals set out in the consultation, and more than three-quarters (77%) said they opposed the introduction of a comprehensive package of restrictions across all forms of alcohol marketing.

8. Although none of the proposed measures received majority support, there were two proposals for which respondents were more divided in their views. These related to (i) alcohol advertising in cinemas (37% supported and 58% opposed restrictions in this area), and (ii) the introduction of a watershed for alcohol advertising on TV and radio (40% supported and 53% opposed this). However, in general, respondents thought that restrictions to protect children and young people were already in place in cinemas, and that these were adequate – and so additional restrictions were unnecessary. They also thought that the introduction of a watershed for alcohol advertising on TV and radio was unlikely to have any effect given the widespread use of streaming services.

Arguments against further restrictions

9. Those who opposed (further) restrictions on alcohol marketing (or only supported further restrictions in very limited circumstances) argued that:

- Alcohol marketing is not a root cause of alcohol harm. Rather, alcohol harm is a consequence of complex social, economic and environmental factors.
- The evidence presented in the consultation paper was drawn from a narrow, and highly selective range of sources and was not an accurate reflection of the current evidence base. In particular, there is no robust evidence presented to demonstrate that (i) the marketing of alcohol causes harm and (ii) introducing restrictions (as has been done in a variety of other countries at different points in history, dating back to the 1930s) reduces alcohol-related harm. In addition, the evidence from Scotland clearly shows that, while expenditure on alcohol marketing has risen in recent years,

alcohol consumption (at population level, and among young people) in Scotland has been falling.

- The current regulatory arrangements implemented via the licensing system and co-regulatory and self-regulatory codes are adequate, effective and operate at no cost to the public purse.¹ Indeed, many companies go further than the codes require in ensuring a responsible approach which minimises harm.
- Alcohol marketing aims to promote (specific, branded) drinks rather than alcohol consumption per se. In other words, alcohol marketing is not about encouraging increased consumption overall, but about encouraging brand switching. In particular, advertising is vital when bringing new products onto the market. Moreover, alcohol marketing is concentrated on promoting high-cost / premium products – rather than promoting the low-cost products most associated with harmful drinking.
- There has been no formal review undertaken of the success (or otherwise) of current measures to limit alcohol harm. In addition, the consultation paper contains no impact assessment(s) and no analysis of the (social, economic, and community) costs or benefits of introducing the restrictions. Respondents also said the proposals do not align with the Scottish Government's own '[Better Regulation](#)' principles.
- The alcohol industry – and the whisky industry in particular – is important to Scotland's economy and to its global recognition and reputation. Restrictions on alcohol marketing would have a significant negative impact on Scotland's economy, its exports and its tax revenues. The negative effects would be disproportionately felt by small local businesses and those living in rural and remote communities, and would be particularly damaging to small independent alcohol producers who would find it very difficult to establish products and grow their business in a market dominated by well-known multi-national drinks companies. Scotland's tourism, hospitality, arts and culture, and food and drink sectors would also be badly affected. The proposals are at odds with the direction of travel set out in other Scottish Government policy documents relating to these sectors, and with the [National Strategy for Economic Transformation](#).
- The measures suggested are disproportionate. Alcohol is legal, is not inherently harmful, and should not be 'demonised'. The majority of the population are moderate drinkers whose freedom of choice will be limited by the proposed measures. Respondents asked, 'if alcohol marketing is banned – what will be next?'
- The power of the Scottish Government to act in this area is not clear. Any introduction of separate regulation or legislation for Scotland in relation to the proposals set out in the consultation paper would not necessarily gain approval from the UK Government, would undermine the benefits of the current (UK-wide) approach, and would likely entail increased costs for enforcement. Marketing jobs and businesses could be lost to the Scottish economy as organisations seek to relocate to a more 'business friendly' environment.

¹ These include the [Code of Non-broadcast Advertising and Direct & Promotional Marketing](#) (CAP), the [Code of Broadcast Advertising](#) (BCAP), the [Portman Group's Codes of Practice](#), and the [Responsible Marketing Pact](#).

Arguments in favour of further restrictions

10. Those who were in favour of further restrictions (and usually a comprehensive ban) on alcohol advertising and promotion argued that:

- There is evidence of a causal link between the marketing and promotion of alcohol and positive attitudes towards – and consumption of – alcohol. This has been particularly highlighted in research with children and young people.
- There is evidence that restrictions on alcohol marketing can be effective in changing behaviour relating to purchase and consumption. This has been demonstrated by international research in countries where restrictions of various kinds have been introduced. (Note that respondents often referred to evidence on the links between marketing and behaviour change within **other** policy areas, e.g. smoking and consumption of unhealthy food. These respondents thought that this evidence would also apply in relation to reducing alcohol consumption.)
- There is evidence to suggest that the general public, those in recovery, vulnerable groups, and – importantly – children and young people are in favour of further restrictions.
- The World Health Organization has identified ‘prevention of the alcohol industry’s influence on social norms’ as a key purpose of comprehensive restrictions.
- The current regulatory arrangements – which are implemented via the licensing system and co-regulatory or self-regulatory codes – are not adequate or effective. They are not rigorously applied, and the sanctions are weak (or absent).
- Any restrictions would have to be comprehensive to be effective in reducing exposure to alcohol marketing. A comprehensive ban would provide clarity to the alcohol industry and be easier to implement and enforce. Any exceptions (or exemptions) would be exploited by the industry which would simply adapt their business and marketing strategies to avoid restrictions.
- Any economic costs in terms of job losses due to increased restrictions on alcohol marketing would be offset by decreases in health care costs, and a healthier and more productive workforce.

11. These respondents often went on to say that the proposals were not sufficient in themselves. Rather, they should form part of a wider approach to tackling alcohol harm which should include (i) education about the risks of alcohol consumption, (ii) health warnings on all alcohol products, (iii) more and better information, support and services for those affected by alcohol harm, and (iv) the replacement of alcohol marketing by public health messages delivered across a range of media channels.

Alternative approaches

12. In discussing their views, respondents who opposed the introduction of (further) restrictions often suggested that there are alternative – better, more cost-effective – ways of reducing alcohol harms in Scotland.

13. Respondents of all types called for the Scottish Government to work in collaboration with the alcohol industry to improve and strengthen the current approach to encouraging and promoting responsible drinking. This could include (i) reviewing the effectiveness of current approaches before any new measures are introduced, (ii) strengthening the regulatory codes currently in use, (iii) giving consideration to placing (some of) the codes onto a statutory basis and (iv) increasing the use of public health messaging and warnings on alcohol products.

1 Introduction

1.1 The Scottish Government is considering options for restricting the marketing of alcohol. A consultation seeking views on possible restrictions in various contexts, and matters related to such restrictions, was carried out between November 2022 and March 2023. This report presents the findings of an analysis of the responses to that consultation.

Policy context

1.2 High-risk drinking is a significant – and long-standing – public health issue in Scotland, with harmful consequences for individuals, their family and friends, as well as wider society and the economy. Moreover, excessive drinking compounds and entrenches health inequalities, with markedly higher levels of alcohol-related harm present in less affluent groups.²

1.3 The [Scottish Government's 2018 Alcohol Framework](#) (the Framework) provided a detailed analysis of the Scottish context and set out a range of actions to reduce alcohol consumption and alcohol-related harms in Scotland. The Framework included actions such as evaluating current policy initiatives (e.g. Minimum Unit Pricing, Alcohol Brief Interventions), updating statutory guidance to provide clarity for Licensing Boards on licensing objectives (including the public health objective³), developing and improving educational programmes for schools, undertaking awareness-raising activities, and working with alcohol producers to put health information on packaging.

1.4 The Framework identified four key areas where impacts would be sought: (i) protecting young people, (ii) tackling health inequalities, (iii) improving national systems, and (iv) (taking) a whole population approach. The Framework is closely aligned with the recommended World Health Organization approach of placing the three 'A's of prevention – Affordability, Availability and Attractiveness – front and centre.

1.5 The Framework set out the published research evidence supporting the restriction of alcohol advertising and promotion. It also included a commitment (Action 10) to *'consult and engage on the appropriateness of a range of potential measures, including mandatory restrictions on alcohol marketing, as recommended by the World Health Organisation, to protect children and young people from alcohol marketing in Scotland'*. The current consultation, which featured in the Scottish Government's [Programme for Government 2022/23](#), was intended to address this commitment.

About the consultation

1.6 The Scottish Government's consultation on restrictions to alcohol marketing ran from 17 November 2022 to 9 March 2023. The consultation paper, [Consultation on Restricting Alcohol Advertising and Promotion](#), set out current evidence to support the introduction of alcohol marketing restrictions and described the action taken in this area in countries elsewhere in the world. The policy options discussed in the consultation paper had a clear

² Public Health Scotland, [Alcohol overview](#).

³ As set out in the Licensing (Scotland) Act 2005, the protection and improvement of public health is one of five licensing objectives that licensing boards must take into consideration when granting or renewing licences.

focus on (the protection of) children and young people but also considered potential impacts on other at-risk groups (e.g. those in recovery from problematic drinking) and the wider adult population. The consultation paper contained 42 questions: 22 closed questions with an option to provide comments, and 20 open questions.⁴

1.7 The consultation invited views on the following topics:

- Sports and events sponsorship (Q1–7)
- Outdoor and public spaces marketing (Q8–10)
- In-store marketing (Q11–13)
- Brand-sharing and branded merchandise (Q14–18)
- Print advertising (Q19–20)
- Online marketing (Q21–27)
- Television and radio advertising (Q28–29)
- Cinema advertising (Q30–31)
- Restrictions on the content of advertisements (Q32–34)
- Enforcement (Q35)
- Evaluation and provision of data (Q36–37)
- Other issues – The scope of restrictions, evidence and business impacts (Q38–41)
- Impact assessment (Q42).

1.8 The consultation questionnaire also included a question asking respondents to disclose any direct or indirect links they have to the alcohol industry.⁵

1.9 The consultation paper was published on the Scottish Government's consultation webpage. Respondents could complete an online questionnaire or submit a response by email or post. An easy-read version of the consultation paper was also available on the consultation webpage.

1.10 In addition, Children in Scotland was commissioned to undertake engagement work with children and young people to elicit their views on this topic. This aspect of the consultation built on a programme of youth engagement work carried out before the consultation paper was published.⁶ Together this work delivered on the 'overarching commitment' set out in the Framework to *'put the voices of children and young people at the heart of developing preventative measures on alcohol'*.

About the analysis

1.11 This report is based on a robust and systematic analysis of the responses to the consultation. Both quantitative and qualitative analyses were carried out. Frequency

⁴ The online consultation questionnaire included two final questions asking for views about the consultation process and the Citizen Space platform for responding to the consultation. The analysis of these questions is not included in this report but has been passed to the Scottish Government to help improve future consultation exercises.

⁵ This question was not numbered in the consultation paper but appeared as Question 1 in the online and offline questionnaires. The question numbers in the bulleted list above and throughout this report are those used in the consultation paper.

⁶ See Young Scot: [Preventing Harm – Alcohol Marketing and Young People](#) and Children's Parliament: [Alcohol-free Childhood](#).

analysis was undertaken in relation to the closed questions and the findings are shown in tables throughout this report.

1.12 The aim of the qualitative analysis was to identify the main themes and the full range of views submitted in response to each question or group of questions, and to explore areas of agreement and disagreement among respondents.

1.13 Note that not all respondents answered every question, and some made comments in relation to an open question without ticking a response at the relevant closed question. Percentages shown in the tables throughout this report are based on the number of respondents who answered that question.

1.14 The report also includes an analysis of views gathered at engagement events organised by Children in Scotland (see Chapter 16). This analysis also incorporates findings from engagement activities carried out by other children and young people's organisations, and submitted as part of their consultation responses.

A caveat about the findings

1.15 As with all consultations it is important to bear in mind that the views of those who have responded may not be representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation on that topic. This self-selection means that the views of consultation participants cannot be generalised to the wider population.

1.16 For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how **many** people held particular views, but rather to understand the full range of views expressed and any concerns that respondents may have. The qualitative analysis also helps in understanding the responses to the closed questions and giving greater insight into people's views.

The report

1.17 The remainder of this report is structured as follows:

- Chapter 2 presents information about the respondents to the consultation and the responses submitted.
- Chapters 3 to 15 present findings from the analysis of responses to the consultation.
- Chapter 16 provides a summary of the views of children and young people.

1.18 In addition, this report also contains three annexes:

- Annex 1 contains a list of the organisations that responded to the consultation.
- Annex 2 provides details of the campaign responses received in the consultation.
- Annex 3 provides information about the response rates for individual questions, broken down by respondent type.

2 Description of the responses and respondents

2.1 This chapter provides information about the respondents to the consultation and the responses submitted.

Number of responses received and number included in the analysis

2.2 The consultation received a total of 3,034 submissions. These comprised:

- 2,272 responses submitted through Citizen Space
- 139 responses submitted by email
- 542 responses submitted as part of two campaigns organised by CAMRA (the Campaign for Real Ale) (these will be referred to as the CAMRA 1 and CAMRA 2 campaigns)
- 81 responses submitted as part of a campaign organised by the Scottish Beer and Pub Association (this will be referred to as the Publicans campaign).

2.3 Responses received by email were entered into a database and, following quality assurance checks, were added to the database of responses received through Citizen Space. In addition, 24 of the 542 CAMRA campaign responses, and 14 of the 81 Publicans campaign responses were identified as 'personalised' responses and were also added to the consultation database. The remaining 585 campaign responses were 'standard campaign responses' which were not substantively edited by the respondent. These were **not** entered into the consultation database. (See the discussion of campaign responses below.)

2.4 A total of 38 responses were removed from the consultation database – either because the response was entirely blank (6) or because a respondent had submitted duplicate or multiple different responses (32).⁷ In cases where the respondent submitted two duplicate responses, one response was removed and one retained. In cases where the respondent submitted multiple different responses, all the responses from the same respondent were combined into a single amalgamated response.⁸

2.5 Thus, the analysis presented in this report is based on **2,996** responses. This comprises **2,411 substantive responses** and **585 standard campaign responses**.

⁷ In some cases, the respondent submitted a duplicate response – one by email and one through Citizen Space – or sent (by email) follow-up material to their Citizen Space response. In other cases, the respondent submitted two (and in one case three) different responses.

⁸ Where the respondent submitted multiple different responses, if their answers to the closed questions differed across their responses, their most recent response was retained and comments from their earlier response(s) were copied into that.

About the respondents (substantive responses only)

2.6 Substantive responses were received from 426 organisations and 1,985 individuals (see Table 2.1).

Table 2.1: Substantive responses, by respondent type

Respondent type	Number	Percent
Organisations	426	18%
Individuals	1,985	82%
Total respondents (substantive responses only)	2,411	100%

Organisational respondents

2.7 Table 2.2 shows a breakdown of the types of organisations that responded to the consultation.

Table 2.2: Organisational respondents, by type

Organisation type	Number	Percent
Alcohol drinks producers and related organisations	140	33%
Public health and third sector organisations (including children and young people's organisations)	73	17%
Sporting organisations	52	12%
Tourism and hospitality organisations (including pubs)	46	11%
Retail organisations	27	6%
Music, cultural and events organisations	25	6%
Advertising organisations	19	4%
Licensing and regulatory bodies (including local authorities and public bodies)	12	3%
Print, broadcast and social media organisations	8	2%
Business and other private sector organisations	8	2%
Academic organisations	8	2%
Other organisation types	8	2%
Total organisations	426	100%

2.8 Alcohol drinks producers and related organisations were the largest group of organisations – comprising a third (33%) of all organisational respondents. This group included distillers, brewers, importers, suppliers and retailers of alcohol and non-alcoholic drinks and their representative bodies. It also included bottlers and organisations that supply glass or other services to the alcohol and drinks industry.

2.9 Public health and third sector organisations comprised the second largest group of organisational respondents (17%). This group included NHS organisations, local Alcohol and Drug Partnerships, local Health and Social Care Partnerships, Royal Colleges, children and young people's organisations, and third sector organisations including those that provide support to people with alcohol problems and / or their families. This group also included organisations with a public safety remit.

2.10 Sporting organisations and tourism and hospitality organisations comprised 12% and 11% respectively of organisational respondents. Sporting organisations included

professional sporting clubs, associations, and local Highland Games groups. Tourism and hospitality organisations included hotels, restaurants, pubs and visitor attractions and their representative bodies. This latter group also included whisky tour organisers and tasting societies.

2.11 The remaining organisational responses were submitted by retail organisations (6%); music, cultural and events organisations (6%); advertising organisations (4%) and licensing and regulatory bodies (3%). This latter category included local authorities and public bodies. Print, broadcast and social media organisations, business-related organisations, and academic organisations each comprised 2% of the total organisational respondents. The remaining 2% of organisations were categorised as ‘other organisation types’.

2.12 A complete list of organisational respondents is included in Annex 1.

2.13 To simplify the presentation of the findings and improve the accessibility of the report, the 12 types of organisations have been grouped in six main categories (see Table 2.3). This simplified classification is used in the tables throughout the remainder of this report. However, in some cases, the qualitative analysis will sometimes refer to sub-groups, including academic organisations, licensing and regulatory bodies, etc.

Table 2.3: Simplified classification of organisations, by type

Organisational type	Includes (from Table 2.2 above)	Number	Percent
Alcohol producers	<ul style="list-style-type: none"> Alcohol drinks producers and related organisations 	140	33%
Events and sporting organisations	<ul style="list-style-type: none"> Sporting organisations Music, cultural and events organisations 	77	18%
Retail and hospitality organisations	<ul style="list-style-type: none"> Tourism and hospitality organisations (including pubs) Retail organisations 	73	17%
Public health and third sector organisations	<ul style="list-style-type: none"> Public health and third sector organisations (including children and young people’s organisations) 	73	17%
Advertising and media organisations	<ul style="list-style-type: none"> Advertising organisations Print, broadcast and social media organisations 	27	6%
Other organisation types	<ul style="list-style-type: none"> Licensing and regulatory bodies (including local authorities and public bodies) Business and other private sector organisations Academic organisations Other organisation types 	36	8%
Total organisations		426	100%

Links to the alcohol industry

2.14 The response form for the consultation invited respondents (both organisations and individuals) to provide information about any links they had to the alcohol industry. Respondents were asked to indicate if they (or their organisation) had direct, indirect, or no links.

2.15 This question was answered by 97% of respondents who submitted a substantive response. Table 2.4 shows that, of those who answered the question:

- Overall, 22% said they had direct links to the alcohol industry; 13% said they had indirect links and 65% said they had no links.
- More than half of organisations (55%) said they had direct links to the alcohol industry. In contrast only 15% of individuals said they had direct links. Almost three-quarters of individuals (73%) said they had no links.
- Among organisations, nearly all alcohol producers (94%) identified themselves as having direct links to the alcohol industry. In contrast, nearly all public health and third sector organisations (97%) said they had no links to the industry. A large majority (79%) of retail and hospitality organisations (a group which includes pubs) said they had direct links. Events and sporting organisations were more likely to say they had indirect links (62%).

Table 2.4: Links to the alcohol industry, by respondent type

Respondent type	Direct links		Indirect links		No links		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Organisation								
Alcohol producers	131	94%	7	5%	1	1%	139	100%
Events and sporting organisations	18	25%	45	62%	10	14%	73	100%
Retail and hospitality organisations	53	79%	13	19%	1	1%	67	100%
Public health and third sector organisations	0	0%	2	3%	59	97%	61	100%
Advertising and media organisations	9	38%	10	42%	5	21%	24	100%
Other organisation types	4	16%	8	32%	13	52%	25	100%
All organisations	215	55%	85	22%	89	23%	389	100%
Individuals	292	15%	229	12%	1,422	73%	1,943	100%
Total	507	22%	314	13%	1,511	65%	2,332	100%

Percentages may not total 100% due to rounding.

2.16 Respondents who reported having direct or indirect links to the alcohol industry were asked to say more about the type of links they had. An analysis of these responses is not presented here. However, the analysis indicated that respondents were not always consistent in the way they answered the closed question and there may have been some confusion about what constituted 'direct', 'indirect' and 'no links' to the alcohol industry. For example, some respondents involved with sports clubs that received alcohol sponsorship said they had direct links to the alcohol industry while others said they had indirect links. In addition, some individuals who said they worked in a pub reported direct links to the industry while others said they had 'no links'. The findings shown in Table 2.4 above should therefore be treated with caution.

Responses from children and young people

2.17 In addition to the engagement work carried out by Children in Scotland (see paragraph 1.10), this consultation also received submissions from several organisations that work with children and young people. In some cases, these submissions took the form

of reports of (or drew on) engagement activities, discussion groups and / or focus groups carried out with children and young people on the subject of restricting alcohol advertising and promotion. An overview of the material from these responses is presented at Chapter 16 together with a summary of the findings from the Children in Scotland engagement work.

Campaign respondents

2.18 Campaign responses are a common feature of public consultation exercises. A 'campaign response' is defined as a response to a consultation that is based on a template response. The campaign organiser assists their members and supporters by providing (i) a set response to the consultation, (ii) suggested responses to each question, or (iii) a 'commentary' on the consultation and the consultation questions which people can draw on in drafting their own responses to the consultation.

2.19 'Standard' campaign responses are based on a 'standard' template, allowing the respondent to simply add their name and submit it without amendment. 'Non-standard' campaign responses are responses based on the template, but have been personalised by the respondent in some substantive way.

2.20 In this consultation, personalised campaign responses were identified by the Scottish Government and passed to the analytical team. These personalised responses were added to the analysis database and are included in the tables throughout this report. The 'standard' campaign responses (i.e. those that were **not** personalised) were not added to the analysis database, but were counted by the Scottish Government and the details passed to the analytical team. These counts are reported at relevant points in this report. All comments made by campaign respondents are covered in the qualitative analysis.

2.21 As noted above, this consultation received responses from two campaigns. These were organised by CAMRA (the Campaign for Real Ale) and the Scottish Beer and Pub Association. These are described below.

CAMRA campaign

2.22 CAMRA provided two versions of a standard text for respondents to submit by email: one for people living in Scotland (CAMRA 1) and one for people living outside Scotland (CAMRA 2). The CAMRA 1 campaign addressed:

- Sponsorship in sport (Qs 1–3)
- Events sponsorship (Qs 4–7)
- Outdoor advertising of alcohol (Qs 8–10)
- The display of alcohol in shops (Qs 11–13)
- Alcohol-branded merchandise (Qs 14–17)
- Advertising of low and no alcoholic drinks (Q 18)
- Print advertising (Qs 19–20)
- Online and social media advertising (Qs 21–27)
- Advertising on TV, radio and in cinemas (Qs 28–31)

- The scope of the restrictions and potential impacts on individuals and businesses (Qs 38, 40 and 41).

2.23 The CAMRA 2 campaign text was shorter and addressed:

- Events sponsorship (Q4)
- Outdoor advertising (Q8)
- The display of alcohol in shops (Q11)
- Print advertising (Q19)
- Online and social media advertising (Qs 21, 23 and 26)
- Advertising on TV and radio (Q28)
- The scope of the restrictions and potential impacts on individuals and businesses (Qs 38, 40 and 41).

2.24 Neither campaign text explicitly gave 'yes' or 'no' responses to the closed consultation questions. However, the tenor of the campaign was opposed to the introduction of restrictions on the marketing and promotion of alcohol. Therefore, for the purpose of analysis, the CAMRA campaign responses have been interpreted as answering 'no' in relation to the relevant closed questions.

2.25 Altogether, 518 standard CAMRA campaign responses were submitted. Of these, 26 reported direct links with the alcohol industry, 21 reported indirect links and 233 reported no links. Information about links to the alcohol industry was not available for 238 respondents. The full texts of the CAMRA 1 and CAMRA 2 campaign responses are provided at Annex 2.

The Scottish Beer and Pub Association Publicans' campaign

2.26 The Publicans campaign, organised by the Scottish Beer and Pub Association, addressed the following issues from the consultation:

- Sports sponsorship (Q1)
- Events sponsorship (Q4)
- Outdoor advertising (Q8)
- Alcohol-branded merchandise (Q15)
- Advertising of low and no alcoholic drinks (Q18)
- Impacts on the respondent and on the alcohol industry (Q41).

2.27 Altogether, 67 standard Publicans campaign responses were submitted. The full text of the Publicans campaign response is included at Annex 2.

2.28 It has been assumed that all the respondents in this campaign, as pub owners / managers, had direct links to the alcohol industry.

Overview of campaign responses

2.29 Table 2.5 provides a brief overview of each of the campaigns. See Annex 2 for further details.

Table 2.5: Overview of campaigns

Campaign organiser / Campaign name	Submission method / format	Consultation questions addressed by campaign	Number of 'standard' campaign submissions
Campaign for Real Ale – CAMRA 1	Email	1–31, 38, 40, 41	518
Campaign for Real Ale – CAMRA 2	Email	4, 8, 11, 19, 21, 23, 26, 28, 38, 40, 41	
Scottish Beer and Pub Association – Publicans campaign	Email	1, 4, 8, 15, 18, 41	67
Total standard campaign responses			585

2.30 In Chapters 3–16 of this report, the term 'campaign responses' refers to 'standard' campaign responses, and a 'campaign respondent' is an individual (or organisation) who submitted a standard campaign response.

Campaign-like responses

2.31 In addition to the campaigns described above, two other forms of campaign-like activity were identified within the responses, as follows:

- Clusters of identical or almost identical responses (fewer than 10 in most cases)
- Large numbers of responses that used common text or common phrasing, with minor amendments, suggesting collaboration in preparing responses or the sharing of responses within professional groups and business networks.

2.32 Responses of these types have been treated as substantive responses.

Response to the consultation (substantive responses only)

2.33 As noted above, there were 2,411 substantive responses to the consultation. However, not all respondents answered all the consultation questions. It was also relatively common for respondents to address multiple questions (for example, in relation to a prohibition on alcohol sponsorship) within their reply to a single question. Therefore, the response rates for individual questions (see Annex 3) are not necessarily an accurate indication of the extent to which respondents addressed individual questions. Nevertheless, the response rates provide a rough indication of the extent to which respondents engaged with the various elements of the consultation questionnaire.

2.34 Response rates for closed questions were relatively high across the consultation questionnaire, ranging from 82% at Question 7 (If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these?) to 96% for Question 1 (Do you think we should prohibit alcohol sports sponsorship in Scotland?).

2.35 Response rates for open questions were lower, ranging from 39% at Question 34 (Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?) to 80% at Question 2 (which invited further comment on aspects of a possible prohibition on sports sponsorship).

2.36 See Annex 3 for further details of response rates on a question-by-question basis.

3 Sports and events sponsorship (Q1–Q7)

3.1 The first type of alcohol marketing considered in the consultation paper was sports and event sponsorship. Section 6 of the consultation paper provided an overview of the relationship between alcohol brands and sport, describing the nature of sports sponsorship and the range of marketing activities this might involve. It also presented research findings relating to the impact of such marketing activity on groups such as children and young people and those recovering from alcohol abuse. Additionally, the consultation paper discussed alcohol sponsorship of non-sporting events, noting that, while the same evidence base was not available, there was an assumption that marketing in this context was likely to have similar impacts as sponsorship of sporting events. Thus, the consultation paper considered the option of restricting alcohol sponsorship in the context of both sporting and non-sporting events.

3.2 Seven questions sought views on prohibiting alcohol sponsorship of sports and events, the type of marketing that should be prohibited, any exceptions to the prohibition, and whether any prohibition should be preceded by a lead-in period. This chapter presents an analysis of the views on each question.

Question 1: Do you think we should prohibit alcohol sports sponsorship in Scotland?
[Yes / No / Don't know]

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

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

Question 4: Do you think we should prohibit alcohol events sponsorship in Scotland?
[Yes / No / Don't know]

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

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

Question 7: If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these? [Yes / No / Don't know] How long might this be and how would it work?

Prohibiting alcohol sports sponsorship (Q1)

3.3 Question 1 asked respondents for their views on whether alcohol sports sponsorship should be prohibited in Scotland. Table 3.1 shows the following:

- Overall, around a fifth of respondents (21%) thought that alcohol sports sponsorship should be prohibited, while around three-quarters (77%) thought it should not. The remaining 2% selected 'don't know'.

- Levels of agreement with the proposition were similar for both organisations (24%) and individuals (20%). Levels of disagreement with the proposition were also similar for both organisations (73%) and individuals (77%).
- All public health and third sector organisations (100%) agreed that alcohol sports sponsorship should be prohibited. By contrast, almost all alcohol producers (92%), events and sporting organisations (95%), retail and hospitality organisations (89%) and advertising and media organisations (86%) disagreed with this approach. Half of other organisation types (50%) agreed with the approach, while 45% disagreed.

Table 3.1: Q1 – Do you think we should prohibit alcohol sports sponsorship in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	8	6%	121	92%	2	2%	131	100%
Events and sporting organisations	0	0%	62	95%	3	5%	65	100%
Retail and hospitality organisations	3	5%	51	89%	3	5%	57	100%
Public health and third sector organisations	64	100%	0	0%	0	0%	64	100%
Advertising and media organisations	1	5%	18	86%	2	10%	21	100%
Other organisation types	11	50%	10	45%	1	5%	22	100%
Total, organisations	87	24%	262	73%	11	3%	360	100%
Total, individuals	400	20%	1,509	77%	44	2%	1,953	100%
Total, all respondents	487	21%	1,771	77%	55	2%	2,313	100%

Percentages may not total 100% due to rounding.

3.4 In addition:

- 428 CAMRA 1 campaign respondents indicated that they did **not** support restrictions on alcohol sports sponsorship.
- 67 Publicans campaign respondents answered 'no' at Question 1.

Support for prohibiting alcohol sports sponsorship

3.5 All public health and third sector organisations, most academic organisations, and one in five individuals supported a ban on alcohol sports sponsorship. These respondents gave three main reasons for their views relating to: (i) the effectiveness of sports sponsorship as a form of alcohol marketing, (ii) the perceived contradiction of alcohol sponsorship in the context of healthy behaviours such as physical activity and sport, and (iii) the public support for prohibiting alcohol sports sponsorship. The points made by respondents regarding each of these are discussed briefly here.

Alcohol sports sponsorship is an effective form of marketing

3.6 Respondents who supported a ban on alcohol sports sponsorship noted the 'pervasive and widespread' nature of alcohol sports sponsorship in Scotland, and they

suggested that sponsorship, as a form of marketing, works by creating a 'positive, emotional relationship' between an alcohol brand and the supporters of a sports team.

3.7 This group cited evidence which (they said) shows that, among adolescents and young adults, (i) sports sponsorship is associated with increased awareness and more positive attitudes towards both the specific advertised alcohol brand and towards alcohol more generally, and (ii) self-reported awareness of alcohol marketing is associated with binge drinking and other forms of high-risk drinking. They also reported evidence that alcohol sports sponsorship has been associated with increased consumption among adults who participate in sport.

3.8 This group noted that the Portman Group's [Code of Practice on Alcohol Sponsorship](#) permits alcohol sponsorship of sports / teams where under-18s comprise less than 25% of the participants, audience or spectators,⁹ and that large numbers of children and young people might be exposed to alcohol marketing during such events. Moreover, where a sporting event is broadcast on television, it may reach an even larger audience of children and young people.

3.9 Some public health organisations commented that, in Scotland, large numbers of people attend weekly football matches, and are thus regularly exposed to alcohol marketing. Respondents identified three groups, in addition to children, who were likely to be most affected by alcohol sports sponsorship:

- **Men aged 45 and over** – This group makes up the majority of football fans in Scotland and is also the group most likely to experience alcohol-related harm.
- **People (including children and young people) in recovery from alcohol problems** – Attending sporting events and even watching sporting events on TV has been reported to act as a trigger for this vulnerable group.
- **Adolescents and young adults** – Respondents cited evidence to suggest that sports sponsorship may increase awareness of specific alcohol drinks and brands among adolescents and young adults. In addition, they reported that exposure to alcohol advertising and sponsorship has been associated in some research studies with earlier age of initiation of alcohol consumption in non-drinkers and more hazardous drinking in young people who are already drinkers.

The perceived contradiction of alcohol sports sponsorship

3.10 A second common theme in the responses from those who supported a ban on alcohol sports sponsorship is that the purpose of such sponsorship is to create an association between sport, health and wellbeing on the one hand, and alcohol on the other. In creating this association, the implication is that drinking alcohol is compatible with a healthy lifestyle.

3.11 Some respondents pointed out that participation in sport and physical activity offers protection from a range of conditions, including type 2 diabetes and some forms of cancer.

⁹ Portman Group (2014) [Code of Practice on Alcohol Sponsorship](#) (First edition), Section 3: Rules for Responsible Alcohol Sponsorship.

It also supports mental wellbeing. In contrast, they argued, alcohol use increases the risk of these conditions and contributes to poor mental health.

3.12 Respondents in this group argued that alcohol sports sponsorship is incompatible with messages about healthy lifestyles. These respondents thought that sport should not be used to promote the use of an 'addictive' and 'harmful' substance.

Public and sports sector support for prohibiting sports sponsorship

3.13 Public health and third sector organisations highlighted recent polls that have shown a greater proportion of the general public in Scotland are in favour of prohibiting alcohol sports sponsorship than are opposed. They also pointed to specific sports teams that have refused sponsorship from alcohol companies – suggesting that views on this issue are beginning to change among sporting groups. Some respondents noted that restrictions on alcohol sponsorship in sport have been implemented in some other European countries, including France, which has hosted high-profile international sporting events with sponsorship restrictions in place.

Opposition to prohibiting alcohol sports sponsorship

3.14 Most respondents (apart from public health and third sector organisations, academic organisations, and a minority of individuals) opposed a ban on alcohol sports sponsorship. These respondents gave four main reasons for their views relating to: (i) the lack of evidence that prohibiting alcohol sponsorship would affect alcohol consumption, (ii) the important role of alcohol sponsorship in supporting both elite or professional and grassroots sporting clubs, (iii) the effectiveness of existing self-regulation, and (iv) the potential for negative impacts on a key sector of the Scottish economy. The points made by respondents regarding each of these topics are discussed briefly here.

Lack of evidence on the effectiveness of prohibiting alcohol sports sponsorship

3.15 Respondents who opposed a ban on alcohol sports sponsorship pointed to evidence that alcohol consumption – particularly among children and young people – has been declining in recent years. Some in this group argued that the evidence suggests that there is an **inverse** relationship between the amount of money spent by the alcohol industry on advertising and sponsorship on the one hand, and certain types of alcohol-related harms (such as deaths, hospitalisations, and underage drinking) on the other.

3.16 This group also argued that studies which show that young people may see, and have an awareness of, alcohol advertising do not demonstrate that this awareness leads to increased alcohol consumption. These respondents made the point that children and young people's awareness of alcohol brands might come from numerous sources, including from their own homes – and not simply through exposure to advertising and sponsorship of sporting events. This group also cited studies from France which did not demonstrate a significant decline in alcohol consumption as a result of introducing legislation to prohibit alcohol sports sponsorship.

Importance of alcohol sponsorship in supporting sports clubs

3.17 A second common theme among those who opposed a ban on alcohol sports sponsorship was that such arrangements provide vital financial support to Scottish sports clubs – and particularly to grassroots clubs in remote and rural areas where alternative sources of sponsorship may not be readily available. Respondents making this point noted that such groups often rely on sponsorship from local distilleries, breweries and pubs for the funding of uniforms, improvements in facilities / equipment, transport to matches, etc.

3.18 Some respondents in this group suggested that the sponsorship of local sports teams is not always commercially driven (that is, the aim is not to recruit consumers); rather, it is part of a company's contribution to their local community.

3.19 Some also noted that financial support for aspiring young sports people is limited and would be further restricted without funding from the alcohol industry. Some clubs suggested that ticket prices and membership fees would also increase as a result of implementing a ban, thus creating a barrier to participation and attendance for people on lower incomes.

3.20 One additional point expressed by this group was that a 'blanket ban is not the answer' as a blanket ban does not take into account the difference in types of funding available to different sports and different types of sporting organisations.

The effectiveness of existing self-regulation

3.21 A third theme in the comments at Question 1 was that existing self-regulation of alcohol sponsorship in sport works well. Respondents who made this point highlighted the Portman Group's [Code of Practice on Alcohol Sponsorship](#), and the [Code on the Naming, Packaging and Promotion of Alcoholic Drinks](#) which both stipulate that young people under 18 and vulnerable people should not be targeted by alcohol marketing.

3.22 Some respondents also commented that, as part of existing sponsorship agreements in Scotland (and elsewhere in the UK), alcohol companies are required to ensure there is a visible commitment to promote responsible drinking (i.e. through prominently displayed responsible drinking messages), and to support diversionary / community activities.

Potential negative impacts on businesses of prohibiting alcohol sports sponsorship

3.23 Finally, those who opposed a ban on alcohol sports sponsorship highlighted the potential impacts of such a move on Scottish businesses. Those who raised this issue pointed out that alcohol was a significant Scottish export, and its production and sale was a major contributor to the Scottish economy. Concerns were voiced, in particular, about the effects on smaller and new alcohol producers who may rely on sports sponsorship to raise awareness of their brands and get a foothold in a competitive market.

3.24 It was also suggested that restrictions on sports sponsorship would have a particularly negative impact on the global reputation of Scotch Whisky. Those who made this point thought such restrictions would send a message to the world that the Scottish Government believes its own national drink is harmful, and that the public must be protected from it.

Other views on alcohol sports sponsorship

3.25 Respondents who answered 'don't know' at Question 1 generally expressed mixed views about the proposal to prohibit alcohol sports sponsorship. These respondents recognised the potential public health benefits of a ban but were also concerned about the possible unintended consequences for the funding of and participation in sport (particularly for small community clubs). This group also thought that, if alcohol sponsorship were withdrawn, other types of businesses linked to addictive and unhealthy behaviours – including gambling companies and fast-food chains – would step in to fill the gap.

Coverage of a prohibition on alcohol sports sponsorship (Q2)

3.26 Question 2 asked: if alcohol sports sponsorship were to be prohibited, what types of marketing should be covered by the prohibition? Examples given in the consultation paper included: (i) prohibiting the use of alcohol brands on clothing worn by players or staff, (ii) prohibiting alcohol being advertised on pitch side hoarding, pitches, trophies, tunnels or interview boards, (iii) prohibiting players or staff from featuring in alcohol adverts in print or online, and (iv) prohibiting online content from linking sports teams, players or competitions to an alcohol brand.

3.27 Respondents who **supported** a ban on alcohol sports sponsorship often suggested multiple types of marketing that they thought should be covered. In addition to the examples listed in the consultation paper, they also wanted to see a ban on:

- Sports logos / iconography on alcohol products
- Limited edition alcohol products featuring the names of teams
- The promotion of NoLo alcohol-branded products at sporting events
- Advertising inside and outside of stadiums
- The promotion of sponsors through hospitality events and the offer of free alcohol
- Partnership activity promoting brands through visits to breweries and distilleries
- The naming of stadiums and cups / leagues for alcohol sponsors
- Exclusive 'pourage rights'¹⁰
- 'Alibi' marketing.¹¹

3.28 Some respondents in this group specifically stated that any ban on alcohol sponsorship / marketing in sport should apply equally to professional and amateur sports.

3.29 Others offered more general suggestions – commenting that the [Tobacco Advertising and Promotion Act 2002](#) would provide a useful basis for designing a prohibition on alcohol sponsorship. This group noted that the 2002 Act does **not** attempt to provide an exhaustive

¹⁰ Pourage rights: the right to make available, sell, dispense and serve beverages during events and / or within a venue, which may or may not be to the exclusion of other beverage vendors, and to identify the holder of such a right as the "official" provider of such beverage at the venue.

¹¹ Alibi marketing: when features that are synonymous with a brand / product are used, without making explicit reference to that brand / product. An example given frequently by respondents was in relation to Guinness's 'Greatness' campaign where the phrase 'Greatness' was presented using the same fonts and colour scheme as the Guinness beer.

list of the types of sponsorship that are prohibited, which (in their view) would only create loopholes that would be exploited by the alcohol industry.

3.30 In the main, respondents who **opposed** a ban on alcohol sports sponsorship did not offer suggestions regarding the coverage of a ban. This group simply repeated their views that alcohol sponsorship of sport should not be restricted further than it already is. Some alcohol producers and sellers suggested that the Scottish Government should continue to work in partnership with the alcohol industry, regulators and others to ensure that alcohol sports sponsorship makes a positive contribution to changing Scotland's relationship with alcohol.

Exceptions to a prohibition on alcohol sports sponsorship (Q3)

3.31 Question 3 asked: what, if any, sporting activities or events should be excepted from a prohibition on alcohol sports sponsorship, and why?

3.32 In general, respondents who **supported** a ban on alcohol sponsorship in sport thought there should be **no** exceptions and those who **opposed** a ban on alcohol sports sponsorship thought **all** sporting activities / events should be excepted. The latter group usually repeated or referred back to the reasons they gave at Question 1 for opposing a ban (see paragraphs 3.14–3.25). These views are not discussed here again.

Support for a complete ban

3.33 Those who thought there should be **no** exceptions gave the following reasons for their views:

- A comprehensive and clear ban would be more effective in reducing exposure to alcohol marketing, and in providing clarity to the industry. It would also be easier to implement and enforce. Respondents wanted the Scottish Government to adopt the same model used to prohibit the marketing of tobacco products.
- A blanket ban would be fairer – if some sports and sporting events are able to benefit from alcohol sponsorship and others are not, it will lead to complaints.
- Exceptions would lead to loopholes; loopholes will be exploited by the alcohol industry and would lead to litigation.
- Sporting events intended for over-18s should **not** be excepted since, in all likelihood, some children and young people will attend or watch such events.
- There is no logical reason for introducing exceptions. The introduction of exceptions would undermine the purpose of introducing a prohibition in the first place.

Support for exceptions in some circumstances

3.34 Among respondents who **opposed** a ban on alcohol sports sponsorship, a recurring view was that, if a ban on sponsorship was to be introduced, this should **only** apply to sports involving children or young people as participants or as the primary audience – an arrangement which, they pointed out, was already in place. (Note, however, there was sometimes disagreement in this group about whether children and young people should be

defined as being under 16, under 18, or under 21.) Those who raised this issue thus thought that sports mainly involving adults as participants or as the primary audience should be exempt.

3.35 As noted above, respondents who **supported** a ban on alcohol sports sponsorship typically thought there should be no exceptions. However, very occasionally, this group offered suggestions about sports that they thought could be excepted, if exceptions were permitted. Respondents who **opposed** a ban on alcohol sports sponsorship also (very occasionally) made suggestions about additional exceptions if a ban were introduced. The suggestions made by these two groups overlapped to a large extent, and therefore their views are discussed together here.

3.36 The types of sports and games most commonly suggested as exceptions were:

- Sports / games that are played in pubs (including darts, snooker, and pool)
- Adult-only sports, or sports for which under-16s are not permitted entry (the examples given were boxing and horseracing)
- Events that involve drinking competitions (e.g. Drinkers World Cup)
- Sports / games that are not associated with alcohol-related anti-social behaviour (examples given were rugby, tennis, dressage, show jumping, chess)
- E-sports (described as a 'fledgling industry').

3.37 Occasionally, respondents also suggested that exceptions should be made for shinty (described as a 'niche sport') and outdoor pursuits such as sailing, shooting and fishing.

3.38 In addition, both those who favoured a ban on alcohol sports sponsorship, and those who did not, often suggested that exceptions should be made for small community / amateur teams and / or sub-premier league sports teams, as these teams are frequently supported by local distilleries, breweries or pubs and would not have easy access to alternative forms of sponsorship. At the same time, some respondents who opposed a ban on alcohol sports sponsorship also suggested that all major sports leagues and all professional sporting teams should also be exempt – on the basis that these sports attract global audiences to whom Scottish alcohol products can be marketed.

3.39 In terms of **sporting events**, various respondents suggested exceptions should be made in relation to:

- Any international or UK-wide sporting event or competition and / or events run by organisations from outside Scotland – for example, European football competitions, where foreign teams may have alcohol sponsors and wear branded shirts, and international golf tournaments that may be too expensive to organise without alcohol sponsorship
- Sporting events televised after the 'watershed'
- Corporate events, awards events, and hospitality in VIP areas involving food.

3.40 Finally, there was also a suggestion that there should be no ban on the use of alcohol (champagne, in particular) to celebrate success in sport.

Prohibition of alcohol events sponsorship (Q4)

3.41 Question 4 asked respondents for their views about whether alcohol sponsorship of **non-sporting events** (i.e. music and cultural events) should be prohibited. Table 3.2 shows the following:

- Overall, about a fifth of respondents (17%) thought alcohol events sponsorship should be prohibited in Scotland, while four-fifths (81%) thought it should not. The remaining 2% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (20%) and individuals (16%). Levels of disagreement with the proposition were also similar for both organisations (79%) and individuals (81%).
- Almost all public health and third sector organisations (95%) thought alcohol events sponsorship should be prohibited. By contrast, all events and sporting organisations and advertising and media organisations (100% in both cases), and almost all alcohol producers (99%) and retail and hospitality organisations (95%) disagreed. Around half of other organisation types (45%) agreed while half (55%) disagreed.

Table 3.2: Q4 – Do you think we should prohibit alcohol events sponsorship in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	1	1%	125	99%	0	0%	126	100%
Events and sporting organisations	0	0%	64	100%	0	0%	64	100%
Retail and hospitality organisations	2	3%	56	95%	1	2%	59	100%
Public health and third sector organisations	57	95%	1	2%	2	3%	60	100%
Advertising and media organisations	0	0%	20	100%	0	0%	20	100%
Other organisation types	10	45%	12	55%	0	0%	22	100%
Total, organisations	70	20%	278	79%	3	1%	351	100%
Total, individuals	318	16%	1,587	81%	46	2%	1,951	100%
Total, all respondents	388	17%	1,865	81%	49	2%	2,302	100%

Percentages may not total 100% due to rounding.

3.42 In addition:

- 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support restrictions on alcohol events sponsorship.
- 67 Publicans campaign respondents answered 'no' in response to Question 4.

3.43 It should be noted that there may have been some confusion in relation to these questions. Some respondents (mainly individuals, but also some organisations) appeared not to have understood the distinction being made in the consultation paper between Questions 1–3 (which asked about alcohol **sports** sponsorship) and Questions 4–6 (which asked about the sponsorship of **non-sporting** events). Thus, their comments at both sets of questions made reference to sports, athletes, sports teams, games, and sporting events.

Support for prohibiting alcohol events sponsorship

3.44 Most public health and third sector organisations, most academic organisations, and one in six individuals supported a prohibition on alcohol events sponsorship. This group generally gave reasons that were the same or similar to those they gave in support of banning alcohol sports sponsorship. They highlighted the pervasiveness of alcohol sponsorship at music and cultural events; and evidence of the effectiveness of alcohol sponsorship in (i) raising awareness of brands and (ii) encouraging more alcohol consumption – and at an earlier age – among children and young people.

3.45 Some in this group also suggested that there was evidence of public support for restrictions on alcohol events sponsorship – especially among the parents of young people.

3.46 The point made most often by this group was that alcohol sponsorship of music and cultural events implies that alcohol consumption is both normal and necessary for the enjoyment of entertainment, music, and social interaction. There was also a view that, by allowing the alcohol industry to continue funding music and cultural events through sponsorship arrangements, the idea is perpetuated that the alcohol industry ‘has a social conscience or is beneficent’.

3.47 Respondents called for public spaces at events – except those intended specifically for the sale and consumption of alcohol – to be free from alcohol marketing. This, they said, would help reduce the exposure to alcohol marketing among groups who are vulnerable to alcohol-related harms – including children and young people and people in recovery wishing to avoid alcohol triggers.

Opposition to prohibiting alcohol events sponsorship

3.48 Apart from public health and third sector organisations and academic organisations, most other organisations and four in five individuals opposed a ban on alcohol events sponsorship. These respondents gave a range of reasons for their views, with some referring back to points they made in opposing a ban on alcohol sports sponsorship. Within this group, organisers of large-scale arts and music events, those representing museums and galleries, organisations responsible for the care of heritage sites, and funders of the arts sector in Scotland often provided long and detailed accounts of why they were opposed.

3.49 The two main points made by these respondents related to (i) the lack of evidence to justify restrictions on alcohol sponsorship of non-sporting events and (ii) the significant impact that a ban on alcohol events sponsorship would have – both on the arts, music and heritage sectors, and on the Scottish economy more widely.

Lack of evidence to justify prohibiting alcohol sponsorship of non-sporting events

3.50 This group argued that the proposal to ban alcohol sponsorship of music and cultural events was not based on evidence, and they drew attention to the statement in the consultation paper that ‘the extent and impact of sponsorship of non-sporting events has not been researched’ (paragraph 6.20). They also pointed out that the consultation does not recognise the wide-ranging types of events currently sponsored by alcohol brands, nor the varied nature of events audiences. They emphasised that it cannot be assumed that **all** types of alcohol sponsorship of **all** types of events would have the **same** impact on alcohol consumption.

3.51 These respondents argued that in the absence of any evidence to justify such a restriction, it would be inappropriate to proceed, given the likelihood of significant negative consequences for the arts and heritage sectors in Scotland. Instead, they called on the Scottish Government to undertake the necessary research, and they cautioned against any assumption that evidence gathered in relation to alcohol sponsorship in sport would translate directly to (or mirror) the sponsorship of non-sporting events. In particular, they said that cultural events programmes can be differentiated in ways that sporting events cannot. Thus, alcohol sponsorship can be more targeted and tailored in relation to cultural events than it can be in relation to sporting events.

3.52 This group called for any research in this area to focus on (i) the visibility of alcohol advertising at non-sporting events, (ii) the demographic profile of audiences who attend such events, (iii) the value of alcohol sponsorship to the arts, music and heritage sectors, (iv) the likely impacts of a sponsorship ban on these sectors, on communities, and on the cultural landscape of Scotland more generally, and (v) the impact of advertising and sponsorship of non-sporting events on alcohol-related harms and drinking behaviour.

3.53 Respondents were also sceptical that there was public support for banning alcohol sponsorship of non-sporting events. They highlighted evidence that suggested that the general public were in favour of Scottish whisky, gin and beer producers being allowed to continue to sponsor culture and heritage events in Scotland.

Impacts on the arts, music and heritage sectors – and the wider economy

3.54 Respondents who opposed a ban on alcohol sponsorship of non-sporting events questioned whether such a ban was likely to have any measurable effect on alcohol use in Scotland. At the same time, they expressed concern that the Scottish Government had given no consideration to the likely significant impact that a ban would have on Scotland’s arts, music and heritage sectors.

3.55 This group repeatedly made the point that banning alcohol sponsorship would have a major impact on the arts and cultural life of Scotland. They noted that many events are already under severe financial pressure due to increased costs and customers having less disposable income. They pointed out that audiences had still not recovered to their pre-Covid levels. In addition, they said that many previous sponsorship arrangements (for example, with the financial services industry) have been recently scaled back because of increased costs for sponsors or changes in their commercial priorities. Respondents expressed concern that the Scottish Government now appeared to be seeking to further

restrict the sources of income available to the arts and music sectors without any offer of making up the shortfall.

3.56 One organiser of a major international arts festival said that alcohol sponsorship allowed them to fund extensive community-based outreach work and subsidy programmes. There was concern that withdrawal of such a significant source of funding would force arts and cultural events organisers to operate increasingly on a commercial model and decrease access to the arts, particularly for those on lower incomes or in areas of deprivation – thus undermining a range of Scottish Government commitments set out, for example, in the [Culture Strategy](#) and the [National Performance Framework](#).

3.57 The point was also made that countries like France, Ireland and Norway (cited in the consultation document as places where events sponsorship had been banned) have very different funding landscapes for the arts. Unlike in Scotland, all these countries provide generous state subsidies or other forms of public funding to the creative sector.

3.58 Respondents in this group repeatedly said that if alcohol sponsorship of arts, music and heritage events were banned, many events currently held in Scotland would no longer be viable. This would result in the closure of venues, significant loss of employment, and loss of opportunity for the next generation of Scottish artists and musicians.

3.59 They also noted that the arts and music festivals generate significant income for the Scottish tourism and hospitality sectors. If these events were no longer held, the impact would be felt widely across Scotland. Some events organisers said their sponsorship arrangements are largely with Scotland-based drinks companies – giving those brands an opportunity to showcase their products to visitors from across the UK and internationally.

Other views on alcohol events sponsorship

3.60 Respondents who answered ‘don’t know’ at Question 4 often highlighted reasons **for and against** prohibiting alcohol events sponsorship. While some in this group saw a need to address the over-consumption of alcohol, they also thought a blanket ban on sponsorship was not the best approach to take. Some argued for an approach that takes account of the nature and target audiences of events.

3.61 It should be noted that a small number of public health organisations answered ‘no’ or ‘don’t know’ in response to Question 4. One of these commented that ‘the link between sport and alcohol feels like an important one to break; it is perhaps less important for other areas, but clear guidance and the use of alternative sponsorship should be considered’. Two other respondents pointed out that it creates an ambiguity to ban alcohol sponsorship at events where alcohol is being served.

Coverage of a prohibition on alcohol events sponsorship (Q5)

3.62 Question 5 asked: if alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

3.63 Those who **opposed** a ban on events sponsorship gave two main responses at this question. These were (i) ‘None’ (that is, **no** types of marketing should be covered by a

prohibition) or (ii) 'I don't think (or agree) that alcohol events sponsorship should be prohibited'. In most cases, such responses were made without further comment. A third very common response among this group was simply to refer back to their response at Question 4, without further comment.

3.64 However, occasionally respondents in this group did offer suggestions. These largely focused on prohibiting any form of marketing that (i) is targeted at events intended primarily for children, young people and families, (ii) glamorises or encourages over-indulgence, or (iii) promotes 'free' or 'cheap drinks' – all of which, they said, are currently banned by existing codes of practice. Occasionally, respondents in this group suggested a ban on alcohol marketing that involves celebrity endorsements, giving away free branded merchandise or follow-up marketing, and / or the naming of events for alcoholic drinks.

3.65 In contrast, most respondents who **supported** a ban on alcohol events sponsorship wanted **all** types of marketing to be covered. This, they said, would include festivals, concerts and cultural events, and community festivals and events. This group suggested, once again, that the Tobacco Advertising and Promotion Act 2002 could provide a useful model for such restrictions.

3.66 Some respondents in this group made more specific suggestions. These respondents thought that a ban on alcohol events sponsorship should cover:

- Alcohol-branded logos worn by staff
- Banners, branded event merchandise or hand-outs of alcoholic products, and the use of images associated with alcoholic products to promote non-alcoholic products
- Advertising of alcohol inside and outside venues where events are taking place
- All online, broadcast, print, and social media promotional activity relating to the event, including ticketing
- Product endorsements by event staff or anyone providing entertainment
- In-person and virtual events.

3.67 There were suggestions that the definition of 'event' should be clear to avoid ambiguity or loopholes.

Exceptions to prohibiting alcohol events sponsorship (Q6)

3.68 Question 6 asked respondents for their views about what, if any, events should be excepted from a prohibition on alcohol events sponsorship, and why. The most common view among those who **opposed** a prohibition on alcohol events sponsorship was that 'there should be no ban' or 'alcohol sponsorship of events in Scotland should not be prohibited' – with no further comment.

3.69 However, some respondents in this group did make suggestions about events that should be excepted from any future prohibition on alcohol events sponsorship, if it is introduced. Among this group, the recurring view was that all events targeted primarily at adults (over-18s was the usual interpretation) should be exempt from a ban, and only events targeted primarily at children and young people (as audience or participants) should

be subject to a ban. Respondents in this group also often suggested that, if a ban were introduced, local community or charity events (including Highland Games) should be excepted.

3.70 Other relatively frequent suggestions included:

- Food and drink festivals and exhibitions (including beer / ale / gin / whisky / cocktail festivals)
- Charity fundraisers
- Hotel and bar promotional events
- All cultural events (including events held in galleries and museums)
- Regional events / festivals
- Music and arts festivals.

3.71 Finally, a few respondents in this group thought certain types of alcohol sponsors should be exempt from any ban – in particular, small craft breweries and distilleries.

3.72 Among respondents who **supported** a ban on alcohol events sponsorship, the most common view was that there should be **no** exceptions since ‘consistent, comprehensive, and clear bans are more effective and easier to implement and enforce than partial or unclear ones’.

3.73 However, a few individuals and organisations in this group suggested possible exceptions – if exceptions were to be permitted – and there was some overlap between these suggestions and those made above by respondents who opposed a ban on alcohol events sponsorship. These included:

- Events targeted at adults / people over 18 (including live, broadcast or online events)
- Locally organised events
- Food and drinks festivals (e.g. beer / gin / whisky festivals, etc.) or any promotion or event run by a brewer, or other company promoting their own brand
- Cultural events with small venue-based settings (e.g. Celtic Connections, the Fringe)
- Cultural events that attract a mainly tourist audience (e.g. Edinburgh Military Tattoo)
- National or international events showcasing Scotland’s brewing or distilling heritage.

3.74 Some public health and third sector organisations also suggested that alcohol marketing could take place at clearly defined bar / alcohol sections at events – where the bar is separated from general public view and marketing is only visible to those intending to purchase alcohol.

3.75 Finally, within this group, it was noted that some other countries permit exemptions to statutory events sponsorship restrictions. In Ireland, for example, sponsorship restrictions apply only to events that are aimed at children (as participants or audience), or events which involve driving or motor racing. It was suggested that this could be a model for Scotland to follow if there is not support for a full ban on alcohol events sponsorship.

The option of a lead-in period (Q7)

3.76 The consultation paper recognised that banning alcohol sponsorship of sporting and non-sporting events could present challenges for organisations with current sponsorship agreements in place. It also recognised that sponsorship arrangements, by their very nature, often run over a number of years. Thus, Question 7 asked for views on whether there should be a lead-in time if restrictions on alcohol sponsorship of sporting and non-sporting events were introduced.

3.77 Table 3.3 shows the following:

- Overall, around two-thirds of respondents (62%) thought that there should be a lead-in time if alcohol sponsorship restrictions are introduced in Scotland, while a quarter (24%) thought there should not. The remaining 13% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (61%) and individuals (63%). Levels of disagreement with the proposition were also similar for both organisations (28%) and individuals (24%).
- Among organisations, levels of agreement were highest among public health and third sector organisations (95%), events and sporting organisations (74%), and other organisation types (60%). Levels of agreement were lower among retail and hospitality organisations (42%), and advertising and media organisations (36%); a relatively high proportion of this final group (43%) selected 'don't know'.

Table 3.3: Q7 – If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	40	43%	40	43%	13	14%	93	100%
Events and sporting organisations	35	74%	6	13%	6	13%	47	100%
Retail and hospitality organisations	18	42%	23	53%	2	5%	43	100%
Public health and third sector organisations	59	95%	1	2%	2	3%	62	100%
Advertising and media organisations	5	36%	3	21%	6	43%	14	100%
Other organisation types	9	60%	4	27%	2	13%	15	100%
Total, organisations	166	61%	77	28%	31	11%	274	100%
Total, individuals	1,072	63%	410	24%	233	14%	1,715	100%
Total, all respondents	1,238	62%	487	24%	264	13%	1,989	100%

Percentages may not total 100% due to rounding.

3.78 Respondents' comments at Question 7 indicated that those who **opposed** a prohibition on alcohol sponsorship of sporting and / or non-sporting events found this tick-box question difficult to answer. This group frequently described this question as 'leading' or 'biased', or said 'the wording of this question pre-supposes the introduction of sponsorship restrictions' – which they did not agree with. Some in this group answered 'yes' on the basis

that if a ban on sponsorship were introduced, it should have a long lead-in time; however, these respondents were concerned that their response would be (incorrectly) interpreted as implying support for a prohibition on alcohol sponsorship. Because of this, others in this group refused to answer the tick-box at Question 7 at all, and still others opted to say 'don't know' instead.¹² Respondents who **supported** a ban on alcohol sponsorship did not have the same difficulties with this question. This point needs to be taken into consideration when interpreting the findings shown in Table 3.3 above.

3.79 Because of the difficulties some respondents had with this question, the analysis of the comments at Question 7 is **not** presented in terms of 'support for' or 'opposition to' a lead-in time. Instead, the comments are discussed as 'views on lead-in times among those supporting a prohibition on sponsorship' and 'views on lead-in times among those opposing a prohibition on sponsorship'.

Views on lead-in times among those supporting a prohibition on sponsorship

3.80 Respondents who **supported** a ban on alcohol sponsorship acknowledged the importance of a lead-in time to avoid the potential legal and financial consequences of organisations having to withdraw from existing sponsorship contracts. In general, however, this group favoured a short lead-in time often suggesting that it should be 'as short as feasible'. Among organisations, specific suggested lead-in times ranged from 6 months to 3 years, with the most common view being that '2 to 3 years' would be a suitable timescale. Individuals proposed similar lead-in times.

3.81 Note that one public health organisation that supported a ban on alcohol sponsorship answered 'no' at Question 7. This organisation wanted no lead-in time for sponsorship restrictions, arguing that this was in line with a children's rights approach.

Views on lead-in times among those opposing a prohibition on sponsorship

3.82 As noted above (see paragraph 3.78), those who opposed a ban on alcohol sponsorship answered this question in a variety of ways. Regardless of how these respondents replied to the tick-box question, they all essentially expressed the same views in their comments – often stating explicitly that they did not support a ban on alcohol sponsorship. In many cases, this type of comment was the only view expressed.

3.83 Less often, respondents in this group went on to discuss the importance of a lead-in time and to offer a suggestion about how long this should be. Some did not suggest a specific lead-in time but said that existing sponsorship arrangements should be able to be honoured in full. A recurring view among this group was that a long lead-in period would give sporting and music / cultural organisations time to seek alternative sources of revenue and would give the alcohol industry time to adjust and plan for the changes.

3.84 Among organisations that proposed a specific lead-in time, the most common view was that 5 to 10 years would be appropriate, although some suggested much longer

¹² Note that 166 respondents made comments at Question 7 without first answering the tick-box question whereas fewer than 5 respondents made comments at either Question 1 or Question 4 without having first answered the closed questions. Similarly, just 2% of respondents overall answered 'don't know' in response to Question 1 or Question 4, compared to 13% overall at Question 7.

periods. Occasionally, individuals in this group suggested lead-in times ranging from 1 year to 25 years. However, individuals were more likely to propose lead-in times involving hundreds, thousands or even millions of years – thus essentially reiterating their opposition to a ban on alcohol sponsorship. Other individuals made more general statements saying, simply, ‘as long as possible’.

3.85 Both organisations and individuals in this group often said that, if sporting groups and events organisations were unable to find alternative sponsorship, the Scottish Government should make up any shortfall.

4 Outdoor marketing (Q8–Q10)

4.1 Section 7 of the consultation paper considered a potential prohibition on alcohol marketing outdoors, in public spaces and on vehicles. It described the range of different settings for outdoor marketing and cited research evidence on the exposure of children and young people to such marketing. It noted that the current self-regulatory codes do not limit outdoor marketing other than in relation to specific locations relevant to children and young people such as schools. It went on to outline the approach taken to restricting outdoor marketing in other countries and suggested that this type of action could be an option for Scotland to reduce the exposure and impact on both adults and children and young people.

4.2 The consultation asked three questions on this issue, seeking views on (i) a prohibition on outdoor marketing, (ii) the coverage of any such prohibition and (iii) any types of marketing that should be excepted, should such a prohibition be introduced.

Question 8: Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland? [Yes / No / Don't Know]

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

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? Why?

Prohibiting outdoor marketing (Q8)

4.3 Question 8 asked for views on whether outdoor alcohol marketing should be prohibited in Scotland. Table 4.1 shows the following:

- Overall, around a fifth of respondents (22%) thought that alcohol marketing outdoors should be prohibited in Scotland, while three-quarters (75%) thought it should not. The remaining 3% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (24%) and individuals (21%). Levels of disagreement with the proposition were also similar for both organisations (74%) and individuals (76%).
- All public health and third sector organisations (100%) agreed that alcohol marketing outdoors should be prohibited. By contrast, almost all alcohol producers (95%) and retail and hospitality organisations (97%) disagreed with this approach. Most events and sporting organisations (89%) and advertising and media organisations (89%) also disagreed. Among other organisation types, 43% agreed and 52% disagreed.

Table 4.1: Q8 – Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	3	2%	123	95%	3	2%	129	100%
Events and sporting organisations	2	6%	32	89%	2	6%	36	100%
Retail and hospitality organisations	2	3%	59	97%	0	0%	61	100%
Public health and third sector organisations	62	100%	0	0%	0	0%	62	100%
Advertising and media organisations	1	6%	16	89%	1	6%	18	100%
Other organisation types	10	43%	12	52%	1	4%	23	100%
Total, organisations	80	24%	242	74%	7	2%	329	100%
Total, individuals	408	21%	1,456	76%	62	3%	1,926	100%
Total, all respondents	488	22%	1,698	75%	69	3%	2,255	100%

Percentages may not total 100% due to rounding.

4.4 In addition:

- 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support restrictions on alcohol marketing outdoors.
- 67 Publicans campaign respondents answered 'no' in response to Question 8.

4.5 Two further follow-up open questions asked respondents for views on how a prohibition on outdoor alcohol marketing might operate. Question 9 asked respondents what types of marketing should be covered if outdoor marketing were to be prohibited, while Question 10 asked for views on any exceptions from such a prohibition.

Support for prohibiting outdoor marketing

4.6 Respondents in favour of prohibiting outdoor marketing included all public health and third sector organisations, some respondents in the 'other organisation types' category (mainly academic and licensing and regulatory bodies), and one in five individuals. Respondents in this group offered a broadly consistent set of reasons for their views. They noted:

- The constantly visible, highly pervasive and indiscriminate nature of outdoor marketing, its massive audience, and the fact that those exposed to it – including children and young people and those at risk of or recovering from harmful drinking – had no choice in the matter. Children and young people in particular were noted as disproportionately high users of public transport and other public spaces where marketing is displayed. Responses often contained views and testimony from children and young people and those in recovery about their experiences of being exposed to outdoor alcohol marketing and the effect this had on their lives.

- The significant expenditure committed to outdoor marketing by alcohol producers and the thought given to placing adverts in order to achieve maximum exposure.

4.7 It was also common for organisational respondents in this group to cite research studies which they said showed (i) high levels of awareness and recall of outdoor advertising among young people, (ii) links between exposure to outdoor marketing near schools and young people's intention to use alcohol, and (iii) the impact of outdoor marketing on those with experience of alcohol harm.

4.8 Thus, respondents argued that a ban of this kind would have a major impact on reducing exposure to alcohol marketing among children and young people, and among those at risk of or recovering from harmful drinking. It would also help to 'de-normalise' alcohol use in society. It was suggested that a ban of this type could be more effective than other measures such as banning events and sports sponsorship.

4.9 Some respondents also argued that the constant exposure to outdoor marketing (something which people generally could not choose to avoid) undermined people's right to health and wellbeing. As such, they said that outdoor marketing should be prohibited 'on human rights grounds'.

4.10 Respondents in this group also said the following:

- Current codes on the placement of outdoor marketing disallowing the advertising of alcohol to audiences comprised of more than 25% children and young people did not adequately protect children and young people.
- Other countries including Ireland, Estonia, Lithuania, Sweden, and Australia had introduced restrictions on outdoor marketing of alcohol.
- There was public support for introducing restrictions of the type proposed, as well as support among children and young people, and among those in recovery from alcohol harm.
- Prohibiting outdoor marketing would be in line with the recommendations of the [Alcohol Marketing Expert Network](#).
- The Scottish Government has the power to act in this area and should therefore do so.

Support for limited restrictions

4.11 It was common for respondents who expressed support for prohibiting outdoor marketing to say this should be a 'comprehensive' ban. However, comments from other respondents – including a small number of respondents from the alcohol producer, advertising / media, and sports and events sectors and individuals who ticked 'yes' at Question 8 – indicated varying degrees of support for restrictions of a more limited form. For example, they suggested these might focus on the targeting of children, the use of specific locations, or the advertising of specific drinks. These views are discussed further at paragraphs 4.30–4.35.

Opposition to prohibiting outdoor marketing

4.12 Those opposed to prohibiting outdoor marketing included organisational respondents of all types (apart from those in the public health and third sector category) and a large majority of individuals. These respondents often described the proposals as ‘extreme’ or ‘disproportionate’. They made the following main points in explaining their views:

- They did not believe the available evidence showed (i) a link between outdoor marketing and harmful drinking, or (ii) any clear benefits of restrictions on outdoor marketing, and did not think the Scottish Government had presented a strong or conclusive case for a ban in this area.
- They believed the current regulations and restrictions (via self-regulatory codes and guidelines and the licensing system) were proportionate and effective and that advertising agencies and other businesses generally act responsibly in planning and designing marketing campaigns. In particular, they pointed out that licensing laws already prohibit advertising within 200m of premises selling alcohol, and that codes already regulate against advertising in areas frequented by children (schools, leisure centres, etc.). Respondents said that changes in outdoor marketing could be achieved via local planning and licensing systems, and by working to strengthen existing regulatory codes. Some indicated a willingness to work with the government to address any concerns, and to strengthen and improve the current arrangements.
- They highlighted the disproportionate impact a ban on outdoor marketing would have on small independent alcohol producers – who would be unable to advertise their products or to use their own assets (vehicles and buildings) to do so.

4.13 Individuals disputed that advertising encourages consumption or harmful drinking behaviours in general, and often offered their own experience as evidence in this regard. Responses from this group also focused on the negative impacts restrictions on outdoor marketing would have for their (own) business.

4.14 Finally, those from the media and advertising sector in particular made a number of additional points. They (i) queried how effective a ban on outdoor advertising could be when this form of marketing accounted for a very small proportion of advertising spend, (ii) suggested that such a ban would simply shift the advertising spend to other channels, and (iii) said that a ban would mean a potential drop in billboard rent and rates for local authorities. (Note, also, that one advertising / media organisation said that prohibiting outdoor marketing, as the least targeted form of marketing, would be acceptable.)

Concerns about the implementation of a ban on outdoor marketing

4.15 Many of the more detailed comments from respondents focused on functional, incidental or temporary marketing or signage, including that with a limited local audience. For example, respondents expressed concerns about or sought clarity on the implications of any prohibition of outdoor marketing for:

- External signage at or near pubs, hospitality venues, shops and production sites
- External signage at or near distilleries and drinks-related visitor centres
- Indoor settings visible from outdoors

- Branded items (umbrellas, perimeter barriers, etc.) in outdoor hospitality areas (this issue was raised by some licensing and regulatory bodies)
- The use of brand names within the names of hospitality and other venues
- Signage and advertising for outdoor events and festivals, including farmers' markets, and beer and drinks festivals – which might include brand names
- Signs directing people to alcohol-related venues and attractions.

4.16 There was a general view that it would be difficult to define the limits of what was classed as outdoor marketing. Some called for clarity on this.

4.17 Respondents repeatedly highlighted the cost to businesses of removing or changing outdoor signage, or replacing branded items such as outdoor barriers and umbrellas if they were included in a ban.

4.18 They also emphasised the importance of this type of outdoor marketing for the success of businesses, attractions and events. This was seen as particularly crucial for drawing in visitors and building a customer base in more rural areas where a local alcohol producer might be a major employer and a key factor in attracting visitors. It was further suggested that any requirement to remove such signage would lead to a loss of character on local high streets and town centres.

4.19 There was also some discussion about the use of liveried vehicles. In addition to raising issues related to costs and the impact on their ability to promote their business, respondents also raised practical issues, related to cross-border travel. They queried how any ban would apply to vehicles travelling between Scotland and other parts of the UK, and the effect this would have on competition between Scottish and non-Scottish brands.

Support for limited restrictions

4.20 In a few cases respondents who were broadly opposed to prohibiting outdoor marketing indicated areas where they thought further restrictions might be applied if a ban were introduced. These points are covered at paragraph 4.30–4.35. In particular, respondents expressed support for putting some aspects of the current arrangements, particularly those relating to the targeting of children, on a statutory footing.

Coverage and exceptions (Q9 and Q10)

4.21 Questions 9 and 10 sought views on the coverage of and exemption to a prohibition on outdoor marketing. There was a great deal of overlap in the comments made at these two questions and so the views expressed are reported together in this section.

4.22 Those commenting at these questions included those who indicated support for a ban at Question 8 and those who indicated opposition. However, it should be noted that most respondents who opposed a ban on outdoor marketing did not engage with the detail of the questions. Instead, they repeated their opposition to a ban and their reasons for this position, emphasising in particular that current self-regulatory arrangements are adequate. Some said the questions were leading as they assumed support for a ban. The views of this group are covered in the section above and are not discussed further here.

4.23 Among those who did engage with the questions, respondents either (i) (re)stated their support for a ‘comprehensive’ ban on outdoor marketing and explained what they thought such a ban should entail, or (ii) offered suggestions for a wide variety of more limited or targeted bans on outdoor marketing. Both of these positions are discussed below.

Support for a comprehensive ban on outdoor marketing

4.24 As indicated above, those in favour of banning outdoor marketing generally sought a comprehensive ban covering all marketing in all public spaces and all places visible from public spaces (e.g. advertising sited on private property, such as on the side of a brewery or in a beer garden, that is visible to passers-by on the public road). There was a view that ‘legislation that designates all outdoor and public spaces as alcohol-marketing-free spaces will be more effective than listing specific instances where alcohol marketing should be banned’. As such, these respondents did not wish to see any exemptions.

4.25 Respondents in this group rejected the idea of a ban based on places associated with children and young people as impractical and inadequate in reducing exposure, given that children’s lives were not restricted to such places.

4.26 Some who said they favoured a comprehensive ban nevertheless commented on what they thought a ban should cover. In terms of **location**, respondents mentioned the following, largely repeating the examples given in the consultation paper of where outdoor marketing may be displayed:

- Bus stops / train stations, vehicles – including trains, buses and taxis (inside and out)
- Community / leisure centres, sport centres and grounds, parks, libraries and museums
- Public service premises such as NHS / council properties
- Shopping centres and precincts
- Roadside and motorway areas
- Licensed premises (outdoor areas in pubs, hotels and restaurants) including exteriors of breweries and alcohol production facilities.

4.27 Respondents mentioned billboards and signage (electronic and non-electronic), as well as branded merchandise and clothing as **types of marketing** that should be covered by a ban.

4.28 In terms of **products**, some emphasised the importance of including no and low alcohol (NoLo) drinks in the ban. They cited the experience of Ireland where adverts for alcoholic brands had been replaced by adverts for NoLo products with the same branding following the introduction of Ireland’s Public Health (Alcohol) Act 2018. (See also the views expressed in relation to NoLo products in Chapter 6.)

4.29 In terms of **content**, respondents suggested a ban should cover references to alcohol producers, retailers or suppliers, brands and industry bodies; as well as the use of logos, fonts, colours, words or catch phrases or images characteristically associated with an alcohol brand or alcohol consumption.

Support for a more limited or targeted ban on outdoor marketing

4.30 Some respondents expressed support for a more limited or targeted approach. These respondents included both those who supported and those who opposed a ban on outdoor marketing at Question 8. Among this group, some (organisations in particular) restated their opposition to a prohibition on outdoor marketing but set out their views on coverage and exceptions should a ban be introduced.

4.31 Most commonly, respondents in this group called for a ban to be designed to limit exposure among and appeal to children and young people and, in some cases, other vulnerable groups.

4.32 Respondents mainly discussed this in terms of **location** and called for the coverage of any ban to be targeted at spaces associated with children and young people – schools, playgrounds, early years premises, youth sport and leisure centres. Some specified that the ban should apply within 100m or 200m of such spaces. It was noted that the current self-regulatory codes already covered spaces of this type. Other locations mentioned less often included (i) travel and transport related spaces such as buses, trains, bus shelters, taxis, pedestrian paths, and (ii) public service and health service-related premises such as government buildings, hospitals and rehab centres. Some respondents expressed a similar view in terms of exceptions, stating that any areas with mainly adult footfall or not geared to children should be exempt from a ban.

4.33 Occasionally, respondents in this group discussed the **type of marketing** or the **type of products** that might be covered by a ban. For example, they called for it to be limited to billboards and other graphic or large-scale advertising, with functional signage and commercial vehicles excluded from the ban (see paragraph 4.15 for examples of the types of signage mentioned in this context), or for it to be targeted at alco-pops or other drinks which could appeal to children and young people.

4.34 Additionally, respondents put forward a very wide range of comments (often brief in nature) on coverage and exemptions. These comments (mainly from individuals but also from some organisations) often called for the inclusion or exclusion of specific locations or forms of marketing. However, they generally aligned with one or more of the overall views that (i) exposure among and appeal to children and young people and other vulnerable groups should be limited, (ii) functional signage and commercial vehicles should be exempt, (iii) restrictions should differentiate between small local businesses and other businesses, and (iv) locations and premises specifically linked to the alcohol trade (for example, a distillery, brewery, or pub) should be exempt.

4.35 Finally, there were calls for specific exemptions for (i) airports and ferry terminals, given their very specific markets and largely non-domestic adult customer bases, and (ii) NoLo products.

5 In-store alcohol marketing (Q11–Q13)

5.1 Section 8 of the consultation paper covered in-store marketing of alcohol. The selling of alcohol in shops in Scotland is currently regulated through the [licensing system](#). Any shop wishing to sell alcohol must have a licence, issued by the local licensing board, which places restrictions on the way alcohol is displayed and promoted. In particular, it requires alcohol to be displayed for sale in a single area in a shop, which is agreed as part of the licence conditions for individual premises. However, these arrangements still allow the promotion of alcohol in shops via placement – including through the use of end-of-aisle or window displays. The consultation paper presented evidence that demonstrates (i) a high level of awareness of alcohol advertising in shops among children and young people and (ii) the impacts of in-store marketing on people in recovery. The consultation paper put forward possible measures that might reduce the visibility of alcohol in shops. These included restrictions on how and where alcohol can be displayed and promoted in shops, as well as the introduction of ‘structural separation’. Three questions sought views on these options.

Question 11: Do you think that we should further restrict the visibility of alcohol in retail environments? [Yes / No / Don't know]

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)? [Yes / No / Don't Know]

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

Visibility in retail environments (Q11)

5.2 Question 11 asked respondents if they thought that steps should be taken to reduce the visibility of alcohol in shops. It was noted that this might include restricting window displays, restricting the use of mixed alcohol and non-alcohol aisles, prohibiting aisle-end displays, redefining alcohol display areas, and / or covering alcohol displays behind till areas.

5.3 Table 5.1 shows the following:

- Overall, a fifth of respondents (22%) thought that the visibility of alcohol should be further restricted in retail environments, while three-quarters (76%) thought it should not. The remaining 3% selected ‘don't know’.
- Organisations (27%) were somewhat more likely than individuals (21%) to support steps being taken to reduce the visibility of alcohol in shops. By contrast, individuals (77%) were more likely than organisations (70%) to oppose such measures.
- All public health and third sector organisations (100%) thought that the visibility of alcohol should be further restricted in retail environments. By contrast, almost all alcohol producers (97%) and retail and hospitality organisations (95%) disagreed with this approach. Most events and sporting organisations (73%) and advertising

and media organisations (69%) also disagreed. Around half of other organisation types (48%) agreed, and around half (52%) disagreed.

Table 5.1: Q11 – Do you think that we should further restrict the visibility of alcohol in retail environments?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	2	2%	125	97%	2	2%	129	100%
Events and sporting organisations	1	4%	19	73%	6	23%	26	100%
Retail and hospitality organisations	3	5%	52	95%	0	0%	55	100%
Public health and third sector organisations	64	100%	0	0%	0	0%	64	100%
Advertising and media organisations	3	23%	9	69%	1	8%	13	100%
Other organisation types	12	48%	13	52%	0	0%	25	100%
Total, organisations	85	27%	218	70%	9	3%	312	100%
Total, individuals	392	21%	1,456	77%	53	3%	1,901	100%
Total, all respondents	477	22%	1,674	76%	62	3%	2,213	100%

Percentages may not total 100% due to rounding.

5.4 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support further restrictions on the visibility of alcohol in retail environments.

Support for restricting the visibility of alcohol in retail environments

5.5 There was a great deal of commonality in the points made by most respondents – public health and third sector organisations, but also small numbers of respondents from the ‘other organisation types’ category and one in five individuals – who favoured restricting the visibility of alcohol. The following main views were expressed:

- The in-store environment provides an important setting for product marketing and promotion. Respondents cited research studies that show a link between in-store marketing and purchases, including impulse purchases, and consumption.
- The current high visibility of alcohol and alcohol marketing in shops has the effect of normalising purchase and consumption. It also means that vulnerable groups, including children and young people and those at risk of harmful drinking, are exposed to high levels of marketing when shopping.
- Action to reduce the visibility of other harmful products including tobacco and foods that are high in fat, sugar and salt (HFSS foods) has shown that such measures can have a positive impact on consumer behaviour.
- There is public support for change in this area. Respondents cited recent survey findings from Scotland and the UK for this. They also cited work with children and young people, and those recovering from alcohol harm which explored the impact of alcohol visibility in shops on these vulnerable groups.

- Other countries – including Ireland, Canada, Finland and Sweden – already have various arrangements in place that limit the visibility of alcohol in general retail environments, and Scotland should follow suit.

5.6 Broadly speaking, respondents in this group favoured an approach which ensured that alcohol products and alcohol marketing were seen only by those who came into a shop with the intention of purchasing alcohol. Organisational respondents said this approach was in line with the recommendations of the [Alcohol Marketing Expert Network](#). Respondents argued that this would reduce exposure and brand awareness among vulnerable groups as well as among the general population. Some also said this could have a positive impact on health inequalities, given the high density of shops selling alcohol in disadvantaged areas.

5.7 There was, thus, widespread support among this group for restrictions on (or the banning of) window, aisle-end and check-out displays of alcohol, the use of mixed aisles and any form of in-store marketing, including within alcohol areas. There were also calls for alcohol to be located away from other food or essential products – for example, at the back of shops – or away from areas used for queuing for checkouts, and for products to be covered during non-sale hours. Respondents also expressed support for covered behind-the-counter storage – individuals in particular argued that alcohol should be treated like tobacco in this respect – and for structural separation (this latter option is discussed in relation to Questions 12 and 13).

5.8 Respondents who were generally in favour of reducing the visibility of alcohol in retail environments made a number of additional common points, arguing that:

- Any measures introduced should apply to NoLo products as well as alcohol products. This would prevent ‘alibi marketing’ whereby drinks companies can promote alcohol brands via non-alcohol and low-alcohol products using the same or recognisable elements of a well-known alcohol brand. However, there was also an alternative view that NoLo products should NOT be covered by any restrictions to ensure they were easily accessible as an alternative to alcohol. (See Chapter 6 for further discussion of marketing restrictions of NoLo products.)
- This was an area in which the Scottish Government had the necessary devolved powers to act. Respondents further pointed out that the Scottish Government had already used its powers to reduce the visibility of tobacco products in retail environments by requiring them to be stored behind the counter, hidden from view, and is planning on taking action on the in-store promotion of high fat, sugar and salt products.¹³

5.9 Respondents expressing more limited support for restricting the visibility of alcohol included a small number of organisational respondents from the advertising, alcohol producer, sports and events and retail and hospitality sectors as well as individuals. These respondents offered a mix of views, including, for example:

¹³ Note that in May 2023 the Scottish Government announced in a [statement to the Scottish Parliament](#) the intention to carry out further consultation on regulations to restrict the promotion of high fat, sugar and salt products.

- Support for some restrictions (e.g. window and aisle-end displays, and mixed aisles) with a view to reducing visibility among children and young people in particular, but opposition to other measures such as behind the till covered storage and structural separation measures (as discussed at Questions 12 and 13 below).
- Support for restrictions, but with measures tailored to particular retail settings – respondents offering this view often said that the restrictions should apply differently to small shops and large shops / supermarkets.

5.10 Some expressed support for placing current voluntary arrangements on a statutory footing or called for any restrictions to be developed in collaboration with the retail sector.

Opposition to restrictions on the visibility of alcohol in retail environments

5.11 Those opposed to further restrictions on the visibility of alcohol in retail settings included organisations of all types, apart from public health and third sector organisations, as well as most individuals. Again, there was a great deal of consistency in the views expressed. Overall, there was a widespread view amongst this group of respondents that restrictions of the type proposed were disproportionate to the scale of the issue, unjustified by the evidence, and would impact unfairly on the vast majority of adults who drank responsibly and should be free to purchase a legitimate and legal product. Respondents generally made one or more of the following points in explaining their views:

- The aim of alcohol marketing – including in-store marketing – is to influence brand choice rather than to increase purchases and consumption. It was particularly important to new brands and small local brands. Restrictions on in-store marketing would have a disproportionate impact on small and local alcohol producers and new products and, correspondingly, would favour big established brands, and would ultimately reduce choice for consumers.
- The measures would be difficult and costly to implement, and the administrative and financial burden of doing so would fall on retailers at a difficult time following the COVID pandemic, the ongoing cost-of-living crisis, and the challenges of responding to other Scottish Government policies such as minimum unit pricing for alcohol and the introduction of a proposed deposit return scheme for drinks containers.¹⁴ Some were also concerned that the measures would result in a reduction in income from alcohol sales which would be damaging for businesses.
- The measures under consideration would have a disproportionate effect on smaller or more specialist retailers with less scope to implement the proposed measures, or to absorb any associated direct or indirect costs. Some businesses may become unviable, while others would have to pass costs on to customers. Any resulting shift of alcohol purchasing to supermarkets would reduce consumer choice and likely lead to an increase in low-cost high-volume alcohol sales.
- The Scottish Government had not provided convincing evidence for the proposals, and how they would bring about any change in behaviour regarding alcohol purchasing and consumption. In relation to young people, in particular, respondents

¹⁴ The introduction of the proposed deposit return scheme has been delayed until October 2025, at the earliest. See the [Scottish Government website](#).

cited evidence (research evidence and anecdotal evidence) that this group of consumers was far more likely to be given alcohol by family and friends in the home than to purchase it in a shop, and more likely to be influenced in their drinking behaviour by parents and peers than industry marketing. Respondents were also critical of (i) a perceived lack of evaluation of current arrangements and regulations, and (ii) the lack of a detailed cost-benefit analysis for the proposals, given the significant impact they would have on retailers and others linked to the drinks industry.

- Existing arrangements were sufficient. The sale and promotion of alcohol in retail environments was already highly and effectively regulated via local licensing boards, legislation and voluntary codes. Additionally, the advertising, alcohol and retail sectors were already operating responsibly and working positively, on a voluntary basis, to tackle problem and under-age drinking. Respondents highlighted funding of local Community Alcohol Partnerships,¹⁵ initiatives delivered via the Scottish Alcohol Industry Partnership, and ID schemes such as Challenge 25. However, some respondents suggested the need for strengthening or greater enforcement of current regulations, and a willingness to work with the Scottish Government on this.

5.12 Additionally, respondents frequently said that the vast majority of people drank moderately, and that measures to reduce the visibility of alcohol would impact on, or cause inconvenience for, responsible drinkers without helping those at risk of harmful drinking. They also suggested that the measures could ‘de-normalise’ alcohol consumption, and increase the attraction of a ‘hidden’ or ‘forbidden’ product to young people.

5.13 Individuals largely echoed the points made by organisational respondents. They were, however, also likely to see this as a matter of personal freedom and responsibility – suggesting that restrictions in this area would be seen as being part of the ‘nanny state’.

5.14 Respondents, retailers in particular, went on to highlight specific issues associated with each of the measures discussed in the consultation paper.

- Window displays: Comments from respondents suggested that many had interpreted this option as requiring windows to be obscured to prevent passers-by seeing alcoholic products within the shop. Respondents saw two main issues with this. Firstly, they raised community safety concerns: they suggested that obscured windows could (i) prevent staff from seeing people behaving suspiciously outside the shop prior to entering (e.g. in relation to preparing to make a purchase for someone under the age of 18), and (ii) make staff inside feel vulnerable if they could not be seen by passers-by. Secondly, they noted concerns about the impact on customer experience. This issue was raised with regard to more specialist shops and those targeting the tourist market in particular, with respondents arguing that it was important that such shops could use window displays to attract customers and that customers felt welcomed and comfortable about entering.

¹⁵ [Community Alcohol Partnerships](#) bring together and support local partnerships of councils, police, retailers, schools, health providers and community groups across the UK to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities. The initiative is core-funded by the Retail of Alcohol Standards Group.

- Covered behind-the-counter storage: Respondents commonly argued that the size of individual alcohol products and the extended ranges generally carried by individual shops made covered behind-the-counter storage impractical. On this point, they often drew comparisons with tobacco products which are smaller in size and more limited in range. Respondents also noted the extra staffing that might be required to deal with customers buying alcohol if it were located behind the counter. Respondents often said that covered behind-the-counter storage would prevent customers being able to browse freely and make an informed and personal choice from the available products – something that respondents said customers enjoyed doing and was important to the ambience of more specialist shops. They argued that choice would instead be dictated by factors such as price, product type, and strength, and would favour already well-known national or global brands at the expense of new, local or more specialist brands, thus having a negative impact on consumer choice.
- Mixed aisles and end-of-aisle displays: Respondent said that smaller shops may not have the shelf space to dedicate whole aisles to either alcoholic or non-alcoholic products, or to remove alcoholic products from aisle-end display areas. Some also said that the options in the consultation paper did not take account of more specialist businesses (including gift shops) where alcohol and other products are placed on central display units or open shelving around the shop, rather than in regular ‘aisles’ as would be found in supermarkets and general stores.
- Location of alcohol display areas: Respondents drew attention to the fact that shops were often required to place alcohol near the front of the store in order to meet the community safety objective within the licensing system. This arrangement helped staff monitor the alcohol area and deterred shoplifting. Placing alcohol in a less prominent area of the store (e.g. at the back) would make this monitoring much harder and undermine this objective.

5.15 There was a range of calls for particular types of retailers – specialist shops, shops and visitor centres targeting the tourist market, shops linked to breweries and other alcohol production sites, duty free shops, small shops, etc. – to be exempt should further restrictions be introduced.

Implications for licensing boards

5.16 Finally, a range of respondents (including some licensing and regulatory bodies) noted that the introduction of measures to reduce the visibility of alcohol in retail environments would have implications for local licensing boards who would have to implement any new restrictions as part of the licence application process. Specific queries were raised about whether currently licensed premises would have to submit new applications. These respondents also highlighted the difficulty of producing a legislative framework that covered all possible retail environments, and the discretion that boards would have in applying the framework to any particular situation.

5.17 With regard to structural separation in particular (see below), respondents suggested that this would also place a burden on local authority planning and building control services, which would have to consider potentially thousands of applications related to changes proposed for individual stores.

Structural separation (Q12 and Q13)

5.18 Questions 12 and 13 addressed the option of structural separation of alcohol in shops, as recently introduced in Ireland. This would involve keeping alcohol products physically separate from non-alcoholic products – for example, by placing such products in a designated area of the shop accessed via barriers, or in closed storage units. Question 12 asked for views on the introduction of such restrictions in Scotland, and Question 13 asked about how this could operate.

5.19 Table 5.2 shows the following:

- Overall, a fifth of respondents (19%) thought that consideration should be given to structural separation of alcohol in off-trade settings, while more than three-quarters (76%) thought it should not. The remaining 5% selected 'don't know'.
- Levels of agreement with the proposition were higher among organisations (25%) than individuals (18%). In addition, levels of disagreement were lower among organisations (69%) than individuals (77%).
- Almost all public health and third sector organisations (95%) thought consideration should be given to structural separation. By contrast, almost all alcohol producers (94%) and retail and hospitality organisations (96%) disagreed with this approach. Most events and sporting organisations (63%) and advertising and media organisations (71%) also disagreed. Other organisation types were divided on this issue with 41% agreeing and 59% disagreeing.

Table 5.2: Q12 – 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)?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	2	2%	117	94%	6	5%	125	100%
Events and sporting organisations	2	8%	15	63%	7	29%	24	100%
Retail and hospitality organisations	2	4%	52	96%	0	0%	54	100%
Public health and third sector organisations	59	95%	0	0%	3	5%	62	100%
Advertising and media organisations	2	14%	10	71%	2	14%	14	100%
Other organisation types	7	41%	10	59%	0	0%	17	100%
Total, organisations	74	25%	204	69%	18	6%	296	100%
Total, individuals	345	18%	1,454	77%	88	5%	1,887	100%
Total, all respondents	419	19%	1,658	76%	106	5%	2,183	100%

Percentages may not total 100% due to rounding.

5.20 In addition, 428 CAMRA 1 campaign respondents indicated that they did **not** support structural separation to reduce the visibility of alcohol in off-trade settings.

Support for structural separation

5.21 Structural separation was supported by almost all public health and third sector organisations, small numbers of other types of organisations and some individuals. These respondents largely repeated points made at Question 11 in explaining their support for this option saying, for example, that structural separation would be an effective way of reducing the visibility of alcohol in shops, would help de-normalise the purchase and consumption of alcohol and would protect (and was supported by) vulnerable groups while not impinging on the rights of adults who wished to buy alcohol.

5.22 Again, respondents emphasised the importance of Scotland learning from the experience of other countries. They said that evidence from other countries showed structural separation to be effective, while Ireland had recently introduced structural separation as part of its Public Health Act 2018.

Views on the operation of structural separation

5.23 Some respondents offered views about how a structural separation policy might be put into practice. Organisations tended to make general suggestions, saying that (i) guidance should be provided, (ii) a set of principles should be developed to guide the implementation of structural separation based on the premise that alcohol should only be visible to those intending to make a purchase, and (iii) there should be flexibility in the approach adopted in individual stores in following the guidance or meeting the principles.

5.24 Among individuals, some favoured a flexible approach which took account of different types of shop and allowed sufficient time for implementation. Others, however, offered a wide range of comments on what they thought structural separation should involve. Most comments focused on the option of separate areas. Suggestions included, for example, the use of completely separate rooms; the partitioning of discrete areas; the installation of barriers at the end of shop aisles; the use of open doorways, plastic curtains, or solid doors; one-way systems; and dedicated tills. Less often, respondents commented on the option of closed cabinets. Those that did generally saw this as a less practical arrangement.

Opposition to structural separation

5.25 As shown in Table 5.2, those **opposed** to structural separation included most alcohol producers, events and sporting organisations, retail and hospitality organisations, and advertising and media organisations. Organisations in the 'other organisation types' category were divided on this issue. These respondents often repeated comments made in response to Question 11 in relation to the visibility of alcohol in retail settings. They made the following additional points in relation to the specific question of structural separation, with most comments focusing on the option of creating separate areas for alcohol within stores:

- Structural separation would impose a significant financial burden on retailers. Respondents noted the likely high costs of installing structural separation – either creating separate areas or installing closed cabinets. Some retail organisations put forward estimated figures which they said were based on their experiences of making adjustments to meet forthcoming HFSS display regulations in England and regulations relating to alcohol display in Ireland. They also explained that, in addition

to costs related to planning and making the required physical changes, costs would also be incurred in relation to (i) applying to the local licensing board for revised licences, (ii) extra staffing to supervise separate areas or control access to closed cabinets, and (iii) lost revenue as a result of a reduction in floor space for other products.

- Structural separation was not practical other than in big supermarkets. Respondents commonly stated that many smaller stores did not have the space to accommodate a separate alcohol area, or closed display units. Any requirement to do so would impact on the space available for other products and would potentially threaten the viability of small local stores, including those in rural areas. They also highlighted the difficulty of implementing structural separation in particular types of ‘non-standard’ retail environments – including, for example, those targeted at the tourist market where the sale of alcohol may be a small but important part of the business.
- Structural separation would not be effective in reducing alcohol consumption or addressing alcohol-related harm. Respondents did not believe that structural separation would have any impact on alcohol purchasing and consumption, and that those who were intent on buying alcohol would still do so. Respondents cited the experience of other countries (including Australia) as evidence that the measure would not achieve its aims. Some retail and hospitality respondents in particular argued that it would be helpful to await the evaluation of the newly introduced measures in Ireland before taking similar action in Scotland.
- Structural separation could impact on community safety and safety at work. Respondents argued that structural separation would make the monitoring and supervision of alcohol product areas much harder. Additionally, respondents suggested that requiring staff to work in a separate area away from the main shopfloor could raise issues of workforce safety.

5.26 Individuals made similar points to organisations but were particularly likely to describe this option as ‘draconian’ or ‘extreme’; as impacting on moderate drinkers; and as drawing attention to and increasing the attraction of alcohol. Individuals also raised two more specific points:

- They highlighted the difficulties that separate alcohol areas would cause for adults who wished to buy alcohol while out shopping accompanied by children. Some organisations also made this point.
- They expressed concern that structural separation measures (such as aisle-end barriers) could cause access issues for disabled customers. Some respondents who answered ‘don’t know’ at the closed part of the questions also raised this issue.

Views on the operation of structural separation

5.27 Some respondents who answered ‘no’ at Question 12, indicating that they did not favour the introduction of structural separation nevertheless commented at Question 13. For the most part, respondents in this group repeated views stated at earlier questions in this section expressing opposition to reducing the visibility of alcohol in general or

introducing structural separation in particular. Those commenting more specifically on the implementation of structural separation made the following points:

- Some respondents (organisations and individuals) argued that such requirements, if they were to be introduced, should take account of different types of retail environments – for example, large stores / supermarkets, small stores, or ‘specialist’ or independent stores. There were specific suggestions that small stores and duty-free retailers (with their focus on non-domestic adult consumers and premium products) should be exempt from any requirements. Some in the retail and hospitality sectors highlighted the fact that Ireland’s legislation had exempted small stores from this requirement.
- Other respondents (including those from the advertising / media sector and the retail and hospitality sector) offered more mixed views, arguing that structural separation would be ‘better than a total ban’ or was a possible course of action but ‘not a priority’. Some also said that, while there was a case for structural separation, it would ‘do more harm than good’.

5.28 Finally, some respondents regarded Question 13 as a ‘leading’ or ‘biased’ question, arguing that it assumed agreement with the option of structural separation.

Other comments on alcohol retailing

5.29 Respondents offered a range of other comments relevant to alcohol retailing. One alternative option raised both by respondents for and against the measures proposed in the consultation paper was that of restricting alcohol sales to separate alcohol-only stores as was done in some countries including Canada, some Scandinavian countries and Australia. Most of those advocating this approach were individuals. However, some respondents from the alcohol producer, and retail and hospitality sectors occasionally expressed a degree of support for this option, with one respondent suggesting that existing independent alcohol shops in Scotland should be used for that purpose. Other respondents noted their opposition to such an approach or cautioned that their knowledge or experience of this approach elsewhere suggested that this could lead to bulk buying.

5.30 There were also occasional suggestions for:

- Prohibiting supermarkets from selling alcohol but allowing it in other stores, with one retailer arguing that this would reduce the power of the big supermarkets in setting (low) prices
- Restricting the types of alcohol that could be sold in general stores
- Prohibiting those under 18 from entering specialist alcohol stores
- Reducing the number of shops selling alcohol
- Increasing the age for purchasing alcohol from 18 to 21.

6 Brand-sharing and merchandise (Q14–Q18)

6.1 Section 9 of the consultation paper considered restrictions on alcohol-branded merchandise. The consultation paper outlined the importance of branding to successful marketing, and the extensive use of ‘brand-sharing’ – that is, the use of known brand names and identifiers on other products (low or no alcohol drinks, food, clothing, household items, etc.) – to promote alcohol drinks by increasing brand visibility. The consultation paper also referred to research that indicated links between the ownership of alcohol-branded products and susceptibility to drinking among young people and alcohol consumption among older people.

6.2 Prohibiting alcohol-branded merchandise would, thus, provide an additional way of reducing the visibility of alcohol brands. The consultation paper included four questions on options for restricting alcohol-branded merchandise. A fifth question asked about whether restrictions should also be applied to low or no alcoholic drinks.

Question 14: Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland? [Yes / No / Don’t know]

Question 15: Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland? [Yes / No / Don’t know]

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

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

Question 18: Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks? [Yes / No / Don’t know]

The sale of alcohol-branded merchandise (Q14)

6.3 Question 14 asked respondents if they thought that the **sale** of alcohol-branded merchandise should be prohibited in Scotland. Table 6.1 shows the following:

- Overall, 15% thought that the **sale** of alcohol-branded merchandise should be prohibited in Scotland, while 82% thought it should not. The remaining 3% selected ‘don’t know’.
- Levels of agreement with the proposition were higher for organisations (23%) than individuals (13%). Correspondingly, levels of disagreement were lower for organisations (73%) than individuals (84%).
- All but three of the public health and third sector organisations (95%) thought the **sale** of alcohol-branded merchandise should be prohibited. By contrast, almost all alcohol producers (98%), retail and hospitality organisations (94%) and advertising and media organisations (95%) disagreed with this approach. Most events and

sporting organisations (83%) also disagreed. Among other organisation types, 43% agreed and 57% disagreed.

Table 6.1: Q14 – Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	0	0%	127	98%	2	2%	129	100%
Events and sporting organisations	0	0%	19	83%	4	17%	23	100%
Retail and hospitality organisations	0	0%	48	94%	3	6%	51	100%
Public health and third sector organisations	60	95%	1	2%	2	3%	63	100%
Advertising and media organisations	1	5%	18	95%	0	0%	19	100%
Other organisation types	10	43%	13	57%	0	0%	23	100%
Total, organisations	71	23%	226	73%	11	4%	308	100%
Total, individuals	251	13%	1,581	84%	59	3%	1,891	100%
Total, all respondents	322	15%	1,807	82%	70	3%	2,199	100%

Percentages may not total 100% due to rounding.

6.4 In addition, 428 CAMRA 1 campaign respondents indicated that they did **not** support a prohibition on the sale of alcohol-branded merchandise in Scotland.

Support for prohibiting the sale of alcohol-branded merchandise

6.5 Almost all public health and third sector organisations, most academic organisations, and one in eight individuals said the sale of alcohol-branded merchandise should be banned. The arguments in favour of a ban were that:

- The alcohol industry uses branded merchandise in highly creative and well-honed ways which are designed for maximum impact. Branded merchandise extends the cultural influence of alcohol and has the effect of normalising (and approving) alcohol as 'positive, aspirational and commonplace'. Branded merchandise can be seen everywhere (e.g. in schools and people's homes) and all population subgroups are exposed to it on a regular basis. Moreover, the World Health Organization has identified 'prevention of the alcohol industry's influence on social norms' as a key purpose of comprehensive restrictions.
- Branded merchandise is essentially 'free advertising' as any owner of an item of branded merchandise becomes, by default, a 'walking advert' for the brand. Branded merchandise is therefore an integral part of alcohol marketing, and is used to recruit consumers, revive brands, build profits, and increase consumption.
- Branded merchandise conveys messages successfully and builds associations and connections in the same way that the tobacco industry used to do. Branded merchandise can reinforce positive attitudes and increase brand loyalty, which can

lead to increased alcohol consumption. In addition, branded merchandise has a 'long shelf life' (longer than the shelf life of the alcohol itself) and its influence is therefore long lived.

- The impact of branded merchandise on children and young people is of particular concern. Respondents said there is evidence that:
 - The relationship between owning branded merchandise and the (hazardous) drinking behaviour of adolescents and young adults is stronger than that for other forms of alcohol marketing (including advertising).
 - Young people who own alcohol-branded merchandise are more likely to drink now and in the future.
 - Branded merchandise reaches children and young people through a wide range of school and family activities, social occasions, sports events, etc. Use of these items are perceived by children as signalling approval for drinking.
- Branded merchandise can act as a trigger for those in recovery, or those who are vulnerable to alcohol-related harm.
- Comprehensive restrictions in relation to branded merchandise, as suggested by the [Alcohol Marketing Expert Network](#) and others, would reduce exposure to, and engagement with, alcohol; any exceptions would provide scope for displacement / harm and should therefore be avoided.

Opposition to prohibiting the sale of alcohol-branded merchandise

6.6 Almost all organisational respondents – apart from public health and third sector organisations and academic organisations – and most individuals said the sale and distribution of alcohol-branded merchandise should not be banned. Respondents in this group made a range of arguments as follows:

- The provision of branded merchandise is a key component of Scotland's global reputation and success as a tourist destination. Branded merchandise – especially merchandise available at distilleries and breweries – enhances the visitor experience and allows visitors to share their experience more widely. In addition, branded merchandise is a way to support the alcohol trade without being involved in alcohol consumption itself.
- Banning the sale of branded merchandise will make no difference to people's decisions about what – and how much – alcohol to consume. The proposal is disproportionate and will have a highly negative impact on the economy. Introducing a prohibition will have knock-on impacts (through supply chains) for other businesses (blankets, candles, bags, gin tea, whisky cheese, etc.). There has been no economic assessment of this policy approach.
- It does not make logical sense to prohibit the sale of branded merchandise in settings where the 'user' or 'consumer' has already accepted that the context of their purchase is related to alcohol / the alcohol industry. In circumstances where someone is, for example, (i) a trade customer, or (ii) a visitor to a distillery or

brewery, or is (iii) socialising in a pub, (iv) browsing an alcohol website, or (v) shopping in the alcohol section of a store, then there is an assumption that the individual has already accepted that alcohol is being sold and that branded merchandise may be available.

- There are provisions in place to regulate the sale of branded merchandise and to prohibit the use of branded gift packs, etc.
- The profit margin on alcohol products is low, so the sale of merchandise is an important revenue stream, particularly for some (small) producers.
- The evidence quoted in relation to young people is questionable. In particular, the evidence for the use of branded merchandise among 11- to 19-year-olds is largely based on the wearing of replica football club shirts featuring an alcohol sponsor. Removal of the alcohol sponsor from these shirts could easily be done – and does not require a general ban on the sale of branded merchandise.
- A blanket ban could result in an increase in counterfeiting / third-party selling of branded merchandise in high streets and elsewhere. This could result in an increase in criminal activity and fraud, which would be a highly negative outcome.

6.7 As can be seen from Table 6.1, a very high proportion of individuals (84%) said they were opposed to a ban on the sale of alcohol-branded merchandise. These respondents frequently expressed their views in strong language saying that the proposal was ‘ridiculous’, ‘laughable’ or ‘preposterous’. Their comments particularly focused on (i) the damage to Scotland’s ‘brand’, and to the tourism industry, (ii) the negative impacts on jobs, especially for small businesses, (iii) the disproportionate nature of the ban, and (iv) their scepticism (often expressed as disbelief) that a ban would have any impact on reducing alcohol consumption.

6.8 A point raised occasionally by organisational respondents was that it does not seem logical to allow someone to buy (for example) a bottle of whisky or a bottle of beer with a branded glass, but to prohibit them from buying the glass on its own. In addition, since beer in particular has a relatively short shelf life, it makes more sense for a visitor or tourist seeking to buy something to remind them of an experience to buy a branded t-shirt or cap rather than the alcohol product itself.

6.9 Finally, although respondents (both individuals and organisations) said they were opposed to a prohibition on the sale of alcohol-branded merchandise, they did often emphasise that the sale of alcohol-branded merchandise **should not be targeted at children and young people** (or those under the age of 18). This point is returned to in the analysis of Question 16 below.

The free distribution of alcohol-branded merchandise (Q15)

6.10 Question 15 asked respondents if they thought that the **free distribution** of alcohol-branded merchandise should be prohibited in Scotland. Table 6.2 shows the following:

- Overall, a fifth of respondents (20%) thought that the **free distribution** of alcohol-branded merchandise should be prohibited in Scotland, while three-quarters (74%) thought it should not. The remaining 6% selected 'don't know'.
- Levels of agreement with the proposition were higher for organisations (25%) than for individuals (20%). Levels of disagreement were lower for organisations (69%) than for individuals (74%).
- Almost all public health and third sector organisations (97%) thought the **free distribution** of alcohol-branded merchandise should be prohibited. By contrast, almost all alcohol producers (93%) disagreed with this approach. Most events and sporting organisations (77%), retail and hospitality organisations (89%) and advertising and media organisations (89%) also disagreed. Around half of other organisation types (44%) agreed, and half (50%) disagreed.

Table 6.2: Q15 – Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	4	3%	118	93%	5	4%	127	100%
Events and sporting organisations	2	8%	20	77%	4	15%	26	100%
Retail and hospitality organisations	2	4%	50	89%	4	7%	56	100%
Public health and third sector organisations	61	97%	0	0%	2	3%	63	100%
Advertising and media organisations	1	6%	16	89%	1	6%	18	100%
Other organisation types	8	44%	9	50%	1	6%	18	100%
Total, organisations	78	25%	213	69%	17	6%	308	100%
Total, individuals	369	20%	1,401	74%	114	6%	1,884	100%
Total, all respondents	447	20%	1,614	74%	131	6%	2,192	100%

Percentages may not total 100% due to rounding.

6.11 In addition:

- 428 CAMRA 1 campaign respondents indicated that they did **not** support a prohibition on the free distribution of alcohol-branded merchandise in Scotland.
- 67 Publicans campaign respondents answered 'no' in response to Question 15.

6.12 It should be noted that some respondents questioned the meaning of the phrase 'free distribution'. They suggested that many people who receive 'free' items are actually paying for them – through membership of an organisation, for example.

Support for prohibiting free distribution of alcohol-branded merchandise

6.13 The vast majority of public health and third sector organisations, most academic organisations, and one in five individuals said the free distribution of alcohol-branded merchandise should be prohibited. To a large extent, the arguments made in support of a

ban on the **free distribution** of alcohol-branded merchandise mirrored those discussed above in relation to the **sale** of alcohol-branded merchandise and are not repeated here. It was common for respondents to simply say 'see my previous answer' or 'see my answer to Question 14'.

6.14 However, respondents who provided distinct comments at Question 15 were particularly concerned about situations in which children and young people in particular, but also those in recovery from alcohol harm or any other vulnerable groups, could be given alcohol-branded merchandise free of charge.

6.15 In particular, respondents said that:

- Free promotional merchandise often ends up in the hands of children and young people – even if it is not initially targeted at them. The recipient then becomes the advertiser of the product – this means that children become alcohol brand ambassadors which is highly inappropriate.
- Young people are particularly vulnerable to these products which can form part of an 'alcohol normalisation process' which starts at a young age. For example, being given a whisky shot glass could represent a cultural rite of passage for a young person when they turn 18, or on their graduation from school.
- These items may have disproportionate impacts on disadvantaged households where there is a greater need for, and / or greater use of the items (clothing, bags, etc.) carrying the branding.
- Free items have a potentially wider reach than products that are for sale.

Opposition to prohibiting the free distribution of alcohol-branded merchandise

6.16 Almost all other respondents (both organisations and individuals) said the free distribution of alcohol-branded merchandise should not be prohibited.

6.17 The arguments against a prohibition on the **free distribution** of branded merchandise again mirrored, to a large extent, those described above in relation to Question 14 (on the **sale** of branded merchandise) and are not repeated here. As has already been noted (see above), it was common for this group to simply say 'see my previous answer' or 'see my answer to Question 14'.

6.18 There was one exception to this. Respondents argued that the free distribution of branded merchandise can help to offset costs for both staff and businesses. For example, (i) alcohol-branded clothing may be provided free for workers and staff, thus saving businesses from buying expensive uniforms and (ii) the free provision of items such as alcohol-branded glassware for a hotel, or alcohol-branded outdoor furniture for a pub, can help reduce operating costs.

6.19 Furthermore, some businesses currently donate (their own) alcohol-branded products to local charities or to community events (for example, by offering them as rewards in local competitions, 'lucky dips' or fairs). This helps to promote the visibility of

local businesses. Respondents said that these kinds of contributions are particularly important for raising the profile of small businesses in economically challenging times.

6.20 It was common for respondents in this group to explicitly say that any free distribution of alcohol-branded merchandise **should not be targeted at children and young people** (respondents mentioned in this respect 'kids', 'children', 'those under 18', 'those under the legal drinking age', or 'those under 25'). Examples mentioned in this regard included child-sized caps and clothing; use of branded merchandise by influencers, sportspeople, and celebrities; or distribution at or near schools or places where young people meet. It should be noted, though, that some respondents specifically said that, as far as they were aware, no targeting of this kind was currently taking place.

6.21 Less commonly these respondents also said the free distribution of merchandise should not be directed towards 'vulnerable groups', 'disadvantaged groups' or 'those in recovery'.

6.22 Some respondents in this group emphasised that so-called 'free distribution' is, in the main, offered to trade customers only. These people are already aware they are in an alcohol setting, so banning this seems disproportionate and unnecessary.

6.23 In addition, respondents argued that there was no relationship between, for example, being given a free branded golf umbrella and deciding to purchase a particular alcoholic drink. Things like golf brollies, etc. do not affect buying decisions.

Exceptions to restrictions on alcohol-branded merchandise (Q16)

6.24 Question 16 asked respondents for their views on any exceptions if restrictions on alcohol-branded merchandise were to be introduced.

6.25 The comments at this question suggested some confusion among respondents about whether they were being asked about 'exceptions to allowing' or about 'exceptions to prohibition'. Thus, some respondents said 'all' when they meant 'none' and others said 'none' when they meant 'all'. In addition, respondents did not always refer specifically to alcohol-branded merchandise. Furthermore, the comments made at this question were not clearly differentiated between those who wished to see a ban on the sale and (free) distribution of alcohol-branded merchandise and those who did not. Because of this, the following section does not differentiate between those two groups.

6.26 The main points respondents made in relation to any exceptions to the restrictions were that:

- There is a case to be made for allowing exceptions for any branded merchandise which carries (i) health advice or (ii) a positive message about sensible drinking or responsible behaviour in relation to alcohol.
- If exceptions are to be allowed, then these should be defined clearly, listed, and set out in regulations / legislation to limit the scope for interpretation and avoidance of restrictions.

- There could / should be exceptions for situations where the provision of branded merchandise helps to offset operating costs (for example, glassware, ice buckets, staff clothing, food products, outdoor furniture provided to the hospitality trade). This was particularly important for businesses that had a small turnover, or were under severe pressure.
- There could / should be exceptions for trade customers (who are themselves part of the alcohol industry), or for any business that promotes Scotland and Scottish products.
- There could / should be exceptions for places where alcohol is consumed – distilleries, pubs, bars, clubs, alcohol sections of retail stores, etc. People in such places have made an informed choice to be there, and should be allowed to purchase (or to accept for free) alcohol-branded merchandise. Some respondents noted that licensed premises, alcohol manufacturers and wholesalers are exempted from the ban on the sale and distribution of alcohol-branded merchandise in Ireland.

Restrictions on using alcohol brands on non-alcohol products (Q17)

6.27 Question 17 asked respondents for their views on what other restrictions, if any, should be considered on the use of alcohol brands on non-alcohol products.

6.28 In their comments, some respondents referred to ‘brand-sharing’ – that is, the scenario whereby a company brand comprises both alcohol and non-alcohol drinks products. The comments relating to brand-sharing are discussed in the analysis of Question 18 (below).

6.29 Beyond that, respondents simply used their comments at Question 17 to reiterate points they had already made in relation to Question 15 or 16 (for example about the inclusion of brands on staff clothing, casual clothing, furniture, bags, umbrellas, etc.).

Low or no alcohol drinks products (Q18)

6.30 The final question in this section addressed the branding of no or low alcohol (NoLo) drinks.¹⁶ The consultation paper highlighted the rapidly growing NoLo drinks sector and the lack of evidence on how such drinks are consumed (e.g. in addition to, or as a substitute for, alcoholic drinks) and their potential impact on levels of alcohol harm. However, such products often use the same branding as alcoholic drinks (i.e. those with an ABV greater than 1.2%) produced by the same company. The consultation paper also explained that some aspects of the UK’s current advertising code applies to some NoLo products, while countries that have already introduced greater restrictions on alcohol marketing have taken a variety of approaches to this issue.

6.31 Question 18 asked for views on whether any future restrictions on alcohol marketing in Scotland should also apply to NoLo drinks that share branding or brand identifiers with alcoholic drinks. Table 6.3 shows the following:

¹⁶ NoLo drinks are defined as products with an ABV ranging from 0% to 1.2%. ABV is Alcohol by Volume – a measure of alcoholic strength.

- Overall, around a fifth of respondents (18%) thought that any potential alcohol marketing restrictions should apply to NoLo drinks products that carry the same brand name, or identifiable brand markings, as alcoholic drinks, while around three-quarters (77%) thought they should not. The remaining 5% selected 'don't know'.
- Levels of agreement with the proposition were similar for organisations (22%) and individuals (17%). Levels of disagreement were also similar for organisations (73%) and individuals (78%).
- Among organisations, 89% of public health and third sector organisations agreed with this proposition. By contrast, almost all events and sporting organisations (93%), retail and hospitality organisations (95%) and advertising and media organisations (95%) disagreed. A large majority of alcohol producers (89%) also disagreed. A third of other organisation types (32%) agreed, while roughly two-thirds (63%) disagreed.

Table 6.3: Q18 – Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers and related organisations	8	7%	107	89%	5	4%	120	100%
Events and sporting organisations	0	0%	40	93%	3	7%	43	100%
Retail and hospitality organisations	2	4%	54	95%	1	2%	57	100%
Public health and third sector organisations	54	89%	1	2%	6	10%	61	100%
Advertising and media organisations	0	0%	19	95%	1	5%	20	100%
Other organisation types	6	32%	12	63%	1	5%	19	100%
Total, organisations	70	22%	233	73%	17	5%	320	100%
Total, individuals	324	17%	1,471	78%	84	4%	1,879	100%
Total, all respondents	394	18%	1,704	77%	101	5%	2,199	100%

Percentages may not total 100% due to rounding.

1 respondent selected 'no' and 'don't know' in response to this question. This response is not included in the table.

6.32 In addition:

- 428 CAMRA 1 campaign respondents indicated that they did **not** support restrictions on the advertising and promotion of NoLo drinks.
- 67 Publicans campaign respondents answered 'no' at Question 18.

6.33 The following points in relation to the analysis should be noted:

- In slight contrast to other topics, there was a small group of public health and third sector organisations who answered 'don't know' to this question. This is discussed

further below, following the discussion of the views of the two main groups of respondents who answered 'yes' or 'no' (see paragraph 6.39).

- Both those in favour and those against the introduction of marketing restrictions for NoLo products acknowledged that the evidence base for the use and effects of these products (and of their advertising and marketing) was at an early stage, and population level data on the topic was currently very limited. Respondents said this meant that their views were provisional and might change as more evidence came to light. It would be important to monitor these effects going forward.
- Responses from both those in favour and those against restrictions often referred to the concept of 'brand-sharing' (sometimes also called 'alibi marketing' or 'brand marketing'). In this context 'brand-sharing' meant using a brand – primarily known as an alcohol brand – on products that are not alcoholic drinks. This may involve the use of a brand name, insignia, logos, colours or other identifiable markings of a brand.

Support for marketing restrictions for low and no alcohol products

6.34 The arguments in favour of marketing restrictions for NoLo products, which were made mainly by public health and third sector organisations were that:

- Marketing of NoLo products may have a range of harmful effects including (i) acting as a trigger to those in recovery, (ii) introducing children and young people to tastes and brands that they would not otherwise be exposed to, and (iii) acting as a 'gateway' to the consumption of alcoholic drinks.
- Consumers can find it difficult to differentiate between alcohol-free and alcoholic products using the same (alcohol) branding. In addition, the marketing of NoLo products may encourage consumers to drink NoLo products, not as a substitute for alcoholic drinks, but in addition to alcoholic drinks.
- Brand-sharing is a very powerful marketing technique which provides an indirect way of marketing alcohol products and undermines the potential of NoLo products to contribute to harm reduction.
- The alcohol industry must be prevented from using brand-sharing to circumvent (existing) restrictions on the marketing of alcohol products and to undermine the objectives of existing legislation.

6.35 These respondents noted that other countries (e.g. Ireland, Norway and France) have banned this type of marketing and they called for Scotland to follow suit. These respondents also thought that:

- All products in the range 0% to 1.2% ABV should be covered by the ban.
- NoLo products are adult products and should not be available in any settings where children and young people are present.
- It would be important to learn about the impacts of marketing and brand-sharing from other contexts – in particular, in relation to vaping (as a substitute for cigarettes) and sugar-free drinks (as a substitute for sugary drinks).

6.36 Occasionally it was suggested that an exception to the ban on marketing for NoLo products should be made for 'stand-alone' brands (i.e. NoLo brands that are not linked to an alcohol brand) sold in alcohol settings.

Opposition to marketing restrictions for low and no alcohol products

6.37 The arguments against marketing restrictions on NoLo products were made by alcohol producers, advertising and media organisations, events and sporting organisations and retail and hospitality organisations as well as by most individuals. This group of respondents said that:

- Reinforcing brands that produce healthier alternatives (i.e. adopting 'brand-sharing') is a key step in encouraging uptake. NoLo products have a place in changing the culture around alcohol (for example, by allowing non-drinkers and drinkers to mix in an alcohol setting, helping those who are trying to reduce their alcohol consumption, and keeping drivers more safely within legal alcohol limits).
- NoLo products have been developed in response to consumer demand. This is a positive trend which the Scottish Government should be supporting. If marketing restrictions are introduced, these will stifle investment and innovation, and disincentivise further development of the sector.
- The marketing messages relating to NoLo products are informative, and promote informed choice.
- Some companies produce only NoLo drinks. These companies would also be affected by any restrictions. It is not practical to allocate separate space in shops for NoLo producers who brand-share with alcoholic drinks and those who do not.

6.38 These respondents also argued that (the presentation of) the evidence in the consultation paper in relation to NoLo products is misleading and incorrect. It relies on the use of non-peer reviewed studies, including those carried out by campaign groups. Respondents said that, in fact:

- NoLo drinks are bought mainly by adults who want to decrease their alcohol intake.
- The concerns about effects on children and young people are unfounded. NoLo products are already regulated by industry codes (the spiritsEurope regulations were specifically mentioned in relation to NoLo products), which means that advertising of these products is not aimed at children and young people (i.e. those under 18).
- The relationship between sales of NoLo products and sales of alcohol products is weak. The NoLo market is distinct, and there is no evidence that alcohol brands that also promote NoLo products increase alcohol sales.
- NoLo products do not act as a 'gateway' to the consumption of alcoholic drinks; on the contrary, brand-sharing is the gateway to NoLo products (e.g. through messaging such as 'If you like our beer, but want to cut down on alcohol, try our 1% brand').

Views of public health and third sector organisations who said ‘don’t know’

6.39 As noted in paragraph 6.33 above, a small minority of public health and third sector organisations answered ‘don’t know’ at this question. These organisations were ambivalent about the development of these products and whether their marketing should be restricted. They said there was currently a high degree of uncertainty about the evidence base for the impacts of these drinks – respondents could see that these types of products were ‘here to stay’ but they were unsure whether they would prove in the long run to be beneficial (by offering a less harmful alternative) or harmful (by acting as a ‘stepping stone’ to alcohol, or by causing confusion due to the difficulties of distinguishing these products from their alcoholic alternatives).

7 Print advertising (Q19 and Q20)

7.1 Section 10 of the consultation paper covered print advertising. It gave examples of newspaper circulation figures in Scotland and reported on research that demonstrated the exposure of children and young people to such advertising. The consultation paper suggested that restrictions on print advertising, as part of a package of marketing restrictions, would prevent the transfer of expenditure from other marketing routes and reduce the impact of alcohol marketing in Scotland.

7.2 The consultation asked two questions on this issue, inviting views on a prohibition on alcohol advertising in print media and on any exceptions to such a prohibition.

Question 19: Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland? [Yes / No / Don't know]

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

Prohibiting advertising of alcohol in print media (Q19)

7.3 Question 19 asked for views on whether alcohol advertising in print media should be prohibited in Scotland.

7.4 Table 7.1 shows the following:

- Overall, a fifth of respondents (19%) thought that advertising of alcohol should be prohibited in newspapers and magazines produced in Scotland, while roughly four-fifths (78%) thought it should not. The remaining 3% selected 'don't know'.
- Levels of agreement with the proposition were higher for organisations (25%) than for individuals (18%), while levels of disagreement were higher for individuals (79%) than organisations (73%).
- Among organisations, almost all public health and third sector organisations (94%) agreed that advertising of alcohol in newspapers and magazines should be prohibited. By contrast, almost all alcohol producers (98%), events and sporting organisations (92%), retail and hospitality organisations (95%) and advertising and media organisations (95%) disagreed with this approach. About half of other organisation types (45%) agreed and half (50%) disagreed.

Table 7.1: Q19 – Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	2	2%	123	98%	1	1%	126	100%
Events and sporting organisations	1	4%	24	92%	1	4%	26	100%
Retail and hospitality organisations	1	2%	42	95%	1	2%	44	100%
Public health and third sector organisations	59	94%	1	2%	3	5%	63	100%
Advertising and media organisations	1	5%	18	95%	0	0%	19	100%
Other organisation types	10	45%	11	50%	1	5%	22	100%
Total, organisations	74	25%	219	73%	7	2%	300	100%
Total, individuals	330	18%	1,474	79%	57	3%	1,861	100%
Total, all respondents	404	19%	1,693	78%	64	3%	2,161	100%

Percentages may not total 100% due to rounding.

7.5 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support a prohibition on the advertising of alcohol in newspapers and magazines produced in Scotland.

Support for prohibiting alcohol advertising in newspapers and magazines

7.6 Those in favour of a ban on the advertising of alcohol in newspapers and magazines produced in Scotland included the vast majority of public health and third sector organisations, most academic organisations and some local authorities and public sector bodies, and around one in five individuals. These respondents argued that:

- Print advertising is a very powerful, successful and influential form of advertising with wide reach, and is key to increasing public exposure to alcohol. Respondents often presented findings from research studies to support this position.
- There is a positive association between exposure to print advertising and potentially harmful drinking behaviour. The relationship operates in two ways – both by initiating consumer habits and by reinforcing these habits once they are established. Again, evidence to this effect was presented by respondents.
- Print advertising generates a large return on investment, and is seen by consumers to be a ‘trustworthy’ form of advertising – more trustworthy than other, alternative forms of advertising. If restrictions are introduced in other areas, but not in print advertising, then advertisers will simply ‘transfer’ their advertising to print media.
- Other countries have implemented restrictions in this area, and these have been successful in reducing alcohol-related harms.

7.7 Respondents in this group also made a range of points about what would be required for a ban to be successful, or raised other issues for consideration as follows:

- The Scottish Government would have to work with the UK Government to ensure that publishers based elsewhere in the UK implemented a similar approach.
- Any restrictions would need to cover not only advertising in newspapers and magazines, but also articles and stories sponsored by the alcohol industry.

Opposition to prohibiting alcohol advertising in newspapers and magazines

7.8 Respondents who did not support a ban on advertising alcohol in print media – including advertising and media organisations, alcohol producers, music and culture organisations, retail and hospitality organisations and most individual respondents – said the costs of this approach were clear, but the benefits were not. These respondents made the following arguments, many of which have already been discussed earlier in this report:

- In a free society, individuals must be allowed to exercise free will and make their own choices.
- It sets a dangerous precedent to make the argument (as this consultation seems to do) that there is no responsible way of advertising alcoholic drinks.
- A ban on print advertising would make no difference to the extent of alcohol-related harm in Scotland. There is no evidence that print advertising is a root cause of alcohol-related harm.
- The proposed ban on print advertising would be disproportionate and would affect a wide range of publications including leaflets, tourist guides, and other information intended for tourists. Moreover, other (equally risky) products and activities – fizzy drinks, gambling, fast cars – are not subject to any such advertising ban.
- The print publishing industry is in decline, and already facing economic challenges, as consumer habits move towards more digital forms of engagement. Prohibiting alcohol advertising will make a difficult situation worse, as this revenue is vital for the economic survival of newspapers and magazines. Respondents sometimes went on to provide quantitative estimates of the revenue raised through alcohol advertising, and the impact that a ban would have on specific publications, including specialty publications, as well as more general impacts on the creative sector. Moreover, print media advertising was important to and well used by emerging Scottish brands to promote their products.
- There are codes of conduct in place which publishing staff are trained in, and which are implemented. The Advertising Standards Authority [CAP code](#) applies to all non-broadcast advertising. The Portman Group code was also mentioned. Respondents restated these rules and argued that self-regulation is successful. In particular, they emphasised that the CAP code already ensures that newspapers and magazines targeted at children and young people do not carry alcohol advertising, and so these groups are not regularly exposed to these adverts.
- A ban on alcohol advertising in newspapers and magazines produced in Scotland would ‘distort markets’ and disadvantage Scottish publishers in relation to other UK and international publishers. It would also mean that separate (Scottish) versions of UK-wide publications would have to be produced.

- A ban will not be effective given that so many of the newspapers and magazines in circulation originate outwith Scotland.
- There could be unintended consequences of a ban. It might prove very difficult to distinguish advertising from paid content and editorials, and this may mean that nothing about the alcohol industry can be published in newspapers and magazines.

Exceptions to a prohibition on alcohol advertising in print media (Q20)

7.9 Question 20 invited views on possible exceptions to a prohibition on alcohol advertising in print media. The consultation paper drew attention to the option of excepting specialist consumer and trade publications from any such prohibition.

7.10 There were two distinct groups of respondents identified in the analysis of the comments on exceptions to a ban as follows:

- Most respondents who answered ‘yes’ at Question 19 (i.e. they supported a ban on advertising in print media) said **no** exceptions should be allowed. A small number of these respondents argued for limited exceptions to a ‘blanket ban’.
- Most respondents who answered ‘no’ at Question 19 (i.e. they opposed a ban on advertising in print media) wanted no further restrictions to be introduced. Rather, this group thought it would be more appropriate to explore a ban on price promotions, or on cheap alcohol. A few of these respondents did, however, go on to discuss the possibility of some limited restrictions specifically to protect children and young people, and other vulnerable groups.

7.11 These two groups are discussed separately below.

Support for exceptions in limited circumstances

7.12 The (small number of) respondents who were in favour of a ‘blanket ban’ but who were willing to accept the possibility of some (limited) exceptions, made a range of suggestions for what these should cover.

7.13 Respondents confirmed that, as had been suggested in the consultation paper, trade publications (also referred to as ‘business-to-business’ publications) and speciality publications focusing on specific alcohol products (which were bought and read by those with a commitment to or interest in a particular product or brand) should be excepted. Other potential publications and / or circumstances which might merit exceptions included:

- ‘Factual’ articles, news stories and features about the alcohol industry (and specifically articles which were **not sponsored** by the alcohol industry)
- Publications produced in Scotland but aimed at a readership outwith Scotland (this was mainly raised in relation to publications promoting Scotland as a tourist destination to those living outside Scotland).

7.14 Some of those who were willing to consider limited exceptions said that these would have to be carefully considered on a case-by-case basis, and that it would be important to ensure that they did not open the way to more widespread or general print advertising.

Support for limited restrictions to protect vulnerable groups

7.15 As stated above, most respondents who did not support a ban, (i.e. they answered 'no' at Question 19) thought that **nothing should be prohibited**, so **no exceptions** were required. However, a small number of respondents did engage with the question of what should happen (and what should be excepted) if a ban were to be introduced. Their comments were mainly concerned with introducing limited restrictions to protect children and young people, and other vulnerable groups.

7.16 Suggestions from these respondents included the following:

- Some aspects of existing codes of practice could be made statutory.
- Restrictions could potentially be applied to publications that are given away free, or to those targeted at those under the legal drinking age (although respondents also emphasised that alcohol advertising in publications targeted at those under the legal drinking age were already not permitted).

7.17 Three other substantive points were made by respondents who were opposed to a blanket ban on alcohol advertising in print media as follows:

- If a ban were to go ahead, the Scottish Government would have to seek opinion / approval from the UK Government to implement this. (Respondents highlighted the difficulties of introducing a Deposit Return Scheme in Scotland and said any decision to ban print advertising in Scotland would not necessarily be able to be implemented.)
- Consumer targeting in relation to newspapers and magazines is difficult to achieve. Advertising restrictions might therefore be more sensibly (and effectively) imposed on channels (especially digital channels) that are better able to target their advertising.
- Any advertising ban which is introduced should **never** apply to:
 - Trade press (newsletters for / issued by wholesalers, specialist consumer publications, industry-focused publications)
 - Publications that are distributed within a setting where alcohol is produced or served (e.g. a distillery, brewery, club, pub, etc.)
 - High-end / expensive products (which are not associated with consumption by children or young people, or with harmful drinking).

8 Online marketing (Q21–Q27)

8.1 Section 11 of the consultation paper covered online marketing. The online environment provides an additional and growing marketing opportunity for alcohol brands. The consultation paper highlighted the increasing expenditure on online advertising and the huge potential to reach consumers, including children and young people, through this channel. It identified three main forms of online marketing: owned media (branded websites and social media channels), paid media (including advertising via pop-ups and banners on other websites and social media channels and posts by social media ‘influencers’) and user-generated content (postings and the sharing of postings by consumers on their own social media platforms).

8.2 The consultation included a series of seven questions on possible restrictions to various aspects of online marketing.

Question 21: Do you think we should restrict alcohol branded social media channels and websites in Scotland? [Yes / No / Don't know]

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

Question 23: Do you think we should restrict paid alcohol advertising online in Scotland? [Yes / No / Don't know]

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

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

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? [Yes / No / Don't know]

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?

8.3 This chapter presents an analysis of respondents' views on the possible introduction of restrictions on branded social media channels and websites, paid online marketing and the sharing of promotional content. However, it should be noted that there was a great deal of overlap in the comments made at the questions in this section. In order to minimise repetition, the chapter is structured as follows:

- The first three sections (paragraphs 8.5–8.33) present views for and against restriction for each form of online marketing. However, while some points are discussed fully in the first section on Question 21, they are not repeated in detail in relation to subsequent questions.
- Two subsequent sections then draw together all comments on (i) coverage and exceptions for all forms of online marketing (paragraphs 8.34–8.42), and (ii) the

frequently raised issue of the global nature of the alcohol industry and the internet (paragraphs 8.43–8.48).

8.4 It should also be noted that across this set of questions, it was not always clear if the respondents were expressing support for government / legislative action, or for action by alcohol companies, advertisers, or the corporations that run online platforms.

Alcohol-branded social media channels and websites (Q21)

8.5 The consultation paper highlighted the use of digital media owned by alcohol brands for marketing purposes. This takes the form of branded websites and social media channels. It cited research from the UK and US that found that, despite age restrictions on some platforms, such content could be seen by children and young people.

8.6 Question 21 asked respondents if they thought that there should be restrictions on alcohol-branded social media channels and websites in Scotland. Table 8.1 shows the following:

- Overall, around a quarter of respondents (24%) thought that alcohol-branded social media channels and websites in Scotland should be restricted, whilst almost three-quarters (72%) thought they should not. The remaining 5% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (28%) and individuals (23%). Levels of disagreement with the proposition were also similar for both organisations (69%) and individuals (72%).
- Almost all public health and third sector organisations (97%) agreed that alcohol-branded social media channels and websites in Scotland should be restricted. By contrast, almost all alcohol producers (97%) and retail and hospitality organisations (91%) and around three-quarters of events and sporting organisations (73%) and advertising and media organisations (72%) disagreed with this approach. Around half of other organisation types (48%) agreed with the suggested approach, and around half (48%) disagreed.

Table 8.1: Q21 – Do you think we should restrict alcohol-branded social media channels and websites in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	3	2%	125	97%	1	1%	129	100%
Events and sporting organisations	3	14%	16	73%	3	14%	22	100%
Retail and hospitality organisations	2	4%	42	91%	2	4%	46	100%
Public health and third sector organisations	62	97%	0	0%	2	3%	64	100%
Advertising and media organisations	3	17%	13	72%	2	11%	18	100%
Other organisation types	11	48%	11	48%	1	4%	23	100%
Total, organisations	84	28%	207	69%	11	4%	302	100%
Total, individuals	427	23%	1,335	72%	90	5%	1,852	100%
Total, all respondents	511	24%	1,542	72%	101	5%	2,154	100%

Percentages may not total 100% due to rounding.

8.7 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support restrictions on alcohol-branded social media channels and websites in Scotland.

8.8 Note that some of the points made by respondents in their comments were relevant to other forms of online marketing (i.e. paid advertising and the sharing of content) but are covered here to provide coherence in terms of the arguments being made.

Support for restricting alcohol-branded social media channels and websites

8.9 Those who expressed support for restrictions on branded social media sites – mainly public health and third sector organisations, academic organisations, and local authority and public bodies, and some individuals – generally made a number of inter-related points in their responses:

- Online marketing has proliferated over recent years, and has extensive reach, including to children and young people. It is a particularly concerning form of marketing because of (i) the scope to target particular consumers, (ii) the ability to include instant purchasing by following a single click, (iii) the increasing amount of time that people spend online and the continuing shift to online shopping, and (iv) the blurred line between official marketing and user interaction, and the ability of users to share content which further increases the reach and impact of any marketing activities.
- Current regulation is not adequate – in particular, it is easy to circumvent age restrictions on social media platforms and websites.

- Research has established the prevalence of exposure to online alcohol marketing among children and young people, and the link between exposure and alcohol consumption. With regard to other vulnerable groups, studies and personal testimony show how online marketing is regularly directed at those in recovery, and the impact that this has on them.

8.10 Respondents said that there was support for restrictions on this form of marketing – among groups such as children and young people, and those in recovery as well as among the wider public – and presented evidence for this. They also said that action in this area was in line with recommendations made by the Alcohol Marketing Expert Network and the positions of international bodies such as the United Nations Committee on the Rights of the Child and the World Health Organization.

8.11 Nevertheless, some respondents in this group acknowledged that restrictions in this area would be difficult to implement and enforce because of the global nature of the internet and the alcohol industry. The issue of the Scottish Government's power to act in this area was also raised. (These points are covered further at paragraphs 8.43 to 8.48.)

8.12 Those indicating support for restrictions included a small number of advertising and media organisations, and sports and events organisations. Where comments were offered, these respondents tended to focus on the issue of age restrictions and the perceived inadequacy of current online age-verification systems for protecting children and young people. Some thought that social media companies should do more on this issue. (These points are covered further at paragraphs 8.43 to 8.48.)

Opposition to restricting alcohol-branded social media channels and websites

8.13 Respondents opposed to restrictions on branded social media and websites (both organisations and individuals) set out one or more of a series of connected points:

- Online channels are key for brand marketing and any restrictions would have a significant impact on alcohol-related businesses. Respondents particularly highlighted the importance of online marketing for new, small and more specialist businesses given its relatively low cost and its wide reach.
- Online alcohol marketing is already covered by existing industry-level and in-house regulatory codes, with strict provisions already in place for protecting children and young people.
- Those in the industry are committed to responsible marketing and are already working together to improve self-regulation of online marketing. Respondents from the advertising and alcohol sectors, in particular, highlighted work that the [International Alliance for Responsible Drinking](#) was pursuing with social media companies to improve age-related access, and collaborative work with [Ofcom](#) relating to video sharing platforms. Respondents who were opposed to restrictions on branded social media and websites often expressed full support for age-related restrictions on online marketing, and some said they would be happy to see further tightening of restrictions in this area. However, they said that this would be better

achieved via efficient and flexible self-regulation involving industry partners rather than legislation.

- The evidence presented on exposure to online marketing among young people did not demonstrate a significant issue that needed to be tackled. In particular, some respondents argued that ‘age faking’ was not a major issue and challenged the interpretation and relevance of some of the evidence presented. They highlighted other evidence such as [Advertising Standards Authority](#) (ASA) research which they said had shown generally low exposure to alcohol marketing and good practice among advertisers. In terms of company websites, respondents argued that these were of limited interest to children and young people, and would generally only be sought out by those (adult) consumers with a specific interest in a product or company, or in making a purchase.
- Online marketing, arguably, offers advantages over other forms of marketing in terms of ensuring responsible advertising because of age restrictions in place on major social media platforms, and the ability to target adverts at particular groups (adults rather than children and young people) using algorithms and ‘age-gating’ or age verification of various forms.¹⁷ It was also noted that users could block or avoid sites they did not wish to see. It was thus less likely that vulnerable groups, including children and young people, would see online marketing more often than other forms of marketing. Therefore, restricting online marketing had the potential to do more harm than good if it simply resulted in a shift to other less targeted forms of marketing.
- The global nature of the drinks industry and the internet means that unilateral Scottish Government restrictions would be impractical and of limited value. They would simply disadvantage Scottish drinks producers, given that consumers would still be able to see marketing produced by companies based elsewhere. (This point is covered further at paragraphs 8.43 to 8.48.)

8.14 Respondents opposed to restrictions on alcohol-branded social media and websites often saw this as an issue of personal freedom and were concerned about what they saw as a form of censorship and government ‘over-reach’. They said that individuals could choose not to visit sites or social media channels, and that parents and carers had a role in educating children about alcohol and online activity, and in supervising their use of the internet.

8.15 Thus, respondents in this group often described possible Scottish Government action in relation to restricting online alcohol marketing as unreasonable, unnecessary, and / or unworkable.

Paid alcohol advertising online (Q23)

8.16 The consultation paper also addressed the use of paid online advertising by alcohol companies. Such advertising is covered by the current ASA regulatory system which states

¹⁷ Age-gating involves a webpage or pop-up page which asks a user to confirm their age or date of birth in order to be given access to the main website. Age verification requires the user to provide proof of their age or date of birth.

that alcohol adverts should not be targeted at under-18s. Despite this, research cited in the consultation paper suggested that paid online advertising is not always effectively targeted solely at those aged over 18. Furthermore, the sharing of devices and accounts, the false reporting by users of their age, and the unreliability of interest-based targeting¹⁸ mean that under-18s may be exposed to such advertising. Additionally, adults vulnerable to alcohol harm are exposed to such content.

8.17 Question 23 asked respondents for their views on introducing restrictions on paid online advertising of alcohol. Table 8.2 shows the following:

- Overall, a quarter of respondents (25%) thought that paid alcohol advertising online in Scotland should be restricted, whilst almost three-quarters (71%) thought it should not. The remaining 5% selected 'don't know'.
- Levels of agreement with the proposition were similar for organisations (28%) and individuals (24%). Levels of disagreement with the proposition were also similar for both organisations (69%) and individuals (71%).
- All public health and third sector organisations (100%) agreed that paid alcohol advertising online in Scotland should be restricted. By contrast, almost all retail and hospitality organisations (96%), alcohol producers (94%), advertising and media organisations (84%), and events and sporting organisations (78%) disagreed with this approach. Around half of other organisation types (48%) agreed with the suggested approach, and around half (48%) disagreed.

Table 8.2: Q23 – Do you think we should restrict paid alcohol advertising online in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	5	4%	120	94%	2	2%	127	100%
Events and sporting organisations	2	9%	18	78%	3	13%	23	100%
Retail and hospitality organisations	1	2%	45	96%	1	2%	47	100%
Public health and third sector organisations	64	100%	0	0%	0	0%	64	100%
Advertising and media organisations	3	16%	16	84%	0	0%	19	100%
Other organisation types	11	48%	11	48%	1	4%	23	100%
Total, organisations	86	28%	210	69%	7	2%	303	100%
Total, individuals	437	24%	1,296	71%	97	5%	1,830	100%
Total, all respondents	523	25%	1,506	71%	104	5%	2,133	100%

Percentages may not total 100% due to rounding.

¹⁸ Interest-based targeting of online advertising is based on the browsing habits of users. Thus, an advertiser wishing to reach those over 18 can include in their social media targeting strategy other topics likely to be of interest only to adult age groups. A person browsing for home insurance or business travel, for example, might also receive adverts for alcoholic drinks. (See ASA's [Age Restricted Ads Online](#).)

8.18 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support restrictions on paid alcohol advertising online in Scotland.

Support for restricting paid online advertising

8.19 Respondents who commented at Question 23 often reiterated or referred back to comments previously made at Question 21. Thus, respondents who were in favour of restrictions on paid online advertising said that online advertising had extensive reach, that current self-regulation was inadequate or ineffective, and that further restrictions were important to reduce exposure to alcohol marketing among children and young people, those at risk of harmful drinking, and the wider public.

8.20 Respondents commenting more specifically with regard to paid advertising made the following points:

- Online marketing is designed to optimise reach and impact via careful placing (and timing) of adverts, and to trigger sales, supported by the inclusion of 'buy now' buttons.
- Unsolicited adverts (including pop-up adverts) have a significant effect on those in recovery and blocking adverts is not always effective in preventing all unwanted adverts from appearing when an individual is online. Respondents giving this view included those with experience of harmful drinking.
- The algorithms used to target adverts are not effective in ensuring children and young people are not exposed to marketing. Likewise, the age-gating of websites is not sufficiently robust and can be circumvented by young people. Further, this data-driven approach to online marketing could lead to adverts disproportionately targeting those who drink more (including those in recovery).
- Individuals do not give consent to exposure to unsolicited adverts – some characterised this as invasion of privacy and a human rights issue.
- Countries such as Sweden, Estonia and Finland had already legislated on this issue.

Opposition to restricting paid online advertising

8.21 Respondents who were opposed to restrictions on paid online advertising reiterated previously stated views that current arrangements were sufficient, that producers and advertisers were committed to responsible practice, and that the global nature of the alcohol industry meant that any unilateral Scottish Government restrictions would be unworkable, of limited value, and damaging to Scottish drinks producers. They also disputed that the available evidence demonstrated problems with current regulatory arrangements or a clear link between exposure to online marketing and drinking behaviour.

8.22 Respondents in the alcohol producer and advertising / media sectors, in particular, described approaches that (i) made use of technological options for targeting digital paid media at those over 18, (ii) ensured that adverts appeared only on appropriate websites / platforms, or (iii) ensured that the use of online influencers was carefully controlled and

monitored. Respondents also noted that consumers are able to block adverts, and that parents have a role in educating and supervising their children's online activity.

Sharing promotional content on social media (Q26)

8.23 The sharing of promotional content includes the production of content with the aim of encouraging users to 'like' and 'share' it on social media, and the sharing of consumer-generated content (e.g. written posts, photos, videos). The consultation paper highlighted research that indicates the participation of young people in online alcohol marketing campaigns, and the use of social media by young people to associate themselves with alcohol brands. It also highlighted action taken by Finland to restrict content sharing on social media.

8.24 Question 26 asked if alcohol companies should be restricted from sharing promotional content in Scotland – whether it is produced by them or other users. Table 8.3 shows the following:

- Overall, around a fifth of respondents (22%) thought alcohol companies should be restricted from sharing promotional content on social media, while around three-quarters (72%) thought they should not. The remaining 6% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (26%) and individuals (21%). Levels of disagreement with the proposition were also similar for both organisations (70%) and individuals (72%).
- Almost all public health and third sector organisations (94%) agreed that alcohol companies should be restricted from sharing promotional content on social media. By contrast, almost all alcohol producers (98%) and retail and hospitality organisations (96%) disagreed. Around three-quarters of advertising and media organisations (80%) and events and sporting organisations (71%) also disagreed with the suggested approach. Half of other organisation types (50%) agreed, and half (50%) disagreed.

Table 8.3: Q26 – 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?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	2	2%	123	98%	1	1%	126	100%
Events and sporting organisations	1	5%	15	71%	5	24%	21	100%
Retail and hospitality organisations	0	0%	43	96%	2	4%	45	100%
Public health and third sector organisations	60	94%	0	0%	4	6%	64	100%
Advertising and media organisations	2	13%	12	80%	1	7%	15	100%
Other organisation types	11	50%	11	50%	0	0%	22	100%
Total, organisations	76	26%	204	70%	13	4%	293	100%
Total, individuals	387	21%	1,314	72%	112	6%	1,813	100%
Total, all respondents	463	22%	1,518	72%	125	6%	2,106	100%

Percentages may not total 100% due to rounding.

8.25 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support restrictions on alcohol companies sharing promotional content on social media.

8.26 Respondents' views on the proposal to restrict the sharing of promotional content are discussed below. The summary presented here focuses on points specific to the sharing of content and does not repeat more general points made at earlier questions.

Support for restricting the sharing of content on social media

8.27 Respondents who supported restrictions on the sharing of alcohol-related content on social media made the following points:

- This type of low-cost activity was often a key part of an overall marketing strategy which amplified and extended the reach of brand campaigns. It aimed to both engage existing customers and attract new customers, particularly those in younger age groups.
- Companies have less control over the onward sharing of company-produced content or user-generated content (which could glamourise alcohol or depict risky behaviour in consuming alcohol).
- Leaving the sharing of content unrestricted would create a potential loophole if other types of company-led online marketing were prohibited.

8.28 Some respondents cited evidence of the extent to which young people actively engage with alcohol-related social media, and research which showed a link between engagement with user-generated promotion and risky drinking behaviours.

8.29 Respondents often expressed support for the approach adopted in Finland where alcohol companies are not permitted to use content originally uploaded by consumers or create content specifically intended for consumers to share. However, some queried whether there was evidence to demonstrate the effectiveness of such an approach.

Opposition to restricting the sharing of content on social media

8.30 Respondents (organisations in particular) who were **opposed** to restrictions on the sharing of promotional content generally made one or more of the following points:

- This form of marketing was already adequately covered by existing regulatory arrangements. Some respondents did, however, acknowledge that care was needed in managing activity of this type. Some alcohol producers and advertising and media organisations provided details in their responses of the specific approaches they took to regulating this type of activity. This included monitoring user-generated content and ensuring it met the same standards as company produced content, removing inappropriate content (some said this was done within 48 or 72 hours), and ensuring that content capable of being shared carried a 'Forward Advice Notice'.
- This type of marketing was important for building a relationship with consumers in a positive way – generally with an already engaged audience – and was particularly important to small independent producers, given its low cost. Some of those making this latter point identified themselves as being involved in this sector.
- There was no evidence that the sharing of content in this way contributed to the harm caused by alcohol.
- Further restrictions on the sharing of user-generated content by alcohol companies were unlikely to have much impact on reducing exposure among young people given existing age-related restrictions. Such restrictions would also not prevent individuals from sharing their own alcohol-related social media content. There was also a view that restrictions would have a limited impact because brand-initiated sharing often attracted limited levels of participation.

8.31 Both organisations and individuals expressed concern that the measures under consideration implied restrictions on the use of social media by private individuals. Respondents saw this as an attack on personal freedom; they also thought such restrictions would be impossible to enforce.

8.32 However, some respondents in this group said they were unclear about what this proposal would entail. Others raised specific queries related to, for example, which parts of the industry would be affected (alcohol producers, retailers, hospitality venues, etc.), and whether restrictions would affect the sharing of (i) customer reviews (noted as an important cost-effective form of marketing for small businesses) and (ii) recipes and other information posted on alcohol websites.

8.33 Finally, respondents in this group questioned the value of adopting the approach taken to this issue in Finland. They highlighted what they saw as a lack of relevance given the very different contexts of Finland and Scotland, and the lack of evidence that the approach taken had been successful.

Coverage of and exceptions to restrictions (Q22, 24, 25, 27)

8.34 Separate questions asked respondents for their views on the coverage of and exceptions to potential restrictions on the various forms of online marketing considered in the consultation (Questions 22, 24, 25, 27). There was a lot of commonality in the views expressed. Thus, this section presents an overview of the points raised across all four of these questions.

Views of those broadly supportive of restrictions

8.35 In relation to each form of marketing, it was common for respondents who **supported** restrictions to say that there should be no exceptions. These respondents (mainly public health and third sector organisations and some individuals) repeated points made in respect of other forms of marketing – that this approach (i) avoided loopholes and / or the shifting of advertising spend to unrestricted forms of marketing, (ii) would provide best protection for children and young people and other vulnerable groups, and (iii) would provide the greatest clarity for industry and the easiest approach for monitoring and enforcement. With respect to online marketing in particular, they also said that allowing no exceptions was the best option given the extent of online alcohol marketing and fast-changing nature of the online environment.

8.36 There was a widespread view that restrictions should cover influencer and celebrity marketing (an issue specifically raised in the consultation paper), and the provision of free products or services to such individuals. Additionally, there were occasional mentions of the need to tackle advertising in online games, hidden advertising in social networks, product placement and viral content. It was also suggested that third-party (e.g. supermarket) sites should offer the option of hiding alcohol-related products and turning off alcohol-related marketing.

8.37 However, other respondents in this group suggested that there should be exceptions related to:

- Alcohol company websites and social media: Respondents noted that these provide information and a channel for communication (including in relation to customer feedback and complaints).
- Alcohol retail websites and pages: Respondents thought this would be reasonable, given that consumers would have to actively search for such sites. However, they stressed the importance of robust age controls. Some suggested that there should be no proactive marketing on such sites and that health warnings should be included.
- Trade / industry and specialist consumer websites and channels: Some suggested that access to these should be restricted to registered users.

8.38 Individuals in particular suggested a wide range of other exceptions for online marketing based on product and organisation type – for example, they commonly suggested exceptions for small independent or specialist / premium alcohol producers, and businesses targeting the tourism and overseas markets. Less often, respondents

suggested exceptions for websites / social media linked to clubs and societies, events such as beer festivals, events with alcohol sponsorship, and NoLo products.

8.39 Some in this group also suggested that adverts or online platforms with a focus on responsible drinking, and prevention and treatment of alcohol harm, should be treated as exceptions.

Views of those broadly opposed to restrictions

8.40 Respondents who were broadly **opposed** to restrictions did not often comment in relation to coverage and possible exceptions. Instead, they restated their overall position that current regulation was adequate, that there should be no further restrictions and that exceptions were, therefore, not required. Those who did comment on exceptions for any potential restrictions generally made similar suggestions to those made by respondents who supported restrictions (see paragraphs 8.35–8.39). Additionally, in a few cases, individuals suggested that any new restrictions might focus on the content, size, or style of online adverts. A ‘watershed’ restricting targeted alcohol advertising to evening hours was also suggested.

8.41 Occasionally respondents raised issues related to the rationale and practicalities of any restrictions on online advertising, suggesting, for example, that any new restrictions should be based on extensive evidence, or should focus on areas where clarity and enforcement were most likely to be achieved.

An age-based approach to coverage and exceptions

8.42 Among both those who **supported** restrictions on online advertising, and those who **did not**, some respondents (individuals in particular) supported restrictions and exceptions based on age. Respondents said, for example, that any restrictions should focus on online spaces aimed at under-18s, or that channels targeting over-18s (or incorporating age-gating or some form of ‘opt-in’) should be treated as exceptions.

The global nature of the alcohol sector and the internet

8.43 An issue raised both by respondents who **supported** and those who **opposed** restrictions on online marketing was that of the global nature of the alcohol sector and the internet, and the challenges this presented for the design, implementation, and enforcement of any restrictions. Respondents of all types raised the following common points:

- The global nature of the drinks industry and the internet means that many sites and channels accessible in Scotland originate outside Scotland, or outside the UK.
- Global tech companies play a crucial role in developing, implementing and monitoring regulatory and safeguarding arrangements for web-based platforms.

8.44 Respondents also often noted that telecommunications policy is a reserved matter, which may mean that the Scottish Government’s scope to act unilaterally in this area is limited.

8.45 Respondents thus sometimes queried what action the Scottish Government could take in this area and how effective it would be. Respondents with different views on whether restrictions should be introduced expressed contrasting concerns about this.

8.46 Those **supportive** of online marketing restrictions were concerned that Scottish-based companies would simply move their operations elsewhere, and / or that consumers (including young people) would continue to be exposed to alcohol-related marketing from companies outwith Scotland that were unaffected by the restrictions. These respondents called on the Scottish Government to work with the UK Government in developing a co-ordinated approach to this issue. Some also argued that this was an issue that needed a global approach. Some suggested that the World Health Organization could take a lead, building on work already done in relation to tobacco and unhealthy foods. Others also said any action the Scottish Government was able to take could send a positive message and set a direction of travel for others to follow, and that the Scottish Government should continue to advocate for an international framework to address this issue.

8.47 In contrast, those **opposed** to online marketing restrictions either queried the value of the Scottish Government taking action or said that any action to restrict such marketing would put Scottish companies at a disadvantage compared to their international brand competitors. Some respondents, including licensing and regulatory bodies, suggested that restrictions in this area might be contrary to UK-wide competitions law. Respondents in this group highlighted the importance of working collaboratively with the big tech companies on this issue and urged the Scottish Government to work with their UK counterparts to take this matter forward.

8.48 Some respondents, including advertising and media organisations, alcohol producers, and retail and hospitality organisations in particular, felt that there should be greater onus on global tech companies to take responsibility to improve online regulation and safeguarding arrangements.

9 Television and radio advertising (Q28 and Q29)

9.1 Section 12 of the consultation paper addressed television and radio advertising. It provided information on the 'reach' of both television and radio, and highlighted television in particular as a highly visible marketing channel that attracts significant advertising spend each year. Currently, television and radio advertising is co-regulated by the [Advertising Standards Authority](#) (ASA) and [Ofcom](#). The ASA enforces the UK [Code of Broadcast Advertising](#) (the BCAP Code) which is drawn up and regularly reviewed by an industry committee. This prohibits alcohol advertising during programmes aimed at or likely to appeal to children. However, as outlined in the consultation paper, other countries have taken different approaches in prohibiting all alcohol advertising on television and radio or introducing time-based restrictions on such advertising. Additionally, the consultation paper noted that the Scottish Government may not have the necessary powers to implement restrictions on this type of advertising; thus, it may need to work with the UK Government in taking forward any new restrictions in this area.

9.2 The consultation asked two questions on this issue, seeking views on a prohibition on alcohol advertising on television and radio, and time-based restrictions.

Question 28: Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)? [Yes / No / Don't know]

Question 29: Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland)? [Yes / No / Don't know]

Prohibiting alcohol advertising on television and radio (Q28)

9.3 Question 28 asked for views on whether the Scottish Government should explore prohibiting alcohol advertising on television and radio, as has been done in other countries such as Norway and Sweden. Table 9.1 shows the following:

- Overall, around a fifth of respondents (22%) thought that the Scottish Government should explore prohibiting alcohol advertising on television and radio completely, whilst three-quarters (76%) thought they should not. The remaining 3% selected 'don't know'.
- Organisations (27%) were more likely than individuals (21%) to support such a prohibition. Organisations (70%) were less likely than individuals (76%) to oppose a prohibition in this area.
- All public health and third sector organisations (100%) agreed that the Scottish Government should explore prohibiting alcohol advertising on television and radio. By contrast, almost all retail and hospitality organisations (100%), alcohol producers (94%), advertising and media organisations (88%) and events and sporting organisations (83%) disagreed with this approach. Other organisation types were divided in their views on this issue with 39% agreeing and 52% disagreeing.

Table 9.1: Q28 – Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	2	2%	115	94%	5	4%	122	100%
Events and sporting organisations	3	13%	20	83%	1	4%	24	100%
Retail and hospitality organisations	0	0%	44	100%	0	0%	44	100%
Public health and third sector organisations	64	100%	0	0%	0	0%	64	100%
Advertising and media organisations	1	6%	15	88%	1	6%	17	100%
Other organisation types	9	39%	12	52%	2	9%	23	100%
Total, organisations	79	27%	206	70%	9	3%	294	100%
Total, individuals	373	21%	1,380	76%	53	3%	1,806	100%
Total, all respondents	452	22%	1,586	76%	62	3%	2,100	100%

Percentages may not total 100% due to rounding.

9.4 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support a complete prohibition on alcohol advertising on TV and radio.

9.5 It should be noted that respondents did not answer the question about whether a ban on alcohol advertising on television and radio should be 'explored' (as was set out in Question 28); rather, they simply gave their views about whether or not they supported a complete ban.

Support for prohibiting alcohol advertising on television and radio

9.6 Those in favour of a ban on alcohol advertising on television and radio included all public health and third sector organisations, most academic organisations, some local authorities and public bodies, as well as one in five individuals. These respondents argued that:

- Alcohol advertising on radio and television in particular is extremely widespread and very effective, and leads to a high degree of exposure among all groups of the population – including children and young people, those whose use of alcohol is problematic, and those in recovery. Alcohol brands spend a higher proportion of their marketing budgets on TV advertising compared with other types of product brands, and the return on investment of this expenditure is high. This level of investment suggests that alcohol advertising on TV is successful in generating demand and increasing consumption of advertised brands.
- A ban on advertising on radio and television needs to cover not just the adverts themselves, but also the sponsorship and product placement which takes place within programmes, including in those which air at peak times and are seen as 'family programmes', and which contribute so much to the 'normalisation' of alcohol.

- A ban on television and radio advertising is necessary to protect children and young people and reduce harm, and it was reported that children and young people have also called for alcohol advertising on television (and radio) to be reduced (or banned completely).
- Although there are regulations in place to cover radio and television advertising, new measures are required to address gaps in the current system which are exploited by the industry. For example, the ASA does not regulate broadcast footage of imagery arising from sporting events and Ofcom has no remit over sports sponsorship deals.
- A complete ban would be useful in creating a 'level playing field' for all alcohol companies. Small businesses do not have access to (large) marketing budgets which means they cannot advertise on TV in the same way as big companies do.
- A complete ban on radio and television advertising would be fairly straightforward to enforce; this was contrasted with restrictions – or indeed a ban – on social media and other digital marketing channels which it was thought would be much more difficult to achieve.
- Bans on alcohol advertising on radio and television in Norway and Sweden have been successful in reducing alcohol-related harm.

9.7 A small number of respondents in this group said that:

- Further work should be carried out to establish the merits of a complete ban, and that this should take account of any evaluation of the Norway / Sweden bans, before drawing any conclusions.
- Podcasts and downloads should also be included in the ban.

Opposition to prohibiting alcohol advertising on television and radio

9.8 Respondents who opposed a ban on alcohol advertising on television and radio – including advertising and media organisations, alcohol producers, music and culture organisations, retail and hospitality organisations and most individual respondents – made the following arguments:

- A ban on alcohol advertising on television and radio would make no difference to alcohol consumption and the extent of alcohol-related harm in Scotland.
- A ban would damage the (economic) health of both the UK broadcasting sector (which must compete with well-funded global technology platforms) and the alcohol industry (by limiting its ability to reach potential customers and compete in a global market).
- There are strict codes of conduct already in place. Respondents mentioned specific rules which they followed (e.g. rules 19 and 32 of the BCAP Code, and aspects of the Ofcom regulations) and said that there are sanctions in place if a breach of the regulations occurs.
- The evidence quoted in the consultation paper about the links between exposure to radio and television advertising and alcohol was not correct, and not a valid

representation of the current situation. Instead, respondents quoted a range of sources which they said demonstrated that (children's) exposure to alcohol advertising on television has decreased substantially over the last 10 years or so. Moreover, respondents disagreed with the portrayal of the 'success' of the bans introduced in Norway and Sweden – which, according to these respondents, have not led to any decrease in alcohol consumption.

- The introduction of a ban would require agreement by the UK Government (as acknowledged in the consultation paper). Respondents thought that this was unlikely to be forthcoming, and, in any case, they did not support a UK-wide ban on alcohol advertising on television and radio.
- Scotland's current legislative powers apply only to Scotland's domestic broadcasters. There would be severe practical difficulties associated with having two separate regulatory regimes within the UK. This would be unworkable, confusing for the public, discriminatory, and would distort competition. For example, if a ban was applied to STV with signal limited to Scotland, then this would be discriminatory. These respondents also:
 - Expressed scepticism that there was a technical mechanism / solution currently available to achieve this ban, and
 - Said that regional opt-outs would have wide-ranging planning implications as well as commercial hurdles to overcome.

9.9 Two other substantive points were made:

- It is increasingly the case that people watch television programmes on 'catch up' and streaming services. Some of these options can allow advertising to be excluded from viewing. Thus, the implication behind the question (that people watch TV live when programmes are originally scheduled) is an increasingly out-of-date proposition.
- No impact assessment has been undertaken to determine the effects on TV and radio stations of reduced revenue resulting from a possible ban on alcohol advertising. Some respondents asked how these sectors would replace the lost revenue from the prohibition of alcohol advertising.

A watershed for alcohol advertising on TV and radio (Q29)

9.10 Question 29 asked for views on whether the Scottish Government should introduce a 'watershed' – that is, time-based restrictions – for alcohol advertising on television and radio, as has been done in other countries such as Ireland and Estonia. Table 9.2 shows the following:

- Overall, two-fifths of respondents (40%) thought that the Scottish Government should introduce a watershed for alcohol advertising on TV and radio, while roughly half (53%) thought they should not. The remaining 7% selected 'don't know'.
- Levels of agreement with the proposition were lower among organisations (36%) than individuals (41%). Levels of disagreement with the proposition were higher among organisations (57%) than individuals (52%).

- A large majority of public health and third sector organisations (82%) agreed that the Scottish Government should introduce a watershed for alcohol advertising on TV and radio. By contrast, between two-thirds and three-quarters of retail and hospitality organisations (77%), alcohol producers (73%) and advertising and media organisations (65%) disagreed with this approach. There were mixed views among events and sporting organisations, with 41% agreeing, 45% disagreeing and 14% saying 'don't know'. A third of other organisation types (33%) agreed with the suggested approach, while 56% disagreed.

Table 9.2: Q29 – Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland)?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	23	19%	87	73%	10	8%	120	100%
Events and sporting organisations	9	41%	10	45%	3	14%	22	100%
Retail and hospitality organisations	9	20%	34	77%	1	2%	44	100%
Public health and third sector organisations	49	82%	9	15%	2	3%	60	100%
Advertising and media organisations	5	29%	11	65%	1	6%	17	100%
Other organisation types	6	33%	10	56%	2	11%	18	100%
Total, organisations	101	36%	161	57%	19	7%	281	100%
Total, individuals	734	41%	931	52%	127	7%	1,792	100%
Total, all respondents	835	40%	1,092	53%	146	7%	2,073	100%

Percentages may not total 100% due to rounding.

9.11 The pattern of responses to this closed question was different to the patterns seen at other questions in the consultation. In particular, the percentage of respondents in favour of a watershed (40%) was substantially higher than the percentage in favour of restrictions in the other settings described in the consultation.

9.12 Table 9.2 shows that responses to the closed question were fairly evenly split between those who said they supported the introduction of a watershed for alcohol advertising on TV and radio (40%) and those who said they did not (53%). However, respondents' comments suggested little enthusiasm for the introduction of a watershed in either group. Thus, the figures in this table should be treated with caution.

9.13 In addition, Table 9.2 shows that a relatively high proportion of respondents answered 'don't know'. Many of these respondents did not comment further. Some of those who did comment noted a lack of knowledge ('not our area'), or uncertainty about the issue ('possibly', 'might be OK'). In other cases, respondents indicated that this could be an acceptable compromise. This latter point was made both by those who supported and those who did not support the introduction of a watershed, as set out at paragraphs 9.15–9.18 below.

9.14 To a large extent, those who **supported** and those who were **opposed** to the introduction of a watershed simply restated (some of) the views they had already discussed in relation to Question 28. These are recapped briefly below.

Support for the introduction of a watershed

9.15 Those who said they supported the introduction of a watershed comprised two main groups as follows:

- Respondents who were **in favour of a complete ban** on alcohol advertising on TV and radio, but (reluctantly) agreed that if a complete ban was not adopted, then a watershed could provide a (very limited) degree of protection, particularly for young children. This was the position of many public health and third sector organisations as well as a range of individuals.
- Respondents who thought that **no (further) restrictions** to alcohol advertising should be introduced but said that if Scottish Government was to pursue further restrictions, then a watershed would be the 'least worst' option. This was the position of non-public health organisations, as well as a range of individuals.

9.16 A third (smaller) group of respondents simply said that the introduction of a watershed would be 'OK' or 'fine' or that it made sense to bring alcohol advertising into line with other broadcast rules in relation to (for example) swearing or violence.

Opposition to the introduction of a watershed

9.17 In general, whichever view respondents took in relation to the introduction of a complete ban on alcohol advertising on TV and radio, those who expressed opposition to a watershed were not convinced that introducing a watershed would be effective. This was because the way that TV (and radio) services are watched (or listened to) now, means that the time constraints of a watershed are not relevant and would have little or no practical effect. (See the analysis of Question 28 above.) Programmes are not necessarily watched 'live' and can be accessed at any time of the day or night (on 'catch up'). Respondents in both groups also thought there was a risk that a watershed might increase the concentration of alcohol advertising after the watershed. This kind of effect was judged to be negative by both groups.

9.18 Respondents who were in favour of a complete ban on alcohol advertising on TV and radio also thought that a watershed might help reduce the exposure of young children, but would not help older children or those in recovery.

10 Cinema advertising (Q30 and Q31)

10.1 Section 13 of the consultation paper addressed cinema advertising. It noted that cinema advertising is regulated by the [Advertising Standards Authority](#) (ASA) [Code of Non-broadcast Advertising and Direct & Promotional Marketing](#) (the CAP Code). This restricts alcohol advertising for films assessed as having an assumed audience of at least 25% of people under the age of 18, but means that many children and young people – as well as people in recovery – are still exposed to alcohol advertising in cinemas. The consultation sought views on the introduction of further restrictions to alcohol advertising in cinemas and any exceptions to such restrictions. However, the consultation also noted that the Scottish Government may not have the necessary powers to implement restrictions on this type of advertising; thus, it may need to work with the UK Government in taking forward any new restrictions in this area.

10.2 The consultation asked two questions on this issue on whether alcohol advertising in cinemas should be restricted and, if so, if there should be any exceptions to the restrictions.

Question 30: Do you think alcohol advertising should be restricted in cinemas? [Yes / No / Don't know]

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?

Restricting alcohol advertising in cinemas (Q30)

10.3 Question 30 asked respondents if they thought that alcohol advertising in cinemas should be restricted, as has been done in countries such as Finland and Ireland. Table 10.1 shows the following:

- Overall, 37% of respondents thought that alcohol advertising should be restricted in cinemas, while 58% thought it should not. The remaining 5% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (35%) and individuals (38%). Levels of disagreement with the proposition were also similar for both organisations (61%) and individuals (58%).
- All public health and third sector organisations (100%) thought alcohol advertising should be restricted in cinemas. By contrast, a large majority of retail and hospitality organisations (90%) and alcohol producers (81%) disagreed with this approach. Around two-thirds of advertising and media organisations (71%) and events and sporting organisations (64%) also disagreed. Among other organisation types, 43% agreed with the suggested approach and 52% disagreed.

Table 10.1: Q30 – Do you think alcohol advertising should be restricted in cinemas?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	15	12%	101	81%	8	6%	124	100%
Events and sporting organisations	7	32%	14	64%	1	5%	22	100%
Retail and hospitality organisations	2	5%	38	90%	2	5%	42	100%
Public health and third sector organisations	64	100%	0	0%	0	0%	64	100%
Advertising and media organisations	5	29%	12	71%	0	0%	17	100%
Other organisation types	9	43%	11	52%	1	5%	21	100%
Total, organisations	102	35%	176	61%	12	4%	290	100%
Total, individuals	670	38%	1,029	58%	85	5%	1,784	100%
Total, all respondents	772	37%	1,205	58%	97	5%	2,074	100%

Percentages may not total 100% due to rounding.

10.4 In addition, 428 CAMRA 1 campaign respondents indicated that they did **not** support further restrictions on alcohol advertising in cinemas.

10.5 The pattern of responses to this closed question was different to the patterns seen at other questions in the consultation. In particular, the percentage of respondents in favour of restricting alcohol advertising in cinemas (37%) was substantially higher than the percentage in favour of restrictions in the other settings described in the consultation.

10.6 The analysis of the comments submitted by all respondents (i.e. those who selected 'yes', 'no' and 'don't know') indicated that all respondents were in favour of either (i) a complete ban or (ii) some form of more limited restrictions – although in many cases these more limited restrictions were simply restrictions that people thought were already in place. Thus, the sections below present the views of those in favour of a complete ban on alcohol advertising in cinemas, followed by a discussion of those who thought some restrictions – but not a complete ban – would be appropriate.

Support for a ban on alcohol advertising in cinemas

10.7 All public health and third sector organisations, most academic organisations, a minority of respondents from the 'other organisational types' category, and a substantial minority of individuals said they thought there should be a complete ban on alcohol advertising in cinemas.

10.8 These respondents argued that:

- Cinema visits were a very important and significant part of people's social and cultural life. Those who visited the cinema had no control over what adverts they were exposed to. It was therefore important to ensure that the whole population (including children and young people, and those in recovery, but also the general population) should be protected from exposure to alcohol advertising in cinemas.

- The current regulations which applied to cinema advertising were weak and insufficient. Alcohol advertising was currently permitted in all cases where it was expected that 75% of the audience would be composed of people aged over 18. This did not provide sufficient protection to those aged under 18.

10.9 Some respondents in this group also noted that alcohol product placement within films was an issue that needed to be addressed. They wanted regulations to cover this.

Opposition to a ban on alcohol advertising in cinemas

10.10 Most non-public health organisational respondents and most individuals were opposed to a complete ban on advertising in cinemas.

10.11 The main argument put forward by these respondents was that alcohol advertising in cinemas was already subject to strict regulation and controls, and that any breach of these regulations could result in a serious sanction. Respondents particularly mentioned the codes set by the ASA, the [Cinema Advertising Association](#) (CAA), and the [British Board of Film Classification](#) (BBFC). In general, this group supported the restrictions which were already in place, made comments in favour of maintaining the status quo, and emphasised the importance of ensuring that the codes already in place are adhered to.

10.12 A small number of these respondents noted that there could be a case for reviewing current arrangements, but they did not want further ‘sweeping changes’ to be introduced.

10.13 These respondents also set out a range of other arguments (all in line with arguments discussed in relation to earlier questions) as follows:

- Cinemas had been particularly badly affected by COVID, and it was important not to do anything which could compromise their recovery – any loss of revenue in this regard would be damaging. Moreover, any further restrictions could result in economic harm for cinemas run as small businesses.
- The evidence presented in the consultation document was not an accurate reflection of the situation and needed to be challenged. In particular, respondents did not accept that cinema advertising was an important influence on alcohol awareness and alcohol consumption among cinema goers. They also questioned whether alcohol adverts were promoted within the cinema setting to the degree suggested and did not find the evidence in the consultation paper on the effectiveness of further restrictions / bans on cinema advertising from other countries convincing.
- The changes being suggested were reserved to the UK Government and could not be implemented by the Scottish Government acting alone. Respondents thought the UK Government would be unlikely to support further restrictions on alcohol advertising in cinemas.

Exceptions to alcohol restrictions in cinemas (Q31)

10.14 Question 31 then asked respondents for their views on any exceptions if alcohol advertising in cinemas were to be restricted. It highlighted the possibility of restrictions related to **product type, times of day, or film ratings**.

10.15 Those respondents who were **in favour of a complete ban** on alcohol advertising in cinemas said that:

- It is easier to enforce a total ban, than to permit exceptions.
- Complete bans have already been introduced in some countries – e.g. in Lithuania, Norway and France. Scotland should follow the lead offered by these countries.

10.16 Occasionally respondents in this group said that if a complete ban did not prove to be possible, then they could accept the banning of all alcohol advertising for all films except those with an adult (over 18) rating as a compromise. This was seen as an absolute minimum requirement from their perspective.

10.17 By contrast, those who **opposed a complete ban** on alcohol advertising in cinemas generally said they did not support any further restrictions. However, they also said repeatedly that alcohol advertising should only be allowed for films which were aimed at audiences aged 18 or over or which had been given an 'X-rated' or 'adult-rated' or 'over-18' rating. A wide range of these respondents believed this was already the case given the codes currently in place; but those who were unsure, or who thought the question implied this was not currently the case, were in favour of this kind of restriction being introduced.

11 The content of advertisements (Q32–Q34)

11.1 Section 14 of the consultation paper covered issues related to the content of advertisements. It outlined current regulations under the [Advertising Standards Authority's \(ASA\) Codes](#). These prohibit marketing that (i) links alcohol with sexual success, enhanced confidence or popularity, positive personal relationships or successful social events, and / or (ii) includes content that is 'particularly' or 'strongly' appealing to children. The consultation paper noted that such rules are open to interpretation. It also noted research that suggested young people are less attracted to neutral information-based advertising than lifestyle-based advertising, and highlighted the approach taken in Estonia where alcohol advertising must adhere to a list of permitted characteristics and design features.

11.2 The consultation asked three questions regarding possible restrictions on the content of alcohol advertisements.

Question 32: Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements? [Yes / No / Don't know]

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. [Yes / No / Don't know]

Question 34: Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing? [Yes / No / Don't know]

Restrictions on the content of alcohol marketing (Q32)

11.3 Question 32 asked respondents if they thought the content of alcohol marketing in Scotland should be restricted to more factual elements. Table 11.1 shows the following:

- Overall, around a fifth of respondents (22%) thought the content of alcohol marketing in Scotland should be restricted to more factual elements, while almost three-quarters (70%) thought it should not. The remaining 8% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (24%) and individuals (22%). Levels of disagreement with the proposition were also similar for both organisations (69%) and individuals (70%).
- Around three-quarters of public health and third sector organisations (78%) agreed that the content of alcohol marketing in Scotland should be restricted to more factual elements. By contrast, a large majority of retail and hospitality organisations (93%), alcohol producers (89%) and advertising and media organisations (82%) disagreed with this approach. Around a fifth of events and sporting organisations (17%) agreed and 52% disagreed. A third of other organisation types (32%) agreed and 58% disagreed.

Table 11.1: Q32 – Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	8	7%	109	89%	6	5%	123	100%
Events and sporting organisations	4	17%	12	52%	7	30%	23	100%
Retail and hospitality organisations	3	7%	42	93%	0	0%	45	100%
Public health and third sector organisations	46	78%	10	17%	3	5%	59	100%
Advertising and media organisations	1	6%	14	82%	2	12%	17	100%
Other organisation types	6	32%	11	58%	2	11%	19	100%
Total, organisations	68	24%	198	69%	20	7%	286	100%
Total, individuals	388	22%	1,238	70%	140	8%	1,766	100%
Total, all respondents	456	22%	1,436	70%	160	8%	2,052	100%

Percentages may not total 100% due to rounding.

11.4 The perspectives of respondents who agreed and those who disagreed are explored in more detail below. Respondents who answered 'don't know' generally expressed views that aligned with those of respondents who answered either 'yes' or 'no' at Question 32 – or they expressed mixed or uncertain views, or said this question was outside the remit of their organisation. An analysis of these comments is not presented separately.

11.5 It should be noted that around a fifth of public health and third sector respondents (10 out of 59) answered 'no' to this question. As explained in paragraph 11.15 below, most of these respondents were not in favour of the types of content restrictions described in the consultation paper, but instead wanted a more comprehensive ban on alcohol advertising. The figures shown in Table 11.1 should therefore be treated with caution.

Support for restricting the content of alcohol marketing to factual elements

11.6 Respondents who answered 'yes' at Question 32 included (mainly) public health and third sector organisations, some organisations in the 'other organisation types' category, and one in five individuals. These respondents commonly made several points:

- Alcohol marketing is used by the industry to 'construct social norms and perceptions' in relation to alcohol – to create positive feelings and attitudes towards a brand and to reinforce 'a false narrative' that drinking alcohol is glamorous, fun, and sociable.
- The marketing of alcohol products seeks to make the product appealing and attractive to specific groups.
- Alcohol marketing does not depict the reality of the harms caused by alcohol.

11.7 Restricting the content of alcohol marketing to more factual elements would address these issues. It would reduce the appeal of alcohol advertising and weaken the link between positive feelings towards brands and consumption. This would not only benefit

children and young people and people in recovery, but also the general public (including higher-risk drinkers).

11.8 However, most public health and third sector organisations, some individuals, and the academic organisations and licensing bodies included in the 'other organisation types' category said that they would prefer a comprehensive ban on alcohol marketing as this would provide the greatest protection from exposure to marketing. Restrictions on the content of marketing would only be relevant if a comprehensive ban were not put in place.

11.9 Some respondents in this group cited population surveys that have found public support for restricting the content of alcohol marketing to factual elements only. They also said a large majority of the public support the inclusion of health warnings on alcohol products. Others commented that current regulation of the content of alcohol marketing messages to reduce their appeal to children has had limited impact in the UK.

11.10 As Table 11.1 shows, 8 organisations associated with the alcohol industry answered 'yes' at Question 32 (out of the 123 that answered this question). Five of these (3 alcohol vendors / importers and 2 brewers) provided further comments to explain their views. Some of these organisations suggested that alcohol marketing could be more appropriately used to (i) educate people how best to enjoy their products responsibly, and (ii) persuade customers to 'drink less, but better' (i.e. quality not quantity). They thought that being able to convey the facts about drinks without the 'lifestyle marketing spiel' would enable companies to get this message across more clearly. They also suggested that a more fact-based approach would be fairer for smaller, more quality-focused producers who cannot afford big marketing campaigns. However, one respondent in this group also commented that the existing guidelines / codes of practice on alcohol labelling and advertising already addressed many of the factual elements listed in the consultation paper.

Content of factual elements

11.11 Respondents who supported restricting the content of alcohol marketing to factual elements repeatedly suggested that these must include relevant health warnings similar to those introduced in Estonia, France, Sweden and Ireland. (Individual respondents often commented positively on the Estonian model, specifically.) There was also a view that all health messaging should be developed independently of the alcohol industry.

11.12 There were specific suggestions that (i) information about ingredients and nutritional content should be included, and (ii) any advertising that positively connects alcohol products to cultural heritage should be restricted.

Opposition to restricting the content of alcohol marketing to factual elements

11.13 Respondents who answered 'no' at Question 32 comprised most alcohol producer organisations, most retail and hospitality organisations, most advertising and media organisations and a large majority of individuals. This group also included a small majority of events and sporting organisations and organisations in the 'other organisation types' category. This group repeatedly made the following points:

- The content of alcohol marketing is already strictly regulated, and the overwhelming majority of businesses want to ensure they are advertising their products responsibly.
- Restricting alcohol marketing to purely factual statements would reduce alcohol to a 'mere commodity' and undermine centuries of Scottish creativity and brand-building.
- Restricting content would have a negative impact on Scotland's creative sector and on the ability of distilleries and breweries to distinguish themselves from their competitors and / or to market themselves as tourism destinations.
- This restriction would have a disproportionate impact on small start-up distillers and brewers that are trying to establish their brands and grow their businesses – putting them at a disadvantage compared to their competitors in other parts of the UK and abroad.

11.14 Respondents in this group explained that a lot of resource is invested in creating a brand and establishing the uniqueness of a product. It is important to be able to explain to consumers the heritage, provenance, and particular qualities of a brand. Restricting alcohol marketing to purely factual statements would undermine the major effort by the sector and the Scottish Government to grow the sector. Respondents from the advertising and media sectors said that, of all the measures discussed in the consultation paper, this one was likely to be the most damaging to the alcohol sector and the livelihoods it supports – while achieving little benefit for alcohol dependent people.

11.15 As Table 11.1 shows, 10 public health and third sector organisations answered 'no' at Question 32 (out of the 59 that answered this question). Those that provided comments to explain their response said that they would prefer a comprehensive ban on alcohol marketing and promotions. These respondents thought that restrictions like those introduced in Estonia would permit the alcohol industry to continue to advertise the name and brand of the product, thus enabling awareness of the name / brand to persist even after marketing is restricted to factual elements only. Some noted that the factual elements permitted by the Estonian restrictions do **not** include information about alcohol-related harms. This group thought that if marketing is to be permitted, then the dangers of consumption (impact on health, finances, family, etc.) and advice on where to go for help and support should also be included together with other factual elements.

Restrictions based on a list of permitted elements (Q33)

11.16 The consultation paper explained that, if Scotland followed the Estonia model, the content of adverts would be restricted to a list of permitted elements and design features (e.g. name of product, alcohol volume, where the product is made). Adverts would not be able to include any elements not set out in the list.

11.17 Question 33 asked respondents for their views about whether this type of model should be used in Scotland. Table 11.2 shows the following:

- Overall, around 1 in 6 respondents (16%) thought alcohol marketing should only be allowed to include a list of permitted elements, while three-quarters (75%) thought it should not. The remaining 9% selected 'don't know'.

- Levels of agreement with the proposition were similar for both organisations (18%) and individuals (16%). Levels of disagreement with the proposition were also similar for both organisations (73%) and individuals (75%).
- Around two-thirds of public health and third sector organisations (65%) agreed that alcohol marketing should only be allowed to include a list of permitted elements. By contrast, a large majority of retail and hospitality organisations (95%), alcohol producers (92%) and advertising and media organisations (88%) disagreed with this approach. More than half of events and sporting organisations (58%) and other organisation types (60%) disagreed.

Table 11.2: Q33 – 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.

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	3	2%	111	92%	7	6%	121	100%
Events and sporting organisations	2	8%	14	58%	8	33%	24	100%
Retail and hospitality organisations	2	5%	42	95%	0	0%	44	100%
Public health and third sector organisations	37	65%	13	23%	7	12%	57	100%
Advertising and media organisations	1	6%	14	88%	1	6%	16	100%
Other organisation types	5	33%	9	60%	1	7%	15	100%
Total, organisations	50	18%	203	73%	24	9%	277	100%
Total, individuals	272	16%	1,322	75%	160	9%	1,754	100%
Total, all respondents	322	16%	1,525	75%	184	9%	2,031	100%

Percentages may not total 100% due to rounding.

1 respondent selected 'yes' and 'don't know'. This response is not included in the table.

11.18 It was very common for organisations and individuals to repeat points at Question 33 which they had made at Question 32 (see above) or to simply say 'see my response to Question 32' or 'see above'.

11.19 To summarise, those who answered 'yes' often said they would prefer a comprehensive ban on alcohol marketing because this would offer the greatest protection to people by preventing exposure to marketing in the first place, and that content restrictions would only become relevant if comprehensive restrictions were not put in place. Should content restrictions on alcohol marketing be put in place, they should include health warnings, nutritional information, and details of how to get help with an alcohol problem.

11.20 Those who answered 'no' usually said that the content of alcohol marketing is already strictly regulated, and that restricting alcohol marketing to a list of purely factual statements would undermine centuries of Scottish creativity and brand-building, and have negative impacts on Scotland's creative sector, distillers and brewers. A quarter of public health and third sector organisations also answered 'no'. Most (though not all) of these did

so because they wanted **greater** (rather than fewer) restrictions (see paragraph 11.26 for details). The figures shown in Table 11.2 above should therefore be treated with caution.

11.21 The discussion below focuses on **new** points made at Question 33 by those who supported and those who opposed a list-type approach to restrictions on alcohol marketing. Other views regarding a list-type approach are discussed at the end of this section.

Support for a list-type approach

11.22 **Additional** points made by those who answered ‘yes’ at Question 33 were that:

- For implementation purposes, it will be easiest to state what is allowed and be clear that anything not on the list is illegal, rather than attempt to list what is **not** allowed.
- A respondent from Sweden reported that there have been difficulties in Sweden in enforcing this type of legislation for online marketing due to the ‘fast nature of communications’ and the challenges for digital platforms in removing potentially illegal content. For this reason, again, it was suggested that a comprehensive ban on all alcohol marketing would be a more effective policy – particularly for online marketing.
- If this type of measure were to be effective, it would need to be introduced across the whole of the UK.
- If this type of measure is introduced in Scotland, it should be evaluated to assess its impact in a Scottish context.

11.23 Very occasionally, individual respondents endorsed the elements permitted by the Estonian model (as set out in the consultation paper), suggesting that this type of approach would be preferable to a complete ban on all alcohol marketing and also preferable to the ‘lifestyle promotion’ that is often currently used in alcohol marketing. However, there was also a question about what the impact of this type of approach had been in Estonia and in other countries that used it.

Opposition to a list-type approach

11.24 The main **additional** theme in the responses from those who answered ‘no’ at Question 33 was to query (or challenge) the appropriateness of approaches used in Estonia as a model for restrictions on alcohol advertising in Scotland. Respondents said, ‘Scotland is not Estonia’ and that ‘Scotland should not aspire to be like Estonia’. It was noted that Estonia does not have a world-leading spirit that is exported around the world.

11.25 Respondents also repeatedly asked what effect the Estonian approach has had, and why this information was not provided in the consultation paper. According to some respondents in this group, the Estonian approach has been shown to be ineffective and damaging to their alcohol industry. Some cited evidence that alcohol consumption and alcohol-related deaths in Estonia have, in fact, risen since the introduction of restrictions on the content of alcohol advertising. Two of the public health organisations in this group also noted the lack of evaluation evidence from other countries to support this type of approach in Scotland.

11.26 However, most of the public health and third sector organisations that answered ‘no’ at Question 33 thought a comprehensive prohibition of alcohol advertising would be preferable to restrictions on the content of advertising. Some in this group also thought an Estonia-style approach would (i) continue to allow the name and brand of the product to be advertised, which they objected to and (ii) not include information about alcohol-related harms, which they wished to see.

Other views on a list-type approach

11.27 Most of those who answered ‘don’t know’ in response to this question (or who did not answer the closed question) asked about what effect this type of approach had had in Estonia. A few others made the following points:

- One respondent discussed current restrictions on the content of alcohol marketing as set out in Section 3 of the Portman Group’s [Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#), and suggested these could be evaluated for their impact.
- One respondent suggested that the approach adopted in Estonia had been a ‘compromise’ due to a ‘lack of political will to implement a full ban’ on alcohol marketing. This respondent said that the Estonian list-type approach had allowed alcohol companies to continue to promote their products through certain media channels. This was seen to be politically acceptable but, in the view of the respondent, was not as effective as a complete ban would have been in reducing alcohol-related harm.
- It was suggested that if content restrictions on alcohol marketing were to be implemented in Scotland, then further consultation on the specific list would be required – and that this should include engagement with children and young people.

Coverage of restrictions based on a list of permitted elements (Q34)

11.28 Question 34 asked respondents if they thought restrictions on alcohol marketing such as those from Estonia should be applied to all types of alcohol marketing. Table 11.3 shows the following:

- Overall, around 1 in 6 respondents (16%) thought content restrictions like the Estonian model should be applied to all types of alcohol marketing, while three-quarters (75%) thought it should not. The remaining 8% selected ‘don’t know’.
- Levels of agreement with the proposition were similar for both organisations (20%) and individuals (16%). Levels of disagreement with the proposition were also similar for both organisations (72%) and individuals (76%).
- Around three-quarters of public health and third sector organisations (71%) agreed that content restrictions like the Estonian model should be applied to all types of alcohol marketing. By contrast, a large majority of retail and hospitality organisations (93%), alcohol producers (92%), and advertising and media organisations (88%) disagreed with this approach. Around two-thirds of events and sporting organisations (61%) also said they disagreed with the approach, while a third of this group (35%)

selected 'don't know'. Other organisation types were split between those who agreed (40%) and those who disagreed (60%).

Table 11.3: Q34 – Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	3	2%	112	92%	7	6%	122	100%
Events and sporting organisations	1	4%	14	61%	8	35%	23	100%
Retail and hospitality organisations	2	5%	40	93%	1	2%	43	100%
Public health and third sector organisations	40	71%	10	18%	6	11%	56	100%
Advertising and media organisations	2	12%	15	88%	0	0%	17	100%
Other organisation types	6	40%	9	60%	0	0%	15	100%
Total, organisations	54	20%	200	72%	22	8%	276	100%
Total, individuals	276	16%	1,331	76%	149	8%	1,756	100%
Total, all respondents	330	16%	1,531	75%	171	8%	2,032	100%

Percentages may not total 100% due to rounding.

11.29 Respondents largely repeated at Question 34 views previously expressed at Questions 32 and 33 **or** they simply said, 'see my previous response'. Few specifically addressed the question of whether content restrictions (like the Estonian model) should be applied to **all types** of alcohol marketing. Those who did address the question often repeated points made in relation to other types of marketing. Specifically, those who answered 'yes' said that:

- For restrictions on the content of alcohol marketing to be effective, it is important that they apply across all promotional activities.
- The greater the number of exemptions, the greater the likelihood of diminishing returns from the restrictions: alcohol companies will be able to shift their marketing to unrestricted activities, and the impact on consumers – in terms of reducing the visibility of marketing – will be reduced.

11.30 Those who answered 'no' said that:

- It would be 'too extreme', 'too harsh, or 'too restrictive overall' if content restrictions were applied to **all types** of alcohol marketing.
- It would not be possible to block all alcohol marketing in Scotland – including through restrictions on the content of marketing. It is unlikely to be feasible to enforce such restrictions on companies not based in Scotland. Therefore, restrictions are likely to have the primary effect of harming Scottish businesses, without achieving the desired health outcomes.

12 Monitoring and enforcement (Q35)

12.1 Section 15 of the consultation paper considered monitoring and enforcement of any new restrictions on alcohol marketing. It noted that other countries use a mix of statutory and non-statutory approaches, and cited research that suggests that effective monitoring and enforcement require adequate resourcing of the agencies involved, and that more severe sanctions are likely to encourage better adherence to the rules. The consultation paper put forward the options of either working with existing regulatory bodies, or creating new regulatory arrangements or a new regulatory body in Scotland to monitor and enforce marketing restrictions. The consultation paper explained that the issue would require further consideration once the nature of any future policy action becomes clearer.

12.2 The consultation paper included a single open question seeking initial views on this issue.

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

12.3 The analysis presented here focuses first on the views of those who supported further restrictions on alcohol marketing and promotion (public health and third sector organisations, academic organisations, and around a fifth of individuals), and then on the views of those who opposed further restrictions (alcohol producers, advertising and media organisations, music, culture, events and sporting organisations, retail and hospitality organisations, and around four-fifths of individuals). A final section covers the views of regulatory and licensing organisations. This group is considered separately because of the roles these organisations have in enforcing existing regulations and their potential roles in enforcing any future regulations.

12.4 Note that, while most respondents understood this question to be about monitoring and enforcement of possible future restrictions for the purpose of ensuring compliance, some also discussed issues relating to monitoring and evaluation of any future restrictions for the purpose of measuring their effectiveness. These latter views are not discussed here but are covered in Chapter 14 together with respondents' views about the need for evidence.

Views of those who supported further restrictions on marketing

12.5 Public health, third sector and academic organisations expressed several common views, as follows:

- In order for any alcohol marketing restrictions to have an impact, monitoring and enforcement will be necessary.
- Restrictions should be put on a statutory basis. Self-regulation by the alcohol industry would not be appropriate.

- Legislation should adopt a ‘positive list’ approach – stating what activities are permitted under the legislation, rather than what are not. This will make monitoring and enforcement easier.
- An appropriately resourced agency (either a government agency or an independent agency) with powers to sanction non-compliance would be essential. Any costs associated with establishing a new independent body to monitor and enforce alcohol marketing restrictions would be recouped over time through savings to the NHS, police, ambulance, and other emergency services.
- Action against non-compliance should be taken in a timely manner. Sufficiently robust and punitive sanctions need to be an integral element of the enforcement regime. Suggested sanctions included substantial financial penalties, suspended / revoked licenses and, for repeated breaches, imprisonment.

12.6 Occasionally, respondents in this group suggested the option of working with existing regulatory bodies. Some noted the existing role of licensing officers, but thought it was ‘unrealistic’ to expect licensing officers to take on the type of work that would be involved in monitoring and enforcing the measures proposed.

Views of those who opposed further restrictions on marketing

12.7 Those broadly opposed to further restrictions on alcohol marketing (alcohol producers; advertising and media organisations; events and sporting organisations; retail and hospitality organisations; and a large majority of individuals) repeatedly made a number of common points. These were that:

- Alcohol marketing should not be further restricted; instead, existing regulations on alcohol marketing should continue to be rigorously enforced.
- The Scottish Government should seek to engage and work with existing systems of self-regulation, such as those overseen by the [Advertising Standards Authority](#) (ASA), [Ofcom](#), and the [Portman Group](#). These have proven to be successful and effective in ensuring widespread responsible alcohol advertising. Advertising and media organisations often noted that the current system is also self-funding.
- Any new regulatory arrangements, or a new regulatory body, would add additional complexity and costs – for government and businesses – and would deliver few of the Scottish Government’s desired policy outcomes. It would also create confusion for members of the public, who (it was suggested) would prefer to take their complaints to a single advertising regulatory body.
- Working with existing regulatory bodies would be sensible, cost effective, and practical and would retain existing knowledge and expertise.

12.8 Respondents in the retail and hospitality sectors also made two additional points, as follows:

- Respondents in this group often voiced concerns about the current alcohol licensing system which they described as ‘complex’, ‘riddled with inconsistencies’ and ‘very

onerous to operate in'. They suggested that the current cost-of-living crisis provided an opportunity (and impetus) to look at (i) streamlining the licensing system and processes and (ii) carrying out a formal review of the value / impact of existing measures. (The need for such a review was also raised by licensing organisations – see paragraph 12.13 below.) Retail and hospitality organisations were concerned that any new restrictions on alcohol marketing would place significant additional costs and administrative burdens both on retailers and on local authority licensing officers.

- Two respondents in this group noted that the Scottish Government has yet to implement a Primary Authority scheme for devolved legislation, as set out in the Regulatory Reform (Scotland) Act 2014.¹⁹ These respondents suggested that, if the proposals for restricting alcohol marketing were brought in, retailers would require a consistent, Scotland-wide approach to avoid different interpretations across local licensing authorities and Trading Standards services. They would also need the legal protection provided by assured advice. There was a question about how this would be provided in the absence of a Scottish Primary Authority scheme.

12.9 Among those who were opposed to further restrictions on alcohol marketing and promotion, a range of other issues were raised less often. Specifically:

- The consultation paper (paragraph 4.11) refers to the complaints-led component of the current regulatory system²⁰, but does not mention the free advisory service which is available to the alcohol industry to have their products and promotions reviewed prior to launch. This allows any materials deemed to be irresponsible or not adhering to the Codes to be amended before ever reaching the market. To encourage use of this advice service, discussions are confidential. Information included in annual regulatory reports shows that the use of the service far outweighs the number of complaints considered, demonstrating that most companies seek prior advice as part of a due diligence process rather than risk an upheld complaint.
- The ASA has been particularly active in relation to monitoring and enforcement of digital advertising – an area which respondents across all organisation types saw as particularly challenging.
- Proposed restrictions – particularly with regard to print, TV, radio and online advertising – will be very difficult to monitor and enforce.

12.10 Regarding the latter point, several respondents suggested that the Scottish Government should avoid attempting to introduce restrictions that are not mirrored in other parts of the UK – or elsewhere in the world. This group pointed to the proposed Deposit Return Scheme and noted that the Scottish Government was unlikely to be able to enforce its policies on thousands of small producers trading across the UK and abroad. These respondents saw this as another reason for the Scottish Government to seek to work with

¹⁹ Regulatory Reform (Scotland) Act 2014, [Part 2: Primary Authorities](#).

²⁰ Both the ASA and Portman Group systems rely on members of the public seeing, and knowing how to report, marketing which may breach the rules.

existing UK regulators to create an effective system to address alcohol-related harms and ensure responsible advertising.

Views of licensing and regulatory bodies

12.11 Several organisations involved in the current self-regulatory system for alcohol marketing – including the Portman Group, the Advertising Standards Authority (ASA), and the Independent Complaints Panel – made comments relevant to Question 35. Responses were also received from local authorities (including some local authority licensing departments), the Institute for Licensing (the professional body for licensing practitioners across the UK) and COSLA.

12.12 Together, the responses from the Portman Group, the ASA, and the Independent Complaints Panel provided a detailed explanation of how the current self-regulatory system works for alcohol marketing. This group thought that Section 4 of the consultation paper, which discussed the current regulatory system, was not entirely accurate or complete. These respondents described the protections currently in place to ensure that the industry is held to account, and the steps taken to ensure that decisions taken by bodies such as the ASA and the Independent Complaints Panel are independent, transparent and fair. The response from the Independent Complaints Panel noted that their key, independent role in the current self-regulatory system was not mentioned in the consultation paper. These organisations provided specific examples of the efforts they have taken over a number of years to protect consumers (especially those who are vulnerable) and children and young people – and to encourage responsibility and best practice within the industry. They also highlighted the way in which the current system had helped to create widespread alcohol industry support and compliance with marketing rules across all platforms – citing evidence to support this assertion.

12.13 With respect to the specific issue of monitoring, one of the licensing organisations expressed concern that there had been no formal assessment of the existing non-statutory framework for regulating alcohol advertising prior to publishing the consultation proposals.

12.14 Local authorities and the Institute for Licensing highlighted the key role of local authority licensing boards in taking decisions about licensed premises, including how alcohol is sold, marketed, and advertised. There was a view that this role should remain with licensing boards, but that licensing boards will require additional resources to expand inspection, monitoring and enforcement activities if new restrictions are introduced.

13 Evaluation and provision of data (Q36 and Q37)

13.1 Section 16 of the consultation paper set out the Scottish Government's commitment to robust monitoring of any future alcohol marketing restrictions. It suggested that data on alcohol marketing expenditure and local sales would be helpful in considering the impact of marketing campaigns on sales; it also noted that such data could be used to inform licencing decisions at a local level. Two questions sought views on whether the alcohol industry should be required to provide such information.

Question 36: Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland? [Yes / No /Don't know]

Question 37: Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland? [Yes / No /Don't know]

Requiring the provision of data on marketing campaigns (Q36)

13.2 Question 36 asked respondents if they thought that the alcohol industry should be required to provide information and data on alcohol marketing campaigns in Scotland.

Table 13.1 shows the following:

- Overall, around a quarter of respondents (27%) thought the alcohol industry should be required to provide information and data on alcohol marketing campaigns in Scotland, whilst two-thirds (64%) thought it should not. The remaining 9% selected 'don't know'.
- Levels of agreement with the proposition were identical for both organisations (27%) and individuals (27%). Levels of disagreement with the proposition were also identical for both organisations (64%) and individuals (64%).
- All public health and third sector organisations (100%) agreed that the alcohol industry should be required to provide information and data on alcohol marketing campaigns in Scotland. By contrast, a large majority of alcohol producers (89%) and retail and hospitality organisations (87%), and three-quarters of advertising and media organisations (75%) disagreed with this approach. Around half of events and sporting organisations (56%) said they disagreed with the approach, while a third of this group (36%) selected 'don't know'. Other organisation types were fairly evenly divided between agreement (47%) and disagreement (53%).

Table 13.1: Q36 – Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	3	2%	112	89%	11	9%	126	100%
Events and sporting organisations	2	8%	14	56%	9	36%	25	100%
Retail and hospitality organisations	0	0%	40	87%	6	13%	46	100%
Public health and third sector organisations	62	100%	0	0%	0	0%	62	100%
Advertising and media organisations	3	19%	12	75%	1	6%	16	100%
Other organisation types	7	47%	8	53%	0	0%	15	100%
Total, organisations	77	27%	186	64%	27	9%	290	100%
Total, individuals	475	27%	1,139	64%	156	9%	1,770	100%
Total, all respondents	552	27%	1,325	64%	183	9%	2,060	100%

Percentages may not total 100% due to rounding.

13.3 The arguments for and against the proposition are briefly summarised below.

13.4 It should be noted that a relatively high proportion (around a third) of events and sporting organisations selected 'don't know' at this question. These organisations (many of whom were music or cultural organisations) did not provide substantive comments to explain their view; rather, they simply said they were 'not qualified to comment' or 'not an expert in this matter'.

Support for marketing campaign data being provided by the alcohol industry

13.5 All public health and third sector organisations, academic organisations, some local authorities and public bodies, and one in four individuals said data on alcohol marketing campaigns should be provided to the Scottish Government by the alcohol industry. Some of these respondents prefaced their comments by saying that this question would not be relevant if all alcohol marketing was banned completely. However, if a full ban were not possible, this proposal would aid transparency and accountability and might alleviate any concerns that the public has about these campaigns.

13.6 The main arguments in favour of this proposal were that:

- The alcohol industry already collects these data, and it therefore makes sense – and is not a huge administrative burden – to collate data across the whole of Scotland.
- These data could helpfully inform any evaluation of the impact of alcohol marketing campaigns. This type of evaluation could be useful not only in Scotland, but beyond. In particular, any evaluation would be useful for the planning and targeting of services (including NHS services, and educational campaigns).
- There is strong public support for data-sharing of this kind.

- This data collection could be used to (i) identify legal loopholes and any circumvention of the rules by the alcohol industry and (ii) monitor and enforce existing / planned regulations and restrictions more generally.

13.7 Respondents listed the range of data they thought should be provided. This covered items such as: aims of the campaign(s), campaign expenditure, demographic targeting, media channels being used, any anticipated or expected impacts on sales, the degree of exposure each campaign achieved within the various target populations / target subgroups, and the perceptions of children and young people, and vulnerable groups regarding any campaigns.

13.8 Some of these respondents raised caveats about how this proposal would work in practice. They asked for more detail about what data the Scottish Government wished to collect and why, noted that this could be commercially sensitive information which would need to be protected, and said that marketing campaigns were notoriously difficult to evaluate. One academic organisation made the case for using 'third party information' in this regard (by which they meant purchasing information from a commercial contractor), as had been done in other large-scale public health evaluation programmes.

Opposition to marketing campaigns data being provided by the alcohol industry

13.9 Most other organisational respondents (i.e. non-public health and third sector organisations) and a large majority of individuals said the alcohol industry should not be required to provide data on alcohol marketing campaigns in Scotland.

13.10 Respondents who opposed the alcohol industry being required to provide data on alcohol marketing campaign made the following main arguments in support of their views:

- The consultation paper does not explain why these data are needed and what use they will be put to by the Scottish Government. These data are commercially sensitive, and it would need to be clear how any Freedom of Information requests would be handled. Moreover, it is not clear whether the Scottish Government would have the resources to process and report on these data if they were provided. Without assurance on this, it would be unethical to request the data.
- The alcohol industry already faces a substantial administrative burden in complying with existing regulations. Respondents said it was not clear what the benefit of this proposal would be – if an impact assessment was undertaken, respondents believed this would show the costs of providing this information as outweighing any benefits. As with other questions, respondents emphasised the current challenging economic situation and said that any extra administrative requirements could threaten the viability of businesses – especially small businesses (distilleries, breweries).
- The proposal is unworkable in practice. It is not always possible to separate alcohol marketing from other forms of marketing (the example was given of an advert aimed at promoting a Mother's Day celebration which involved a glass of wine alongside a meal). Moreover, very few marketing campaigns are directed at Scotland only. Mostly, the alcohol industry is aiming at a UK market – and separating out data that related only to Scotland would not be feasible.

Requiring the provision of local sales data (Q37)

13.11 Question 37 asked respondents if they thought that the alcohol industry should be required to provide data on local sales in Scotland. Table 13.2 shows the following:

- Overall, around a quarter of respondents (26%) thought the alcohol industry should be required to provide data on local sales in Scotland, whilst roughly two-thirds (64%) thought it should not. The remaining 10% selected 'don't know'.
- Levels of agreement with the proposition were similar for both organisations (28%) and individuals (26%). Levels of disagreement with the proposition were also similar for both organisations (62%) and individuals (64%).
- All public health and third sector organisations (100%) agreed that the alcohol industry should be required to provide data on local sales in Scotland. By contrast, a large majority of alcohol producers (90%) and retail and hospitality organisations (87%) disagreed with this approach. Events and sporting organisations were fairly evenly divided between those who disagreed (54%) and those who selected 'don't know' (42%). Around half of advertising and media organisations disagreed with the approach (56%) with the remaining organisations in this group split between agreement (25%) and 'don't know' (19%). Among other organisation types, 59% agreed and 41% disagreed.

Table 13.2: Q37 – Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	3	2%	111	90%	10	8%	124	100%
Events and sporting organisations	1	4%	13	54%	10	42%	24	100%
Retail and hospitality organisations	1	2%	40	87%	5	11%	46	100%
Public health and third sector organisations	63	100%	0	0%	0	0%	63	100%
Advertising and media organisations	4	25%	9	56%	3	19%	16	100%
Other organisation types	10	59%	7	41%	0	0%	17	100%
Total, organisations	82	28%	180	62%	28	10%	290	100%
Total, individuals	462	26%	1,142	64%	169	10%	1,773	100%
Total, all respondents	544	26%	1,322	64%	197	10%	2,063	100%

Percentages may not total 100% due to rounding.

13.12 The arguments for and against the proposition are briefly summarised below.

13.13 It should be noted that a relatively high proportion of events and sporting organisations (around half) and advertising and media organisations (around a quarter) selected 'don't know' at this question. These organisations did not, in general, provide substantive comments to explain their view; rather they simply said this was not their area of expertise.

Support for the alcohol industry being required to provide local alcohol sales data

13.14 All public health and third sector organisations, academic organisations, some local authorities and public bodies, and one in four individuals said the alcohol industry should be required to provide local alcohol sales data. Comments from such respondents largely echoed the points made at Question 36 (see above). In addition, this group of respondents said that:

- Self-reported alcohol consumption data (gathered through social and market research activities) are unreliable, and sales data would provide a more accurate picture of consumption patterns.
- The data which are currently available on this topic are incomplete. These data (which respondents said should be collected from both alcohol producers and retailers) would add an important (geographic) dimension to the understanding of (i) consumption patterns and (ii) the impact of local conditions (e.g. distance from shop, opening hours, type of premises, ownership arrangements, pricing and profit structures, etc.) on consumer behaviour. This kind of information would be useful for the evaluation of policy and practice.
- These data would be particularly useful for local licensing boards and would improve decision making in relation to the granting of alcohol licences.

Opposition to the alcohol industry being required to provide local alcohol sales data

13.15 Most alcohol producers, retail and hospitality organisations and a majority of individuals said the alcohol industry should not be required to provide local alcohol sales data. Such respondents also largely repeated points made in relation to Question 36 (see above).

13.16 The only additional points made related to (i) respondents' expectation that the quality of the data provided in response to this request would be poor – as wholesalers and other retailers do not necessarily know where their products are sold and (ii) comments that it was not necessary to collect these data as they were already available in aggregated form through commercial companies (Nielsen, CGA consultancy, and IWSR were specifically mentioned in this regard).

14 Other issues (Q38–Q41)

14.1 Section 14 in the consultation paper addressed a number of overarching issues related to the possible introduction of restrictions on alcohol marketing. It included four questions. Two questions invited views on whether a comprehensive package of restrictions covering multiple media streams should be introduced and whether restrictions on any other marketing methods or channels (other than those covered in the consultation paper) should be considered. The other two questions in this section asked about evidence and impacts on the alcohol industry in relation to restrictions on marketing.

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? [Yes / No / Don't know]

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?

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

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?

A comprehensive package of restrictions (Q38)

14.2 The Scottish Government's consultation paper put forward a range of possible options for restricting the marketing of alcohol in Scotland. Each option was considered on an individual basis. However, the consultation paper recognised the often multistranded nature of alcohol marketing campaigns, the cumulative effect of marketing across multiple channels and the potential overlap between individual restrictions. Given this context, Question 38 invited views on whether the Scottish Government should aim to introduce a comprehensive package of restrictions that would apply across multiple marketing channels. Table 14.1 shows the following:

- Overall, around a fifth of respondents (19%) thought the Scottish Government should introduce a comprehensive package of restrictions across a number of marketing channels, while three-quarters (77%) thought it should not. The remaining 4% selected 'don't know'.
- Levels of agreement with the proposition were higher among organisations (24%) than individuals (18%). Levels of disagreement with the proposition were lower for organisations (73%) than individuals (78%).
- All public health and third sector organisations (100%) agreed that the Scottish Government should introduce a comprehensive package of restrictions across a number of marketing channels. By contrast, almost all alcohol producers and retail and hospitality organisations (98% in both cases) disagreed with this approach. A large majority of advertising and media organisations (89%) and events and sporting

organisations (78%) also disagreed. Among other organisation types, 45% agreed with the suggested approach and 55% disagreed.

Table 14.1: Q38 – Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels?

Respondent type	Yes		No		Don't Know		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alcohol producers	1	1%	122	98%	1	1%	124	100%
Events and sporting organisations	3	9%	25	78%	4	13%	32	100%
Retail and hospitality organisations	0	0%	49	98%	1	2%	50	100%
Public health and third sector organisations	60	100%	0	0%	0	0%	60	100%
Advertising and media organisations	1	5%	17	89%	1	5%	19	100%
Other organisation types	10	45%	12	55%	0	0%	22	100%
Total, organisations	75	24%	225	73%	7	2%	307	100%
Total, individuals	321	18%	1,419	78%	85	5%	1,825	100%
Total, all respondents	396	19%	1,644	77%	92	4%	2,132	100%

Percentages may not total 100% due to rounding.

14.3 In addition, 428 CAMRA 1 campaign respondents and 90 CAMRA 2 campaign respondents indicated that they did **not** support the introduction of a comprehensive package of restrictions across a number of marketing channels.

14.4 In general, respondents used this question to reprise the views they had expressed at earlier consultation questions. Public health and third sector organisations, a range of respondents in the 'other organisation types' category (mainly academic organisations, local authorities and some public bodies), and around one in five individuals were in favour of introducing a comprehensive package of restrictions across a number of marketing channels. By contrast, all other organisation types and a large majority of individuals were not.

14.5 The views of both these groups are briefly summarised below. This is followed by a summary of the alternative approaches suggested by respondents who were opposed to further restrictions on alcohol advertising. For ease of reference, suggestions of alternative approaches made in relation to other consultation questions are also included here.

Support for a comprehensive package of restrictions

14.6 The main arguments in support of a comprehensive package of restrictions were that:

- The introduction of a comprehensive package of restrictions was the best way to achieve a reduction in the harm caused by alcohol. Respondents who favoured this approach repeatedly said that this is the view of both the [World Health Organization](#) and the [Alcohol Marketing Expert Network](#). Respondents noted that a comprehensive approach would require a coordinated UK-wide approach, and they encouraged the

Scottish Government to put pressure on the UK Government (and internationally) in this regard.

- Restrictions would be more effective, and easier to implement and enforce, if they were introduced on a comprehensive – and statutory – basis. Respondents said that piecemeal restrictions did not work, and any loopholes or inconsistencies would be exploited by the alcohol industry. More specifically, respondents said that the existing codes of conduct were often under-interpreted and under-enforced, and regularly violated. They often drew parallels with the tobacco industry in this regard and argued that it was the comprehensive nature of the statutory restrictions introduced that had underpinned the success of the efforts to reduce smoking.
- There was widespread public support for a comprehensive approach. Respondents said this was supported by the general public, by children and young people, by those in recovery, and by all those who were considered to be vulnerable. This was also consistent with taking a human rights approach to the issue.
- Any economic costs in terms of job losses resulting from additional restrictions on alcohol advertising would be offset by decreases in health care costs, and a healthier and more productive workforce.

14.7 Respondents in favour of a comprehensive package of restrictions on alcohol marketing confirmed that this should cover all the channels discussed in the consultation paper. Restrictions should also be regularly reviewed to ensure that they kept abreast of developments in marketing technology and the importance of social media influencers.

Opposition to a comprehensive package of restrictions

14.8 The main arguments given by respondents opposed to a comprehensive package of restrictions were that:

- Advertising and marketing of products by the alcohol industry are not the root cause of alcohol harm, and the imposition of marketing and advertising restrictions will therefore not do anything to reduce alcohol harm. Most people drink responsibly, and it is therefore not appropriate to introduce such widespread restrictions. The Scottish Government should instead focus on educational approaches (at both community and national level) and on promoting cultural change.
- The Scottish Government does not have powers to legislate for restrictions in other parts of the UK or further afield. Any restrictions covering Scotland only will distort markets, cause displacement of marketing activity, and put drinks producers in Scotland at a competitive disadvantage.
- The existing system of self-regulation, based on voluntary codes of conduct, works well and is effective. In particular, the current system of self-regulation ensures that advertisers are subject to standards which aim to prevent children and young people from being targeted by alcohol marketing and advertising. A comprehensive package of restrictions is therefore not necessary and is disproportionate and heavy handed.
- There are many direct and indirect benefits to Scotland associated with the alcohol industry. Respondents said the consultation document does not provide a balanced

view in this regard. No economic assessment had been provided – this would be expected to highlight that the benefits of introducing comprehensive restrictions would be outweighed by the costs. Respondents repeatedly emphasised that the introduction of a comprehensive package of restrictions would be deeply damaging to businesses, especially those in rural areas, and to SMEs, and that there would be unintended consequences for the food and drink sector and other sectors (music, sport, advertising, etc.).

Alternative approaches

14.9 Respondents who opposed the introduction of (further) restrictions on alcohol advertising often suggested that there are alternative – better, more cost-effective – ways of approaching the issue of reducing alcohol harms in Scotland.

14.10 The main suggestions were to:

- Introduce targeted restrictions with the aim of reducing exposure to alcohol marketing among under-18s.
- Undertake a full review of the current arrangements and use the findings of the review to update and improve the status quo.
- Improve education and awareness on the risks associated with harmful drinking. It was noted that where children and young people are concerned, the most important influences on attitudes and behaviours are parents, families, friends and peer groups – so any education and awareness campaigns and initiatives should be targeted not just at individuals themselves but at wider social groups.
- Improve, and widen access to, treatment and services for those affected by harmful drinking.
- Apply a levy to alcohol marketing spend, which could be used to fund education, prevention and treatment.
- Place advertising restrictions on ‘un-targetable’ media only (e.g. outdoor advertising, print media).
- Intervene in relation to those companies and organisations who produce cheap alcohol products which are not advertised or marketed but are largely responsible for alcohol harm in Scotland.

14.11 Respondents (including some who supported restrictions on alcohol advertising) called for the Scottish Government to work in collaboration with the alcohol industry to improve and strengthen the current approach to encouraging and promoting responsible drinking. This could include (i) reviewing the effectiveness of current approaches – respondents said it is vital to do this before any new measures are introduced, (ii) strengthening the regulatory codes currently in use, (iii) giving consideration to placing (some of) the codes onto a statutory basis and (iv) increasing the use of public health messaging and warnings on alcohol products.

Restrictions on other marketing methods or channels (Q39)

14.12 The consultation paper considered possible restrictions on a wide range of marketing methods and channels. Question 39 invited views on whether restrictions should be considered for any **additional** methods or channels.

14.13 Respondents who were opposed to a comprehensive package of restrictions on alcohol advertising and marketing confirmed at Question 39 that they did not wish to see any additional restrictions.

14.14 By contrast, respondents who were in favour of a comprehensive package of restrictions made a range of suggestions for further controls. Many of these suggestions had been raised in relation to previous questions which asked about restrictions in certain contexts. These respondents proposed additional restrictions on:

- Price promotions – Respondents were in favour of prohibiting the use of price as a promotional tool in all contexts (including point-of-sale promotions on online websites, discounts for bulk buying etc.).
- Packaging and labelling of alcohol products – Respondents suggested that all alcohol products should carry (i) health warnings (warnings about drinking while pregnant were often specifically mentioned) (ii) information about nutritional content and (iii) calorie information. Some respondents also suggested that plain packaging should be considered for all alcohol products.
- The number of licences which could be issued for specific populations / geographic areas – respondents said that some areas had an overprovision of alcohol licences.
- Any advertising and marketing which might be seen by children and young people – for example, there should be a ban on alcohol or alcohol marketing in educational settings of all kinds.

14.15 Respondents in this group also wanted to see a ban on (i) all forms of celebrity or 'social influencer' promotions or endorsements of alcohol products (ii) the use of alcohol as a prize in competitions or as a reward and (iii) social responsibility programmes sponsored by the alcohol industry.

14.16 Some of these respondents also emphasised that any legislation should be written in such a way as to provide a list of exceptions to restrictions (if any were to be permitted), rather than a list of items which were to be prohibited. (That is, the default option should be that everything in relation to marketing and advertising of alcohol products is prohibited.) Moreover, the legislation should be regularly reviewed to keep pace with any unforeseen developments in the marketing and advertising methods employed by the alcohol industry.

Evidence on alcohol marketing (Q40)

14.17 The consultation paper provided a summary of evidence from national and international research on alcohol use and alcohol marketing. Question 40 invited respondents to submit any further evidence that should be considered as part of the policy development process.

14.18 The types of comments offered in response to this question differed substantially depending on whether the respondent supported or opposed the proposals set out in the consultation paper. It should be noted that, in answering this question, both groups drew on the wide and extensive range of evidence sources they had cited at multiple points earlier in their response.

14.19 Those who **supported the proposals** for a comprehensive package of restrictions on the marketing of alcohol products (i.e. a 'blanket ban') (i) presented evidence on the harms caused by alcohol consumption in Scotland and on the impact of alcohol marketing, (ii) affirmed their agreement with the evidence base set out in the consultation paper, and (iii) identified a wide range of areas for further research and exploration.

14.20 By contrast, those who **opposed the proposals** for a comprehensive package of restrictions on the marketing of alcohol products (i) presented a critical assessment of the ('partial', 'selective', and 'inadequate') evidence base set out in the consultation paper, (ii) highlighted the absence of any impact assessment(s) exploring the costs and benefits of the proposals, and (iii) identified a wide range of negative impacts which would follow from the introduction of a comprehensive ban. Some of these respondents also raised objections about the way their organisations had been described and characterised in the consultation paper.

14.21 Each of these perspectives is described in greater detail below.

Views of those who support a comprehensive package of restrictions

14.22 Public health and third sector organisations, some organisations in the 'other organisation type' category (i.e. academic organisations, some local authorities and public bodies), as well as a range of individuals supported the proposals for a comprehensive package of restrictions. These respondents provided comments in relation to three main areas.

14.23 First, respondents in this group provided detailed, wide ranging, and often quantified accounts of the harms caused by (problematic or excessive) alcohol consumption in Scotland. The harms identified related to (i) health impacts (including high levels of alcohol-related deaths, the risks of premature death, and the increased risks for a wide range of other physical and mental health conditions), (ii) economic impacts (in terms of costs to the health service and other services, working days lost to sickness absence, etc.), and (iii) social impacts (including impacts on families, isolation, homelessness, etc.).

14.24 Second, respondents in this group affirmed (and sometimes repeated) the evidence which was referenced in the consultation paper. These respondents repeatedly emphasised the evidence which suggested a link between exposure to alcohol marketing and an increase in alcohol consumption (and thereby an increase in alcohol-related harms). This relationship between exposure and harm was – according to these respondents – evident across all demographic subgroups, but respondents often focused their comments on the effects for children and young people, those in recovery, and those who were vulnerable for any reason.

14.25 Third, respondents in this group acknowledged that there were gaps in the evidence base and it was therefore vital to continue to gather and assess evidence in this area. The areas identified for further research and study covered both very broad areas and much more specific questions. Examples of broad topics suggested for further research included:

- How does the risk of alcohol harm vary across social, economic, and geographic communities? How does the risk vary across 'protected characteristics'?
- What impact does alcohol consumption during adolescence have on brain development and cognitive functioning?
- How will a reduction in alcohol consumption affect the uptake of other risky behaviours (e.g. gambling)?
- How can the impacts of digital marketing and advertising approaches be understood and evaluated?

14.26 Examples of more focused, specific questions suggested for further research included:

- What is the impact of advertising on the sale of NoLo products?
- How does alcohol packaging affect consumer behaviour and sales?
- Does licensing legislation need to be updated given the widespread use of online sales?

Views of those who oppose a comprehensive package of restrictions

14.27 Advertising and media organisations, alcohol producers, events and sporting organisations, retail and hospitality organisations, some organisations in the 'other organisation types' category (i.e. business and private sector organisations, and organisations involved in setting standards or developing codes of practice), as well as a wide range of individuals were opposed to the proposals. These respondents provided comments in relation to three main areas.

14.28 First, respondents in this group disputed the evidence set out in the consultation paper. They variously described the evidence as 'out-of-date', 'partial', and 'biased'. Specific concerns identified by respondents included that:

- The evidence presented in the consultation paper was drawn from a narrow, and highly selective range of sources. Respondents said there was undue emphasis on evidence generated by 'Scottish Government bodies' – they particularly highlighted the reliance on research generated by (or promoted by) Alcohol Focus Scotland. Respondents in this group thought there needed to be a broader and more inclusive range of evidence presented – including evidence generated by advertising and media organisations, alcohol producers, regulators, and the alcohol industry itself.
- There is limited (or no) recognition in the consultation paper of the work that has been done by the regulators and by the alcohol industry itself to ensure that children and young people are not (unduly) exposed to alcohol advertising.

- There is clear evidence from a range of sources (including some sources quoted in the consultation paper) that whilst advertising and advertising budgets have increased substantially in recent years, alcohol consumption (as well as binge drinking, drunk and disorderly conduct, hospitalisations for underage drinking, etc.) has decreased; thus the causal link between (increased) advertising and (increased) consumption claimed in the consultation paper does not stand up to scrutiny. Respondents emphasised repeatedly that there was simply no robust evidence of a positive association between alcohol advertising and (the scale of) alcohol harm.
- Even on its own terms (i.e. accepting the evidence base which had been presented) the case for introducing a comprehensive ban on advertising has not been made. Respondents quoted paragraph 1.21 of the consultation paper which said: 'There is limited academic evidence on the impact alcohol marketing has on the adult population.' They also questioned why the evidence presented in relation to the impact of marketing restrictions and / or bans in other countries should lead to a conclusion that introducing a ban would be an effective approach to adopt in Scotland; this (they stated) was clearly not the case.
- The consultation paper suggested that (the existence of) NoLo products drives sales of alcoholic drinks. There is no evidence that this is the case.

14.29 Second, respondents highlighted the absence of any impact assessment(s) to accompany the consultation paper (and the proposals). Respondents thought it was vital that evidence about the anticipated economic impacts of the proposals (the costs and the benefits) should be presented – both a Business and Regulatory Impact Assessment (BRIA) and an Island Communities Impact Assessment (ICIA) were mentioned in this regard. More generally, respondents queried why the consultation did not contain any information about the positive impacts of the alcohol industry (in relation to, for example, tourism, exports, retail, hospitality, the economy in general, innovation, entrepreneurship, social and mental health, etc.).

14.30 Third, respondents described a wide range of negative impacts that they thought would flow from the introduction of restrictions and that had not been discussed in the consultation paper. In particular, they saw the potential for negative effects in terms of:

- Severe job losses (evidence was presented on the number of jobs in the Scottish economy supported by alcohol advertising and by the alcohol industry more generally)
- Disproportionate effects – in economic terms – on remote and rural, and island communities, and on small businesses (evidence was offered about the proportion of alcohol-industry jobs located in these areas)
- Negative impacts on the arts and culture sectors, which would struggle to find replacement funding to run events, etc.
- Legislative difficulties – which would arise as a consequence of the fact that the proposals to ban advertising in certain media channels are not currently within the legislative competence of the Scottish Government.

14.31 Further details on the expected negative impacts as perceived by those who have direct or indirect links to the alcohol industry are presented below in paragraphs 14.37–14.41.

14.32 Three other substantive issues were commented on as follows:

- There were objections to the way the alcohol industry had been portrayed in the consultation paper. Moreover, some organisations objected to the way their work had been characterised or, they said, mischaracterised or omitted. This latter point was made, specifically, by those involved in the current system of self-regulation (i.e. the Advertising Standards Authority, the Portman Group, the Independent Complaints Panel) who did not think their work to encourage responsible drinking, and to protect vulnerable groups, was accurately reflected in the consultation paper.
- Advertising and media organisations, as well as some involved in retail and hospitality questioned the statement in the consultation paper that, without marketing, alcohol products in each beverage sector are ‘essentially variations of the same thing’. These respondents argued that branding (merchandise) enhances and distinguishes world-famous brands, and their craft and design, and provides unique points of difference.
- These respondents acknowledged the importance of addressing alcohol-related harm in Scotland, and made a range of alternative suggestions about how this could be approached. (See paragraph 14.10 for a summary of these suggestions.)

Other comments on evidence

14.33 Two other notable themes arose in relation to the need for evidence for: (i) current policy development (specifically regarding licensing issues) or (ii) future evaluation. These are discussed briefly below.

Current policy development – requirement to evaluate existing licensing arrangements

14.34 A common theme in the responses from licensing organisations and retail and hospitality organisations was that formal evaluation of the impacts of the current regulatory / licensing processes should be undertaken **before** any new restrictions on alcohol marketing are introduced. In particular, they said:

- No steps have been taken to analyse the impacts of rules introduced by the Alcohol etc. (Scotland) Act 2010 regarding single display areas and bans on promotional activity within 200m outside off-sales premises.
- There has also been no post-legislative scrutiny of existing licensing laws, not only in relation to their effects on alcohol-related harm, but also in relation to whether they have achieved the aims intended when they were introduced – with the exception of a study into the efficacy of minimum unit pricing.

14.35 Licensing bodies and retail and hospitality organisations called on the Scottish Government to formally review the existing licensing framework to determine (i) if current laws are working effectively, (ii) the administrative burden of existing licensing requirements

on licence holders, and (iii) where enforcement powers exist, whether they are being used. This should be done before any significant new laws are introduced.

Future monitoring and evaluation requirements

14.36 Question 40 specifically sought views about what further evidence should be considered as part of the **policy development process**. However, some respondents also offered suggestions regarding future monitoring and evaluation requirements – if additional restrictions on alcohol marketing are introduced. Suggestions were made both by those who **supported** and those who **opposed** the introduction of restrictions and included the following:

- A robust evaluation framework should be designed together with policy and legislation. It was noted that there is limited evaluation of European alcohol legislation, and therefore any learning from Scotland would add to the international understanding of the topic.
- Key performance indicators should be developed and monitored. These should include youth drinking patterns and attitudes (it was noted that the last available information from SALSUS²¹ is now several years out of date).
- Any monitoring activities should measure impacts on: (i) the vast majority of people who consume alcohol responsibly, (ii) the viability of small, independent breweries, distilleries and cider producers, (iii) consumer choice, (iv) the Scottish economy, and (v) the ability of community groups and not-for-profit organisations to run events and festivals.

Impacts on alcohol-related businesses (Q41)

14.37 The Scottish Government acknowledged that the introduction of restrictions on alcohol marketing could have significant implications for those involved in producing, advertising, selling or distributing alcohol. It noted the importance of gathering industry views to allow potential impacts and possible support for the industry to be considered alongside any restrictions. A final question in this section was aimed at those involved in the alcohol industry and asked respondents for views on the impact of potential restrictions for their business and for the wider alcohol sector.

14.38 The analysis presented here is based on the views of respondents who said they had 'direct' or 'indirect' links to the alcohol industry. This includes alcohol producers and related organisations; advertising and media organisations; events and sporting organisations; retail and hospitality organisations; and some organisations in the 'other organisation types' category. It also includes the views of individuals who said they had direct or indirect links to the alcohol industry and who provided a substantive comment at Question 41.

14.39 Respondents' views about the potential impacts of the proposed restrictions have been noted throughout this report in relation to each question. This section, therefore, summarises – very briefly – the main impacts identified by respondents, not only in relation

²¹ [SALSUS: Scottish Schools Adolescent Lifestyle and Substance Use Survey](#).

to their own businesses / activities but in relation to their supply chains and the Scottish economy more widely.

14.40 Respondents saw the potential for significant negative impacts on:

- **The alcohol drinks industry:** Respondents repeatedly said that marketing is a crucial part of any successful business, and without marketing no business can prosper. They thought the proposed restrictions would be most damaging to new small / micro businesses in the brewing and distilling sectors who would find it impossible to establish and build their brands and could end up closing as a result. The proposals would also damage the reputation of Scotland's internationally renowned whisky industry, making it harder for this sector to compete in a global market. It was suggested that some companies may opt to move their marketing functions out of Scotland resulting in a loss of business for Scotland-based advertisers. The impacts on the drinks industry will also inevitably have knock-on effects for a wide range of other sectors. As most distillers and brewers are based in rural areas, there is likely to be a disproportionate effect on rural communities.
- **Advertising, marketing and media sectors:** Organisations working in this sector noted that a large proportion of their revenue comes from their work with alcohol brands. This group expected that the proposed restrictions would result in a substantial loss of revenue for their businesses, leading to job losses / redundancies as well as a loss of creative skills. (Respondents said this sector supports a diverse range of creative professionals including digital strategists, art directors, designers, filmmakers, photographers, 3D artists, printers, coders, social media experts, etc.).
- **Arts, music, heritage and culture sectors:** Respondents noted that these sectors rely on alcohol sponsorship and, in many cases, alcohol sales. They thought the proposed restrictions on alcohol marketing would make many existing events and music / cultural festivals unviable. This, it was suggested, would result in less activity in the arts and music sectors, smaller audiences, businesses and charities closing, job losses, and a loss of opportunities for nurturing homegrown talent. It would also have knock-on effects on the tourism and hospitality sectors. This group suggested that, ultimately, this will diminish Scotland's cultural vibrancy and international image.
- **Sporting organisations and sports clubs at national and local levels:** The main impact identified in relation to sport concerned the significant loss of income that would result for both professional and grass-roots sports clubs if alcohol sponsorship were banned. Respondents thought these effects were likely to be most damaging in local communities where distilleries and breweries play an active role in supporting local sports clubs and teams. Respondents thought the proposed restrictions would have knock-on effects on aspiring athletes and local communities as a result.
- **The tourism and hospitality sectors:** Respondents thought the proposals would have significant negative impacts on Scotland's tourism and hospitality sectors. These sectors, it was noted, were only just starting to recover from the effects of the COVID pandemic. Respondents said the proposals would make it impossible for distilleries and breweries to promote visitor experiences, thus undermining years of investment to make Scotland an attractive food and drink visitor destination. Such

impacts were likely to be greatest in rural areas. It was also suggested that the scaling back of music and cultural events due to lack of alcohol sponsorship would have impacts on visitor numbers and the vibrancy of Scotland's city centres.

- **The retail sector:** Respondents in the retail sector thought the proposals would result in increased regulation and costs for retailers. These costs, they noted, would ultimately be passed on to consumers who were already facing a cost-of-living crisis. In addition, at a time when many businesses in Scotland (especially small independent retailers) were struggling to survive, it was suggested the proposals could be devastating. Large retail organisations pointed out that many of their suppliers are small businesses and, therefore, any suggestion that the proposals should apply only to large businesses would nevertheless have adverse impacts on small businesses. Retailers in museum and gallery settings noted that their sale of alcohol in gift shops is primarily targeted at non-UK visitors to Scotland. These respondents thought the proposed restrictions would damage the profitability of gift items and thus have a negative effect on an important source of revenue. There was also a suggestion among retailers that the proposals could lead to an increase in alcohol-related crime and increased safety risks for retail staff.
- **Local communities – especially those in rural areas:** Respondents thought communities across Scotland would be adversely affected by the proposed changes to sports and cultural event sponsorship. It was reported that the majority of the industry's sponsorship activity is targeted at community teams and events. In many rural areas there are few, if any, other industries that have the financial resources to provide the same level of support. Some respondents were particularly concerned about the impacts on (i) annual fixtures such as Highland Games, and (ii) local community pubs which were described as 'vital social hubs' in rural communities.
- **The Scottish economy:** Some respondents discussed the potential effects on the Scottish economy in general. These included the loss (or stifling) of business and job creation opportunities, loss of tax revenues, businesses moving overseas, and damage to the reputation of Scotland as the 'world's greatest distilling nation'. They suggested the proposals would destroy the economic opportunity that brewing, distilling, hospitality, tourism and retail represents for the Scottish economy. Some respondents argued that the proposals contradicted the stated ambitions of the Scottish Government's [National Strategy on Economic Transformation](#).

14.41 Finally, as stated repeatedly elsewhere in this report, respondents expressed concern that no Business and Regulatory Impact Assessment(s) had been undertaken. This was thought to be an important omission given (i) the extensive impacts the proposals would have on Scottish businesses and the Scottish economy and (ii) the financial implications of potentially setting up any new regulatory bodies.

15 Equality issues (Q42)

15.1 The final section in the consultation paper noted the Scottish Government's commitment to equality and ensuring that policies lead to the creation of a fairer Scotland. Question 42 asked respondents for their views on equality issues relevant to the introduction of restrictions on alcohol marketing.

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

15.2 Just over half of all respondents commented at Question 42. (This includes some who simply said they had no comments.) Comments were offered by organisations of all types and by individuals. As with other questions, organisations were more likely to give more detailed answers while individuals generally provided brief comments only. Many respondents used this question to repeat points made at other questions about their overall views on possible restrictions on alcohol marketing. Such points are not covered here.

15.3 Among those who **broadly supported** the introduction of restrictions on alcohol marketing, there was a consensus that the issue of equalities was highly relevant and should be prioritised in the policy development process.

15.4 In general, this group agreed that 'alcohol harm is not equally experienced in Scottish society' and highlighted socio-economic inequality as a key issue. They provided statistics to illustrate the higher rates of alcohol-related ill-health and mortality in areas of high deprivation and went on to argue that any steps to reduce alcohol consumption would bring the greatest benefits to the most disadvantaged groups in society.

15.5 Some respondents in this group also commented on other equality-related issues, mainly related to children and young people; women; people with disabilities and health issues; and the LGBTQ+ community. These were all identified as groups who would benefit from further restrictions on alcohol marketing. Issues pertaining to children and young people were frequently commented on at Question 35 and in the responses to other questions in the consultation, while other issues were raised by relatively small numbers of respondents. The comments made are summarised below:

- **Children and young people:** Respondents frequently highlighted the exposure and susceptibility of children and young people to alcohol marketing, and the links to harmful drinking behaviours. They frequently said that action should be taken to minimise children and young people's exposure to alcohol marketing and reduce the risk of harmful drinking in later life. Children were also noted as the victims of alcohol-related harm in terms of experiencing domestic violence and family breakdown.
- **Women:** Respondents noted three main points: (i) that women were being increasingly targeted by alcohol marketing, (ii) that women's health was often impacted by alcohol and (iii) that women were particularly susceptible to alcohol-related harm as victims of alcohol-fuelled domestic abuse.

- **People with disabilities and health issues:** Respondents noted a range of issues related to disability and both physical and mental health. As noted above, respondents often highlighted the prevalence of alcohol-related ill-health in Scotland, particularly among those in poorer communities. They also highlighted that alcohol consumption can cause mental health conditions and is more common among those with mental health conditions. Other points noted by small numbers of respondents were (i) that it was important to tackle harmful drinking to reduce the prevalence of foetal alcohol syndrome in babies born to mothers who consume high levels of alcohol during pregnancy, (ii) that those with cognitive impairments, those with conditions such as ADD and ADHD, and those with addictions can be prone to impulsive behaviour and may be more susceptible to alcohol marketing, and (iii) that alcohol consumption can be a particular risk for people (often older people) taking medication for a health conditions.
- **LGBTQ+ community:** Respondents said that harmful drinking was particularly prevalent among LGBTQ+ people. They highlighted the high levels of exposure to alcohol and alcohol marketing due to the importance that bars and pubs have in LGBTQ+ communities.

15.6 Occasionally respondents also mentioned (i) the link between alcohol consumption and other risky and harmful behaviours; (ii) the need to consider the climate change and carbon-emission implications of the alcohol industry; and (iii) possible consequences if Scotland and other Western countries became less attractive markets, and alcohol producers shifted the focus of their marketing efforts to developing countries, which could lead to increased consumption and harm in such countries.

15.7 In addition, some respondents highlighted:

- The need for action to address the causes of alcohol harm – which are rooted in poverty and social inequality. Some highlighted the need for a whole system approach in the policy process which also tackled the influence of big corporations – the WHO’s [Framework Convention on Tobacco Control](#) was noted as a model in this area.
- The importance of viewing the issue through a children’s rights and human rights lens.

15.8 Going forward, respondents saw the following as important to policy development and success:

- Collecting equality data at local authority and health board levels to understand the differential effects of alcohol consumption and harm for different groups and to monitor the impacts of any policy interventions
- Conducting an equality impact assessment, a children’s rights impact assessment, and a Fairer Scotland Duty assessment
- Engaging with children and young people and other equality groups, and those affected by or in recovery from harmful drinking.

15.9 Among organisations and individuals broadly **opposed** to introducing restrictions on alcohol marketing, comments often focused on the perceived negative impacts the proposed measures would have on the alcohol industry and related businesses, and communities, particularly with regard to rural areas. These impacts have been discussed in some detail in the previous chapter and are not repeated here.

15.10 While much of the focus of the comments from this group was on the potential impacts on small businesses and people in rural areas, respondents also highlighted the important and positive role of bigger companies (drinks producers and retailers) in providing good quality employment in urban and often disadvantaged areas.

15.11 Occasionally, respondents in this group made specific points about the potential impacts on particular equality groups. These included the following:

- Respondents in the events and sporting sectors highlighted the impact that loss of sponsorship and advertising revenue would have on events and organisations of all types including (i) community events in rural areas reliant on the alcohol industry, (ii) the festival and events sector which was particularly important to young people and (iii) sports and physical activity opportunities for different equality groups such as young people, those with disabilities, those from the LGBTQ+ communities.
- Respondents in the hospitality and retail sectors highlighted the impact of potential price rises on consumers, and the impact of potential shop closures in local areas on consumer choice, particularly for those without access to a car. Some also pointed out the potential impact on minority ethnic groups, given the high proportion of convenience stores owned and run by members of Scotland's Asian community.

15.12 Some respondents in this group recognised that alcohol harm is experienced unequally across society but said that this should be addressed by tackling poverty and inequality, by providing improved public health education and treatment and recovery services, and by changing Scotland's drinking culture. Some also said that policy interventions in this area should be targeted at affected communities or groups, rather than being based on a whole population approach, as would be the case with the marketing restrictions proposed in the consultation.

15.13 Finally, around a quarter of respondents said that they did not see any equality issues related to the issues under consultation, often simply answering 'no' or 'none', or saying that equalities were not relevant to the matter under consideration. It was also relatively common for individuals in particular to say that they did not understand the question.

16 The views of children and young people

16.1 This chapter provides an overview of children's awareness of and attitudes towards alcohol and alcohol marketing, and a summary of views expressed in relation to individual topics included in the consultation. It draws on (i) work commissioned by the Scottish Government and undertaken by Children in Scotland to gather the views of children and young people on the proposals included in the current consultation, and (ii) responses from five other organisations that provided the views of children and young people as part of their consultation response.

16.2 The Children in Scotland engagement work and report was based on a series of focus groups with 8 children and young people, plus engagement activities undertaken by third-party organisations (e.g. schools, youth groups and youth projects) involving 105 children and young people.

16.3 The additional consultation responses drawn on in this summary were submitted by Barnardo's Scotland, the Children's Parliament, North Lanarkshire Youth Work, Together (Scottish Alliance for Children's Rights), and Y Sort It. Participants in these activities included young children of primary school age as well as pre-teens and older teenagers. There was considerable variation in the methods used, the issues covered, and the extent to which the consultation questions were addressed.

16.4 The summary presented here is intended to provide an insight into children's views and experiences. However, as with all the other consultation responses received, these views cannot be taken as representative of the views of children and young people more generally. Full details of the responses drawn on here are available – either as published reports in their own right (on the organisations' websites) and / or on the Scottish Government website as published consultation responses.

16.5 The perspectives of children and young people are presented by topic below.

Awareness of and attitudes towards alcohol marketing

16.6 Children and young people who took part in the various engagement activities indicated awareness of the role alcohol plays in the cultural life of Scotland and the harms caused by alcohol. Some participants voiced negative feelings about alcohol – for example, younger children said it made them feel worried or scared, while older children and young people linked it with addiction or being drunk or hungover.

16.7 Participants also reported a high level of awareness of alcohol marketing in their daily lives. They reported seeing this in a wide range of settings: in outdoor spaces, at bus stops and train stations, in shops, at sports events, on television and online; cinema and radio, and hospitality venues were mentioned less frequently. They were able to recall adverts and features of the branding of different alcohol drinks.

16.8 Children and young people thought that alcohol marketing could make drinking seem attractive or 'cool' and could encourage young people to drink. However, there was also a view that peer pressure was a greater influence on drinking behaviour.

16.9 There was support for restrictions of various types on alcohol marketing, with calls for less marketing in a range of settings, and less marketing that appealed to children and young people. However, there were mixed views on the extent to which such restrictions would reduce alcohol consumption or alcohol harm. Participants said that drinking behaviour was also influenced by other people in children's lives including peers and friends. There was also a view that alcohol marketing aims to influence brand choice rather than increase consumption.

16.10 There was low awareness of (i) marketing restrictions currently in place, which are based on the proportion of under-18s participating or attending a specific event (for example a sporting event or cinema show), and (ii) how to complain about an advert.

Sports and events sponsorship

16.11 Children and young people were very aware of the links between alcohol and sports events, and the exposure of children and young people to alcohol-related marketing, either in-person or on TV. They reported seeing posters, pitch-side advertising, branded kit, etc., as well as alcohol marketing on sports-related social media. Some said that 'sport should be 'about being healthy' or that alcohol sponsorship of sport was 'not a good message' and could encourage young people to drink.

16.12 The most common view among participants was that alcohol sponsorship in sport should be restricted. While some supported a complete ban, others mentioned more specific measures such as prohibiting alcohol-branded team kit, or children's kit; pitch-side marketing; marketing by sportspeople; and marketing at events involving children. One other suggestion was to provide separate family areas where marketing was not shown. However, not all children and young people expressed support for restrictions. Some highlighted the money alcohol sponsorship brought into sport and other activities; others said that marketing should be allowed at events with adult spectators.

16.13 Participants supported sponsorship restrictions as they thought this would reduce the amount of alcohol advertising seen at sports events. They also thought this might change the culture and behaviour at sporting events for the better. There was support for sponsorship restrictions to be phased in gradually to allow clubs and teams to adjust to the new rules.

16.14 Participants were generally less aware of sponsorship of other types of events, although some mentioned the sponsorship of big music festivals.

Outdoor marketing

16.15 Children and young people were very aware of outdoor alcohol marketing encountered in their everyday lives (on their way to school, on public transport, at the shops, etc.). There was support for restrictions but mixed views on whether this should be a full ban. Participants who favoured a partial approach generally wanted to see restrictions on advertising in places frequented by children – e.g. near schools and parks – and on public transport, and on the style of advertising to ensure it did not appeal to children.

However, some participants were uncertain how much impact a ban on outdoor marketing would have on drinking behaviour.

The retail environment

16.16 Children and young people were very aware of seeing alcohol in shops of all types, with some saying it was hard to miss. They thought that reducing the visibility of alcohol in these settings would be an effective way to reduce overall exposure to alcohol and alcohol marketing, and to reduce temptation and impulse purchases. They also suggested under-age drinking might decrease if alcohol was harder to purchase.

16.17 When shown pictures of the structural separation measures in place in Ireland, most children and young people thought this option would reduce exposure to alcohol among children and those in recovery from harmful drinking. However, some said options such as aisle-end barriers would not hide alcohol from view completely. There was also a concern that hiding alcohol from view could make children more curious about it.

16.18 Some children and young people highlighted the need for any restrictions to take account of the very different retail environments in small as well as large stores.

16.19 Some made specific suggestions for:

- Storing stronger spirits behind counters
- Reducing the hours during which alcohol can be sold
- Putting limits on how much alcohol people can buy in a single purchase
- Providing separate alcohol and non-alcohol areas
- Requiring ID to access the area of a shop or store where alcohol is sold
- Introducing stricter age-verification for alcohol purchases, and higher fines for anyone selling to under-18s or purchasing on behalf of under-18s
- Restricting alcohol sales to separate stores.

Merchandising

16.20 There was limited feedback from children and young people on the issue of merchandising. The few comments there were suggested support for restrictions such as limiting branding to items and clothing used / worn by adults and introducing bans on alcohol-branded merchandise at sporting and other events. However, there was concern for how such restrictions might impact on merchandising-related businesses and employment.

Print advertising

16.21 Children and young people were aware of alcohol marketing in print media. However, this did not appear to be a significant source of exposure to alcohol marketing for this group. Newspapers, in particular, were seen as being more relevant to an adult audience. Thus, restrictions in this area were seen as less of a priority.

16.22 Some children and young people thought that the use of 'child-friendly' alcohol adverts could be restricted. However, the importance of advertising revenue for print media was also noted by participants.

Online marketing

16.23 Children and young people described online alcohol marketing as extremely widespread, and hard to avoid. They reported seeing adverts on social media, messaging apps, video streaming platforms, on websites and in online games. They mentioned pop-up adverts and adverts that would appeal to young people. They highlighted approaches such as social media filters, influencer marketing and celebrity endorsements as being particularly appealing to children and young people, and video-site recommendations as being particularly effective in directing children and young people to content containing alcohol marketing. However, there was also a view (expressed occasionally) that online marketing might be 'cool' but did not lead children and young people to drink.

16.24 Restricting online advertising (although not necessarily banning it completely) was identified as a priority by many children and young people. Specific suggestions for change included: reducing the volume of advertising and making it less prominent; restricting the use of filters; targeting adverts to over-18s only, with the use of more effective algorithms; and using influencers and celebrities to promote responsible drinking.

16.25 Some young people acknowledged the difficulty of regulating online content and they were unsure if the Scottish Government had the power to make laws in this area or enforce any restrictions introduced.

Television and radio advertising

16.26 Children and young people reported frequent exposure to alcohol marketing on television, with adverts and sponsorship linked to shows that they watched, both live and on catch-up services. They were able to recall specific adverts and brands. However, children and young people tended to favour restrictions rather than a complete ban on television and radio advertising. There was support for a ban during popular family programmes, and for a more general 'watershed', which would apply to both live and on-demand services. However, some thought that this measure may be of limited value given (i) the increasing use of streaming and catch-up services which meant that programmes are not viewed at set scheduled times, and (ii) the reality that many children and young people stay up late to watch TV.

Cinema advertising

16.27 Children and young people had low levels of knowledge about current rules on cinema advertising. They thought any restrictions on alcohol advertising should be linked to the certificate of the film being shown; however, there were mixed views on whether this should be limited to 15- or 18-certificate films.

The content of advertising

16.28 Children and young people thought that alcohol marketing was often designed to portray alcohol consumption as glamorous or exciting, or to attract people using colour and imagery which appealed to children and young people. There was support for restrictions on the content of advertising, and specific support expressed for:

- Marketing and packaging with less appeal to children and young people
- The inclusion of health warnings and helpline numbers on alcohol products and advertising – although some young people said they did not fully understand what was meant by phrases such as ‘drink responsibly’, or what constituted ‘safe’ drinking
- The inclusion in adverts of children talking to adults about the impact that alcohol has on children’s lives
- The inclusion of clear ABV / alcohol unit information on alcohol packaging
- An Estonia-style approach (when this option was explained to participants) which limits adverts to factual content based on a prescribed list of allowable features.

16.29 Some children and young people suggested using marketing to promote positive drinking behaviours.

A package of measures

16.30 Children and young people generally favoured restrictions across a range of different marketing channels (online, TV, sports sponsorship, etc), although there were mixed views about which should be priority areas for action.

16.31 There was also a mix of views on how effective restrictions on marketing would be. While the most common view was that this would lead to less exposure to alcohol marketing, and result in a decrease in alcohol consumption and alcohol harm, there was also an alternative view that this would have a limited impact because of other influences on drinking attitudes and behaviour, and because marketing generally aimed to promote brands rather than consumption.

16.32 Children and young people expressed some concern about whether action would be taken and how long it would take to implement change.

Monitoring and enforcement

16.33 Comments on this issue were limited although some children and young people mentioned the need to monitor marketing content, the involvement of the police, and the use of fines for breaches of restrictions. There was support for a separate, independent organisation that was responsible for enforcing any restrictions on alcohol marketing in Scotland.

Impacts on business

16.34 The children and young people who commented on the potential impact on businesses made two main points:

- They thought that businesses like alcohol producers, pubs and shops would be affected if marketing restrictions were introduced, and that this would have an impact on the economy as a whole.
- They noted that marketing was important for businesses, and they thought the potential impacts on businesses should be taken into account in developing restrictions.

Annex 1: Organisational respondents

The consultation received responses from 423 organisations.

Alcohol drinks producers and related organisations (140)

(Includes alcohol and non-alcohol drinks producers, distillers, brewers, importers, suppliers, wholesalers, retailers that sell only alcohol, and their representative bodies. Also includes bottlers and other supply-chain organisations.)

- A Dewar Rattray Ltd
- A.G. Barr p.l.c.
- Accolade Wines
- ACIBEV - The Portuguese Wine and Spirits Association
- Adult Non-Alcoholic Beverage Association
- Alistair Walker Whisky Company Ltd
- Alliance Wine Co Ltd
- ANEV
- Angels Dare Cocktails
- Ardgowan Distillery Company Limited
- Artisanal Spirits Company Plc
- Asahi UK Ltd
- Association of Employers Polish Spirits Industry (ZP PPS)
- Association of Port Wine Companies (AEVP - Associação das Empresas de Vinho do Porto)
- Aston Manor Cider
- Athletic Brewing Company, LLC
- Bacardi-Martini Limited
- Barneys Beer Limited
- Barrels & Botanicals Ltd
- Beam Suntory UK Limited
- Beinn an Tuirc Distillers
- Bellfield Brewery Ltd
- Benriach Distillery Company
- Berry Brothers' & Rudd
- Bludge
- Boe Gin Limited
- Bon Accord Soft Drinks
- The Borders Distillery Company Limited
- Brew Toon Ltd
- BrewDog
- Broadland Drinks Ltd
- Brown-Forman

- Broxburn Bottlers
- Bruichladdich Distillery
- Budweiser Brewing Group UK & I
- C&C Group Plc (Tennent Caledonian Breweries Wholesale Limited)
- Cairns Exclusive Drinks Ltd
- Camara Nacional de la Industria Tequilera (CNIT)
- Campbeltown Whisky Company Ltd
- Campaign for Real Ale (CAMRA)
- Ceabhar Restaurant & Bun Dubh Crafty Enviropunk Brewing, Isle of Tiree
- CEEV Comité européen entreprises vins
- Clark Foyster Wines Ltd
- Closet Brewing Project
- Club Soda
- Crafty Connoisseur Limited
- Cromarty Brewing Co
- Diageo
- Direct Wines Ltd
- Dornoch Distillery Company Limited
- Dreyfus Ashby
- Drinks Innovation UK Ltd
- Drinks Ireland
- Edrington UK
- The English Whisky Co. Ltd
- Espirituosos de España
- Falkirk Whisky Distillery Company Ltd
- Five Kingdoms Brewery Ltd
- Genius Brewing Ltd
- The Gin Cooperative and ScottishGin.com
- The Glasgow Distillery Co.
- Glen Grant Ltd/Campari Group UK
- The GlenAllachie Distillers Co Limited
- Glencairn Crystal
- The Glenmorangie Company
- The Good Spirits Co. Ltd.
- Gordon & MacPhail
- Greene King
- Hannah Whisky Merchants Ltd
- Heineken UK
- Highfern Ltd
- Holyrood Distillery
- Hunter Laing & Co Ltd.

- Hybrid Brewing
- Ian Macleod Distillers Limited
- Inchdairnie Distillery Ltd
- Inner Bay Brewery Ltd
- The Innis & Gunn Brewing Company Ltd
- International Beverage Holdings Ltd
- ISH ApS
- Islay Ales Company Limited
- Isle of Arran Distillers Ltd
- Isle of Harris Distillers Ltd
- It's Braw Ltd T/A Wasted Degrees Brewing
- J & G Grant
- J. Gow Rum
- James Eadie Ltd.
- JB Payne and Family Ltd
- John Dewars & Sons Ltd
- Kelburn Brewery
- Kilchoman Distillery Co Ltd
- Loch Leven Brewery
- Loch Lomond Brewery Ltd
- Loch Lomond Group
- Lucky Saint
- MacDuff International (Scotch Whisky) Ltd
- McLean's Gin Ltd
- Mocktail Beverages
- Molson Coors Beverage Company
- Morrison Glasgow Distillers Limited
- NAMC CiderMakers Ltd
- NCD 1 Limited
- The North British Distillery Company
- Orkney Distilling Limited
- Pernod Ricard
- Praban na Linne Ltd
- Precision Spirits Ltd
- R&B Distillers Limited
- RAER Scotch Whisky Ltd
- SaltRock Brewing
- The Scotch Whisky Association
- Simple Things Fermentations
- The Single Cask Ltd
- The Society of Independent Brewers (SIBA)

- Speciality Drinks Ltd
- Spirit of Birmingham Ltd
- spiritsEUROPE
- St Andrews Wine Company
- Steilhead Cider
- Stewart Brewing
- Stirling Distillery
- The Strong Water Co.
- Summerhall Distillery Ltd
- Tarbraxus Distillers Ltd
- Tayport Distillery
- The Tomatin Distillery Co Ltd
- Thomson & Scott Ltd
- Treasury Wine Estates
- Unione Italiana Vini
- Up Front Brewing Ltd
- Vault City Brewing Ltd
- Vintage Malt Whisky Co
- Wee Beer Shop
- Wemyss Family Spirits
- Whyte & Mackay
- The Whisky Ambassador
- William Grant & Sons Limited
- Williams Bros. Brewing Co.
- The Wine & Spirit Trade Association (WSTA)
- World Spirits Alliance

Public health and third sector organisations and partnerships (63)

(Includes NHS organisations, alcohol and drug partnerships, health and social care partnerships, and Royal Colleges. Also includes health-related membership bodies, children and young people's organisations, third sector organisations which provide support to people with alcohol problems and / or their families, and organisations with a public safety remit.)

- Aberdeenshire Alcohol and Drug Partnership
- Aberdeenshire Health and Social Care Partnership
- Academy of Medical Royal Colleges and Faculties in Scotland
- Action on Smoking and Health (UK)
- Alcohol Action Ireland
- Alcohol Focus Scotland
- Alcohol Health Alliance UK
- Borders Alcohol & Drugs Partnership, NHS Borders

- British Association for the Study of the Liver
- British Heart Foundation Scotland
- British Liver Trust
- Cancer Research UK
- Church Of Scotland
- Diabetes Scotland
- Dutch Institute for Alcohol Policy STAP
- East Ayrshire Alcohol and Drug Partnership
- East Dunbartonshire Council and Health and Social Care Partnership
- East Renfrewshire Health and Social Care Partnership: ADP (Alcohol and Drug Partnership)
- Edinburgh Alcohol and Drugs Partnership
- European Alcohol Policy Alliance (EUROCARE)
- European Association for the Study of the Liver (EASL)
- Falkirk Alcohol and Drug Partnership
- Fife Alcohol and Drug Partnership
- Fresh and Balance
- Glasgow City Alcohol and Drug Partnership
- Global Alcohol Policy Alliance
- Highland Alcohol and Drug Partnership (HADP)
- IOGT-NTD
- Lanarkshire Reducing Alcohol Harms Group
- NCD Alliance Scotland
- NHS Ayrshire & Arran
- NHS Fife Department of Public Health
- NHS Greater Glasgow and Clyde Health Board
- NHS Lothian
- Nordic Alcohol and Drug Policy Network (NordAN)
- Obesity Action Scotland
- Outer Hebrides Alcohol and Drug Partnership
- Public Health Scotland
- RCGP Deep End Group
- Royal College of General Practitioners Scotland
- Royal College of Paediatrics and Child Health Scotland
- Royal College of Physicians in Edinburgh
- Royal College of Psychiatrists in Scotland
- Royal Society for Public Health
- Scottish Alcohol Counselling Consortium
- Scottish Cancer Foundation
- The Scottish Community Safety Network
- Scottish Families Affected by Alcohol and Drugs

- Scottish Health Action on Alcohol Problems (SHAAP)
- Scottish Public Health Alcohol Group (SPHAG)
- Scottish Recovery Consortium
- Shaping Public Health Policies To Reduce Inequalities and Harm (SPECTRUM)
- Shetland Alcohol & Drug Partnership
- Social Work Scotland
- South Tyneside Alcohol Alliance, South Tyneside Public Health
- Stroke Association
- TCA (Tayside Council on Alcohol)
- Turning Point Scotland
- UK Faculty of Public Health
- VAD (the Flemish centre of expertise on alcohol and other drugs)
- Water Safety Scotland
- West Dunbartonshire ADP and HSCP
- West Lothian Alcohol and Drug Partnership

Children and young people's organisations (10)

- Barnardo's Scotland
- Children's Parliament
- Fast Forward
- Nacoa UK (National Association for Children of Alcoholics)
- North Ayrshire Youth Work Modern Apprentices
- North Lanarkshire Youth Work
- Planet Youth in Highland - Local Coalition Group
- Together (Scottish Alliance for Children's Rights)
- Y sort it
- YouthLink Scotland

Sporting organisations (52)

- Aberdeen Football Club Limited
- Aberlour Strathspey Highland Games
- Airdrieonians FC
- Alloa Athletic FC
- Ayr United Football Club
- Ballater Highland Games
- Bearsden & Milngavie Highland Games Association
- Braemar Royal Highland Charity
- Celtic Football Club (Celtic FC)
- Ceres Highland Games
- Cove Rangers FC
- Dundee FC
- Dundee United Football Club

- East Kilbride FC
- Edinburgh Sports Club
- Elgin City Football Club Ltd
- Falkirk Football Club
- Falkirk Supporters Society
- Glasgow Life
- Glasgow Warriors
- Grampian Highland Games Association
- Hawick Royal Albert FC
- The Hibernian Football Club Limited
- Highland Golf Links (HGL) Pro Am
- Inveraray Highland Games
- Inverurie Loco Works Football Club
- Irvine Meadowx1 Football Club
- Isle of Skye Highland Games
- Killin Highland Games
- Lawn Tennis Association (LTA)
- Lochcarron Highland Games Association
- Montrose Football Club
- North Berwick Highland Games
- Partick Thistle Football Club
- Perth Highland Games
- Peterhead Football Club
- Pitlochry Highland Games
- Queen's Park Football Club
- Raith Rovers FC
- The Rangers Football Club Limited
- Ross Sutherland Rugby Club
- Royal Scottish Highland Games Association
- Scottish Football Association
- Scottish Professional Football League Limited (SPFL)
- Scottish Rugby
- Scottish Sports Association
- sportscotland
- St Mirren FC
- Stirling Highland Games
- Strathallan Meeting Ltd (Bridge of Allan Highland Games)
- Strathmore Highland Games Committee
- Tomintoul & Strathavon Highland Games

Tourism and hospitality organisations (46)

(Includes hotels, restaurants, pubs, and visitor attractions and their representative bodies. Also includes whisky tour organisers and tasting societies.)

- Admiral Taverns
- Argyll House
- Association of Scottish Visitor Attractions
- Bellshill Club Ltd
- The Brae Hotel
- The Brig Inn
- Caledonian Heritable Ltd
- Craigellachie Lodge
- D.M. Stewart Ltd
- Distillery Tours
- Dornoch Castle Hotel
- The Dram Queen
- Ducks Inn (Kilspindie House Ltd)
- Edinburgh Hotels Association
- The Gallery Bar
- Glasgow University Malt Whisky Society
- Glendola Leisure Limited
- ibis Edinburgh Centre Royal Mile - Hunter Square
- J G Sharps
- Juniper Wine Cafe
- Keith & Dufftown Railway Association
- Kimpton Blythswood Square Hotel
- Kimpton Charlotte Square Hotel
- MacLeods Holdings Ltd
- Mather's Bar
- The Mother Black Cat Ltd
- The National Trust for Scotland
- No 12 Hotel & Bistro
- Orkney Island Hotels Ltd
- The Pot Still
- Pubs Advisory Service Ltd
- Punch Pubs & Co
- Radisson Red
- RCA Fernyhurst Ltd T/A The Carradale Hotel
- The Scotch Whisky Experience, Castlehill, Edinburgh
- The Scottish Beer & Pub Association
- Scottish Licensed Trade Association

- The Scottish Tourism Alliance
- Snuggery Bar
- Star Pubs & Bars
- The Stonegate Group
- UKHospitality Scotland
- VisitScotland
- Waldorf Astoria Edinburgh - The Caledonian Hotel
- Wilkies Bar
- Yo Soy Group Ltd

Retail organisations (27)

(These organisations do not sell alcohol exclusively.)

- AGS Airports
- Aldi Stores Limited
- Asda Stores Ltd
- Association of Convenience Stores (ACS)
- Brave Scottish Gifts
- Brodie Countryfare
- Dynamic Retail Ltd
- Edinburgh Airport Limited
- Hayward & Stott
- James Wilson (Orkney) Limited
- Lagardere Travel Retail Ltd
- Loganair
- Marks & Spencer plc
- One O One Convenience Stores Limited
- Purepay Retail
- Sainsbury's Supermarkets Limited
- Scotfresh
- Scottish Grocers' Federation
- Scottish Midland Co-operative Society Ltd
- Scottish Retail Consortium
- Scottish Wholesale Association
- The Co-operative Group
- The Federation of Independent Retailers (previously known as NFRN)
- Threaplands Ltd.
- UK Travel Retail Forum
- Wm Morrison Supermarkets Limited
- World Duty Free

Music, cultural and events organisations (25)

- Assembly Festival Limited
- Creative Scotland
- Culture Counts
- DF Concerts & Events Ltd
- Edinburgh Cocktail Week Ltd
- Edinburgh Festival Fringe Society
- Event Industry Advisory Group
- The Edinburgh International Festival
- Festivals Edinburgh
- Holdfast Entertainment
- LIVE
- Music Festival
- Music Venue Trust
- National Galleries of Scotland
- National Museums Scotland
- P&J Live, Aberdeen
- Paisley Venues Ltd
- The Royal Edinburgh Military Tattoo
- The Scottish Ballet Company Ltd
- Scottish Contemporary Art Network
- Scottish Music Industry Association
- Traditional Music Forum
- Underbelly Ltd
- V&A Dundee
- Joint response from 11 CEOs of major music, cultural, and events organisations

Advertising organisations (19)

- Advertising Association
- Beaumont P P S Ltd
- Bright Signals
- British Promotional Merchandise Association
- Caskstrength Creative
- Electro Strategy Co
- The Evolve Group
- GRM
- IAB UK
- Incorporated Society of British Advertisers (ISBA)
- The Institute of Practitioners in Advertising (IPA)
- JC Decaux UK Ltd
- The Leith Agency

- Ocean Outdoor
- Outsmart Out of Home Ltd
- Own Label Company Scotland Ltd
- Promotif Limited
- Republic of Media Ltd
- Rothes Glen Ltd & Paragraph Publishing Ltd

Licensing and regulatory bodies (12)

(Includes local authorities.)

- Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) (Joint response)
- COSLA
- East Ayrshire Council
- Food Standards Scotland
- Independent Complaints Panel
- Institute of Licensing
- International Trademark Association (INTA)
- Newcastle City Council
- The Portman Group
- The Retail of Alcohol Standards Group
- Stirling Council
- West Dunbartonshire Licensing Board

Print, broadcast and social media organisations (8)

- The List
- News UK
- Orkney Media Group Ltd
- Orkney Television Enterprise
- Reach plc
- Scotsman Group plc
- Scottish Newspaper Society
- STV

Business and other private sector organisations (8)

- CBI Scotland
- CDLH
- Edinburgh Chamber of Commerce
- Federation of Small Businesses
- Glasgow Chamber of Commerce
- Johnston Carmichael
- Scottish Chambers of Commerce
- Scottish Council for Development and Industry

Academic organisations (8)

- The Behavioural Insights Team & Nesta
- Glasgow Caledonian University
- Institute of Alcohol Studies
- Institute of Economic Affairs
- Queen's Nursing Institute Scotland
- University of Glasgow, MRC/CSO Social and Public Health Sciences Unit
- University of Liverpool, Law & Non-Communicable Diseases Research Unit
- University of Stirling, Institute for Social Marketing and Health

Other organisation types (8)

- Drinkaware
- GMB Scotland
- Human Rights Consortium Scotland
- Law Society of Scotland
- Scotland Food & Drink
- Scottish Alcohol Industry Partnership
- Scottish Islands Federation
- TLT LLP

Annex 2: Campaign responses

This annex provides information about the two campaigns which provided templates or suggested text in response to the consultation. Copies of these campaign texts are provided below.

All campaign responses received in the consultation were checked and classified by the Scottish Government as 'standard' or 'non-standard' (i.e. personalised in some substantive way by the respondent). All non-standard responses were passed to the analytical team. These were entered into the analysis database and have been included in the quantitative and qualitative analysis presented in Chapters 3 to 14 of this report.

Information on the number of standard campaign responses was provided to the analytical team by the Scottish Government. These counts have been reported at the relevant questions.

Campaign for Real Ale (CAMRA)

The Campaign for Real Ale (CAMRA) facilitated a campaign among (i) its members living in Scotland (CAMRA 1) and (ii) those living outside Scotland (CAMRA 2). Together, these attracted 542 responses. The campaign texts for both campaigns are shown below in Tables A2.1 and A2.2.

Table A2.1: Allocation of CAMRA 1 campaign text to the consultation questions

Campaign text	Related consultation questions
<p>I wish to make the following points in response to the consultation:</p> <p>Qs 1–3 on advertising in sport:</p> <p>Alcohol producers and hospitality businesses, and particularly smaller and independent brewers and publicans, work closely with grassroots and community sports clubs. I believe that banning local pubs and brewers from sponsoring sports events will be damaging both to community sport and to local businesses which are at the heart of their communities.</p>	<p>Qs 1–3</p> <p>Assume ‘no’ at Q1.</p>
<p>Qs 4–7 on events sponsorship:</p> <p>Banning alcohol sponsorship of events could make a whole range of community events unviable. This would be detrimental to businesses, tourists and consumers like me.</p> <p>It is confusing that the Scottish Government talks about championing Scottish-made products like beers and whisky, but then proposes measures that would make it really hard for smaller producers to succeed.</p>	<p>Qs 4–7</p> <p>Assume ‘no’ at Q4.</p>
<p>Qs 8–10 on outdoor alcohol advertising:</p> <p>This would stop hospitality businesses, brewers and other alcohol producers from advertising offers or events, and could see local alcohol producers banned from advertising or displaying their products at farmers markets and other local events. I don’t think banning local, artisanal producers from these sorts of events makes sense, and will again just damage small businesses and choice of Scottish produce.</p> <p>I am also concerned about this stopping the running and promotion of beer and other drinks festivals organised by local businesses or consumer groups like CAMRA, as they could not be advertised in public.</p> <p>This will mean that consumers can’t sample and enjoy a range of products from Scotland’s small, local and independent producers at festivals. Beer and other drinks festivals are also often held in community halls, local hospitality businesses and other public buildings, which brings money into the local economy.</p> <p>Academic research led by Iganizio Cabras from Northumbria University has shown that beer festivals provide a significant boost the local pubs and social clubs, and the wider local economy. That will be lost if drinks festivals are unviable because they can’t advertise or accept sponsorship from brewers or pubs.</p>	<p>Qs 8–10</p> <p>Assume ‘no’ at Q8.</p>
<p>Qs 11–13 on the display of alcohol in shops:</p> <p>I believe that making shops hide beer and cider behind a screen, or in a separate section of bigger shops, is a step too far that would place a big burden on small businesses. This would also de-normalise the responsible, moderate consumption of alcohol – which is how the vast majority of people drink.</p>	<p>Qs 11–13</p> <p>Assume ‘no’ at Q11 and Q12</p>

<p>This proposal would also penalise responsible drinkers and prevent consumers from exploring new and innovative products. The choice of distinctive, local and independent beer and ciders has exploded in recent years – this would be at risk if customers cannot easily see, explore and choose new products in shops. Large, global brewers with high levels of brand recognition would be ok, whilst Scotland's small, independent producers would struggle to maintain brand recognition and lose out. Again, these are proposals from the Scottish Government that will damage the home-grown alcohol producers that the Scottish Government claims to champion.</p>	
<p>Qs 14–17 on alcohol branded merchandise:</p> <p>Branded merchandise helps smaller and independent brewers and other alcohol producers bring in revenue. This extra revenue, and with it choice of products for the consumer, will be at risk if alcohol branded merchandise is banned.</p> <p>This feels like a particularly punitive measure, at a time when hospitality businesses and alcohol producers are facing extraordinarily tough trading conditions.</p>	<p>Qs 14–17</p> <p>Assume 'no' at Q14 and Q15</p>
<p>Question 18 on no and low alcohol drinks:</p> <p>I do not believe that restrictions should be placed on the advertising and promotion of low and no alcohol products. These are alternatives for people who don't want to drink as much so it makes no sense that the Scottish Government would try and ban this.</p>	<p>Q18</p> <p>Assume 'no' at Q18</p>
<p>Q19 & 20 on advertising in print and media:</p> <p>Responsible advertising of alcoholic products should not be banned in the print and traditional media, where existing codes of practice are followed.</p> <p>I am also concerned that banning CAMRA and other community groups from advertising events and drinks festivals in local newspapers and other media would mean that those events wouldn't get enough publicity, and therefore footfall, to go ahead in future.</p> <p>That will reduce choice for consumers and damage small and Scotland-based businesses the most. This is yet another proposal in this consultation that doesn't make any sense if the Scottish Government wants to support Scottish businesses and produce.</p>	<p>Qs 19 and 20</p> <p>Assume 'no' at Q19</p>
<p>Q21–27 online and social media advertising:</p> <p>Banning any type of advertising of Scotland's small, local and independent brewers, cider makers and wider alcohol producers – and their products – online and on social media would be devastating to the smallest and start-up businesses.</p> <p>This would have a knock-on effect on choice in the beer, cider and wider alcohol market if only large and multinational brewers, cider makers and other drinks producers are able to bring products to market.</p> <p>The existing Advertising Standards Agency regime makes sure that online advertising and social media advertising does not reach children and young people, and that action is taken against businesses that breach the existing codes.</p>	<p>Qs 21–27</p> <p>Assume 'no' at Q21, Q23 and Q26.</p>
<p>Q28–30 on TV, radio and cinema advertising:</p> <p>Responsible advertising of alcoholic products should not be banned on TV, radio and in cinemas where existing codes of practice are followed.</p> <p>This would be a draconian measure which will again just damage smaller and independent brewers and other drinks producers and reduce choice of quality drinks for consumers.</p>	<p>Qs 28–30</p> <p>Assume 'no' at Q28 and Q30</p>

<p>Other Comments (Qs 31 – 40):</p> <p>Whilst I support appropriate regulation and efforts to tackle irresponsible and harmful drinking, I am deeply concerned that these draconian proposals would unfairly penalise all responsible drinkers.</p> <p>It is astonishing that the Scottish Government doesn't understand that these proposed restrictions will damage small, local and independent businesses, and with it the choice available to consumers in their communities, whilst having limited impact on global drinks producers and big pub and bar chains. A lot of these proposals are in complete opposition to the Scottish Government's statements about supporting the best of Scotland's hospitality sector and drinks producers.</p> <p>Local pubs and breweries provide community meeting spaces and play a vital role in tackling loneliness and social isolation in both rural, urban and suburban communities. Prohibiting their ability to offer advertising and sponsorship would damage their viability and their involvement with the communities they are imbedded in.</p> <p>Consuming beer, cider and other drinks in the responsible setting of a public house, brewery taproom, social club or at a drinks festival brings with it wellbeing and mental health benefits. Sharing a drink is also vital to helping tackle loneliness and social isolation. These activities, and the future of pubs, brewers and wider alcohol producers, is at risk if these proposals on advertising and promotion of alcohol go ahead.</p> <p>I am also concerned about the cumulative impact of regulations on the beer and pubs sector in Scotland, including the proposed Deposit Return Scheme, which are already providing an excessive burden on businesses and having an impact on consumer choice. Given that alcohol is already one of the most regulated sectors of the economy, further restrictive regulations on advertising could sound the death knell for small and independent businesses in this industry, having a hugely damaging impact on consumer choice and the future of community pubs and the Scottish economy.</p>	<p>Q38, Q40 and Q41*</p> <p>Assume 'no' at Q38</p>
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* Although the campaign text suggests these comments related to Questions 31–40, they are most relevant to Questions 38, 40 and 41.

Table A2.2: Allocation of CAMRA 2 campaign text to consultation questions

Campaign text	Related consultation questions
Whilst I do not live in Scotland, I believe that these proposals from the Scottish Government would be devastating to visitors and tourism in Scotland, as well as having a damaging impact on beer and pub businesses selling into the Scottish market. I also have concerns that it puts the viability of Scottish producers and small businesses at risk, reducing the choice of products from Scotland for consumers elsewhere in the UK.	Q41
Banning advertising and the sponsorship of events would be detrimental to businesses, tourists and consumers like me.	Q4 Assume 'no' at Q4.
It is confusing that the Scottish Government talks about championing Scottish-made products like beers and whisky, but then proposes measures that would make it really hard for smaller producers to succeed.	Q41
As a visitor to Scotland, a ban on outdoor and public advertising – and prohibiting the display of alcoholic products in shops – will make it impossible for me to discover, choose and try new and innovate alcoholic products. I fear this would only damage small businesses and choice of Scottish produce.	Q8 and Q11 Assume 'no' at Q8 and Q11

The choice of distinctive, local and independent beer and ciders has exploded in recent years – this would be at risk if customers cannot easily see, explore and choose new products in shops. Large, global brewers with high levels of brand recognition would be ok, whilst Scotland's small, independent producers would struggle to maintain brand recognition and lose out.	Q11
Similarly, if the running and promotion of drinks festivals is banned then consumers – both locals and tourists alike - can't sample and enjoy a range of products from Scotland's small, local and independent producers at festivals. Beer and other drinks festivals are also often held in community halls, local hospitality businesses and other public buildings, which brings money into the local economy.	Q4, Q8
Academic research led by Iganzio Cabras from Northumbria University has shown that beer festivals provide a significant boost the local pubs and social clubs, and the wider local economy. That will be lost if drinks festivals are unviable because they can't advertise or accept sponsorship from brewers or pubs.	Q4, Q40
I believe that responsible advertising of alcoholic products should not be banned in the print and traditional media or online and on social media where existing codes of practice are followed. This would damage the ability of producers to get their products into the Scottish market. It would also damage the viability of Scottish businesses, particularly small, local and independent producers, thereby reducing consumer choice in other parts of the UK if these businesses cannot succeed.	Q19, Q21, Q23, Q26, Q28 Assume 'no' at Q19, Q21, Q23, Q26, Q28
It is astonishing that the Scottish Government doesn't understand that these proposed restrictions will damage small, local and independent businesses, and with it the choice available to visitors to Scotland. A lot of these proposals are in complete opposition to the Scottish Government's statements about supporting the best of Scotland's hospitality sector and drinks producers.	Q38, Q41 Assume 'no' at Q38
Further restrictive regulations on advertising could sound the death knell for small and independent businesses in this industry, having a hugely damaging impact on tourism, consumer choice in Scotland and choice in the rest of the UK of Scottish products from small, local and independent producers.	Q38, Q41 Assume 'no' at Q38

Scottish Beer and Pub Association – Publicans campaign

The Scottish Beer and Pub Association facilitated a campaign among its members who are publicans. This campaign attracted 81 responses. The campaign text is shown below at Table A2.3.

Table A2.3: Allocation of Publicans campaign text to the consultation questions

Campaign text	Related consultation questions
<p>Do you think we should prohibit alcohol sports sponsorship in Scotland?</p> <p>No</p> <p>Please explain your answer in the text box:</p> <p>Alcohol industry sponsorship of sports helps secure the long-term viability of community and grass-roots sports. This funding helps broaden participation and should not be constrained. Alcohol branding of sporting events aimed at adults also helps create a connection with the hospitality industry and creates demand for our business when the sporting events take place.</p>	Q1
<p>Do you think we should prohibit alcohol events sponsorship in Scotland?</p> <p>No</p> <p>Please explain your answer in the text box:</p> <p>Cultural events are the fabric of Scotland which attract people from all over the world. Implementing what is effectively a funding cut will have a profound effect on the viability of Scotland's cultural events and festivals. Restrictions on alcohol sponsorship will also have a knock-on effect on local economies and businesses like ours, which benefit from the passing trade any major event brings. If funding is cut many of these events will not be able to proceed at their current scale, if at all, and in turn my business will suffer and places in jeopardy the jobs of the people I employ in my business. Securing alternative sources of funding – especially during hard economic times - would be hugely difficult and the Scottish Government must acknowledge that.</p>	Q4
<p>Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?</p> <p>No</p> <p>Please explain your answer in the text box:</p> <p>Pubs are on their knees as a consequence of inflationary pressures, rising energy costs, Covid recovery and the forthcoming implementation of the Deposit Return Scheme. This proposal will pile additional costs on us at the worst possible time as we will have to adapt our premises / frontage to comply with any regulations. Imposing restrictions on our external frontage also risks creating a scenario where our town centres lose character and heritage that pubs like ours provide.</p>	Q8
<p>Do you think that we should prohibit the free distribution of alcohol branded merchandise in Scotland?</p>	Q15

<p>No</p> <p>Please explain your answer in the text box:</p> <p>If restrictions on the free distribution of branded merchandise including glassware, external furniture and placemats are imposed it will cost our business around £2,000 per year to make up for this to replace branded equipment for our pub which is normally provided free of charge by producers, at a time when we simply cannot afford that. We would also question the efficacy of prohibiting the free distribution of merchandise in addressing alcohol consumption.</p>	
<p>Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks?</p> <p>Not Answered</p> <p>Please answer in the text box below:</p> <p>Low and no alcohol products enable pubs to cater for a wider range of consumers whilst also encouraging responsible consumption. The Low and No category has grown over recent years and we have seen this reflected in the number of people who ask for these products in our pub. The development of these products should be welcomed by the Scottish Government, not restricted as is being proposed. We have seen our customers moderate their consumption of alcohol through the use of these products. Low and no alcohol products have helped pubs continue to serve customers who drive following the changes to Scotland's strict drink-drive limits. Reducing the potential for more low and no alternatives across all alcohol products may force trade away from pubs, and indeed, other hospitality settings.</p>	<p>Q18</p> <p>Assume 'no' at Q18</p>
<p>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 add your response in the text box:</p> <p>The Scottish Government should be proud of its nation's drinks industry and the economic benefits it brings – we should be supporting the success of our sector, not restricting its potential.</p>	<p>Q41</p>

Annex 3: Question response rates

Respondent type	Organisations	Individuals	Total
Question	Number (and % of total 426)	Number (and % of total 1985)	Number (and % of total 2411)
1. Do you think we should prohibit alcohol sports sponsorship in Scotland? [Yes / No / Don't Know]	360 (85%)	1953 (98%)	2313 (96%)
Please provide your answer in the text box.	345 (81%)	1311 (66%)	1656 (69%)
2. If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?	315 (74%)	1602 (81%)	1917 (80%)
3. What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship, and why?	321 (75%)	1583 (80%)	1904 (79%)
4. Do you think we should prohibit alcohol events sponsorship in Scotland? [Yes / No / Don't know]	351 (82%)	1951 (98%)	2302 (95%)
Please provide your answer in the text box.	333 (78%)	1278 (64%)	1611 (67%)
5. If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?	288 (68%)	1499 (76%)	1787 (74%)
6. What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?	301 (71%)	1490 (75%)	1791 (74%)
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? [Yes / No / Don't know]	274 (64%)	1715 (86%)	1989 (82%)
If you have any comments on the overall approach, please record those here.	290 (68%)	1365 (69%)	1655 (69%)
8. Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland? [Yes / No / Don't Know]	329 (77%)	1926 (97%)	2255 (94%)
Please explain your answer in the text box.	306 (72%)	1171 (59%)	1477 (61%)
9. What do you think should be covered by a prohibition on alcohol marketing	285 (67%)	1533 (77%)	1818 (75%)

outdoors, on vehicles and in public spaces?			
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? Why?	278 (65%)	1428 (72%)	1706 (71%)
11. Do you think that we should further restrict the visibility of alcohol in retail environment? [Yes / No / Don't know]	312 (73%)	1901 (96%)	2213 (92%)
Please explain your answer in the text box.	291 (68%)	1278 (64%)	1569 (65%)
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)? [Yes / No / Don't Know]	296 (69%)	1887 (95%)	2183 (91%)
Please provide your answer in the text box.	260 (61%)	1097 (55%)	1357 (56%)
13. How do you think structural separation of alcohol in Scotland could operate? (e.g. with barriers, closed display cases)	266 (62%)	1485 (75%)	1751 (73%)
14. Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland? [Yes / No / Don't know]	308 (72%)	1891 (95%)	2199 (91%)
Please explain your answer in the text box.	278 (65%)	1170 (59%)	1448 (60%)
15. Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland? [Yes / No / Don't know]	308 (72%)	1884 (95%)	2192 (91%)
Please explain your answer in the text box.	263 (62%)	1001 (50%)	1264 (52%)
16. What, if any, exceptions do you think should there be to prohibiting the sale or distribution of alcohol-branded merchandise?	268 (63%)	1393 (70%)	1661 (69%)
17. What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?	264 (62%)	1351 (68%)	1615 (67%)
18. Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks? [Yes / No / Don't know]	321 (75%)	1879 (95%)	2200 (91%)

Please explain your answer in the text box.	288 (68%)	1055 (53%)	1343 (56%)
19. Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland? [Yes / No / Don't know] [Yes / No / Don't know]	300 (70%)	1861 (94%)	2161 (90%)
Please explain your answer in the text box.	265 (62%)	1040 (52%)	1305 (54%)
20. What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?	258 (61%)	1383 (70%)	1641 (68%)
21. Do you think we should restrict alcohol-branded social media channels and websites in Scotland? [Yes / No / Don't know]	302 (71%)	1852 (93%)	2154 (89%)
Please explain your answer in the text box.	275 (65%)	1117 (56%)	1392 (58%)
22. What, if any, exceptions do you think there should be to prohibiting alcohol-branded social media channels and websites in Scotland?	258 (61%)	1323 (67%)	1581 (66%)
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. [Yes / No / Don't know]	303 (71%)	1830 (92%)	2133 (88%)
Please explain your answer in the text box.	256 (60%)	933 (47%)	1189 (49%)
24. What types of paid alcohol advertising do you think should be covered by any restrictions?	259 (61%)	1317 (66%)	1576 (65%)
25. What, if any, exceptions do you think should there be to restricting paid alcohol advertising online?	252 (59%)	1257 (63%)	1509 (63%)
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? [Yes / No / Don't know]	293 (69%)	1813 (91%)	2106 (87%)
Please explain your answer in the text box.	251 (59%)	894 (45%)	1145 (47%)
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) –	251 (59%)	1247 (63%)	1498 (62%)

whether this is produced by them or by consumers?			
28. Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)? [Yes / No / Don't know]	294 (69%)	1806 (91%)	2100 (87%)
Please explain your answer in the text box.	254 (60%)	942 (47%)	1196 (50%)
29. Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland)? [Yes / No / Don't know]	281 (66%)	1792 (90%)	2073 (86%)
Please explain your answer in the text box.	245 (58%)	985 (50%)	1230 (51%)
30. Do you think alcohol advertising should be restricted in cinemas? [Yes / No / Don't know]	290 (68%)	1784 (90%)	2074 (86%)
Please explain your answer in the text box.	251 (59%)	981 (49%)	1232 (51%)
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?	261 (61%)	1391 (70%)	1652 (69%)
32. Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements? [Yes / No / Don't know]	286 (67%)	1766 (89%)	2052 (85%)
Please explain your answer in the text box.	248 (58%)	933 (47%)	1181 (49%)
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. [Yes / No / Don't know]	278 (65%)	1754 (88%)	2032 (84%)
Please explain your answer in the text box.	227 (53%)	800 (40%)	1027 (43%)
34. Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing? [Yes / No / Don't know]	276 (65%)	1756 (88%)	2032 (84%)
Please explain your answer in the text box.	216 (51%)	713 (36%)	929 (39%)
35. How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?	295 (69%)	1417 (71%)	1712 (71%)
36. Do you think that Scottish Government should require the alcohol industry to provide	290 (68%)	1770 (89%)	2060 (85%)

information and data on alcohol marketing campaigns in Scotland? [Yes / No / Don't know]			
Please explain your answer in the text box.	241 (57%)	894 (45%)	1135 (47%)
37. Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland? [Yes / No / Don't know]	290 (68%)	1773 (89%)	2063 (86%)
Please explain your answer in the text box.	247 (58%)	852 (43%)	1099 (46%)
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? [Yes / No / Don't know]	307 (72%)	1825 (92%)	2132 (88%)
Please explain your answer in the text box.	253 (59%)	927 (47%)	1180 (49%)
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?	254 (60%)	1266 (64%)	1520 (63%)
40. What further evidence on alcohol marketing would you like the Scottish Government to consider?	297 (70%)	1286 (65%)	1583 (66%)
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?	281 (66%)	1206 (61%)	1487 (62%)
42. Are there any relevant equality issues that Scottish Government should be considering at this stage in the policy development?	226 (53%)	1146 (58%)	1372 (57%)

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