



23 August 2019

Our ref: LH19-382

Chair, Codes Committee
Advertising Standards Authority
PO Box 10675
WELLINGTON 6143

via email: claire@asa.co.nz

Tēnā koutou katoa,

Consultation on the standards for advertising and promotion of alcohol

Thank you for giving the Royal New Zealand College of General Practitioners the opportunity to comment on the draft Alcohol Advertising and Promotion Code.

General practitioners comprise almost 40 percent of New Zealand's specialist medical workforce and the Royal New Zealand College of General Practitioners is the largest medical college in the country. Our kaupapa is to set and maintain education and quality standards for general practice and support our members to provide competent, equitable care to their patients. We do this to improve health outcomes and reduce health inequities.

The College has used the following research to inform its response to the draft Alcohol Advertising and Promotion Code:

The 2017-18 New Zealand Health Survey¹:

- one in five adults (20%) drank alcohol in a way that could harm themselves or others (hazardous drinking);
- hazardous drinking rates were higher in men (27%) than women (13%); and
- despite fewer people in the most deprived areas (compared to those in the least deprived areas) having drunk alcohol in the past year, adults in the most deprived areas were 1.3 times as likely to be hazardous drinkers as adults in the least deprived areas, after adjusting for age, gender and ethnic differences.

New Zealand research to quantify children's non-supermarket exposure to alcohol marketing² found that a sample of children in Wellington aged between 11-13 years were exposed to alcohol marketing via product packaging on average 7.7 times per day.

Growing Up in New Zealand found that, of the two-year olds that had watched some TV during the previous weekday, approximately 13 percent (n=621) had watched adult television on free-to-air or pay TV.³ In

¹ Ministry of Health. 2019. *New Zealand Health Survey*. Accessed 22 August 2019.

<https://www.health.govt.nz/publication/annual-update-key-results-2017-18-new-zealand-health-survey>

² Chambers T et al. 2019. *Quantifying children's non-supermarket exposure to alcohol marketing via product packaging using wearable cameras*. *Journal of Studies on Alcohol and Drugs*. Accessed 22 August 2019.
<https://www.jsad.com/doi/full/10.15288/jsad.2019.80.158>

³ Morton et al. 2014. *Now we are two: describing our first 1000 days*. *Growing Up in New Zealand*. Accessed 22 August 2019. <https://cdn.auckland.ac.nz/assets/growingup/research-findings-impact/report03.pdf>

addition, research has found that alcohol advertising remains prominent in televised sport in New Zealand⁴, with audiences being exposed to between 1.6 and 3.8 alcohol brands per minute.

Our submission

The College welcomes the Authority's intention to use the draft Code to protect children, young people, and other vulnerable audiences. To strengthen this intent within the Code, we recommend the following changes under each principle of the draft Code:

Principle 1: Social Responsibility

- It becomes compulsory for all alcohol advertisers and promoters to gain Liquor Advertising and Promotion Pre-vetting Service (LAPPS) approval for all alcohol advertising and promotions to ensure that they are complying with the Code. The Authority's own 2017-18 data shows that nearly half of all alcohol advertising complaints were upheld or settled; this would indicate that advertisers are failing to apply the Code.
- The expected proportion of adults in a "predominantly adult" audience is increased to 90 percent, rather than the proposed 75 percent (Rule 1(a) 3 and Rule 3(a)). This recommendation is based on the research showing that 13 percent of New Zealand children watch adult television, are already exposed to an average of seven alcohol advertisements a day and see at least two alcohol brands per minute during televised summer sports.

In the College's view, any age-restricted product, in this case an R18 product, should not be advertised or promoted to anyone younger than the restricted age group. We are also concerned about the amplified effect of allowing alcohol advertising in addition to alcohol promotions during popular, national sporting events, where it would be reasonable to expect children to be watching those sports. An example would be Steinlager as a competition partner for the All Blacks promoting an event during the Rugby World Cup while also advertising its products in the same broadcast period.

- Children and young people do not appear in any alcohol advertising, regardless of the explicit or implicit nature of their involvement. Alcohol is an age-restricted product and anyone who cannot legally consume the product should not be involved in directly or indirectly promoting it.
- Young people between 18 and 24 years of age are not permitted to be visually prominent in any advertisements and promotions placed in an age-restricted environment.

The College considers it contrary to the stated goal of the Code to allow advertisers and promoters to prominently feature those closest in age to the group that is meant to be protected. It is a common advertising strategy to juxtapose a product with a user in visuals⁵ in order to facilitate brand name recall. By deliberately using younger people in alcohol advertising, manufacturers and promoters are obviously intending to encourage young people to purchase alcohol. Allowing this in the Code would provide a convenient loophole in the Code's stated social responsibility intention.

The College also considers it is irrelevant whether the person in the advertisement or promotion has been paid, as this will not be apparent to the audience. In addition, it seems unlikely that "real people in

⁴ Chambers T et al. 2017. *Alcohol sponsorship of a summer sport: a frequency analysis of alcohol marketing during major sports events on New Zealand television*. New Zealand Medical Journal. Accessed 22 August 2019. <http://www.nzma.org.nz/journal/read-the-journal/all-issues/2010-2019/2017/vol-130-no-1448-13-january-2017/7122>

⁵ Rossiter, John R. 1982. *Visual Imagery: Applications to Advertising*. Association for Consumer Research. Accessed 22 August 2019. <http://www.acrwebsite.org/search/view-conference-proceedings.aspx?Id=5909>

real situations” would consent to their images being used to advertise or promote alcohol without receiving some form of payment in cash or in kind.

- Alcohol advertisements be limited to no more than one advertisement per hour. The College notes that New Zealand averages 14 minutes per hour of advertisements on television⁶. Allowing up to six minutes per hour in alcohol advertising would make nearly half of all advertising spots between 8.30pm and 6.00am available for alcohol advertisements and promotions. The College is opposed to this given the volume of incidental alcohol advertising New Zealanders are already exposed to on television through promotions and sponsorship arrangements.

The College recommends that alcohol advertising should not be permitted during radio, television and internet broadcasts that are already sponsored by alcohol, eg: brought to you by Monteith's, official beer of NZ Cricket. The College also recommends that the time slot restrictions applying to television advertising are also applied to radio and internet advertising. This is because it is highly likely that children are listening to breakfast and afternoon radio with their parents/caregivers and therefore the audience is not predominantly adult. In addition, because it is difficult to ascertain the demographic profile of internet users the same adult watershed should be applied.

Principle 2: Truthful presentation

- Attention is paid to assessing 'factual' claims. The College supports the Code's intention that alcohol advertisements and promotions must not mislead, deceive, or exploit consumers' lack of knowledge. However, the College finds some of the given examples of factual claims problematic, such as "low calorie" or "reduced energy" as these terms are deeply embedded euphemisms for dietary weight-control or weight-management claims, which the draft Code explicitly forbids.

Principle 3: Alcohol sponsorship advertisements

- Sponsorship wording is restricted to stating "Sponsor of..." without additional qualifiers that would convey a halo effect on the product or sponsor. The College is completely opposed to any type of sponsorship wording that implies that alcohol is either beneficial, a positive contributor to New Zealand society, or an indispensable/ integral part of an event or team that is important to New Zealanders.

Additional comments

The College is disappointed that the draft Code does not address the possibility of limiting or otherwise controlling the concentration of alcohol advertising in outdoor spaces, eg: billboards, shop fronts, bus shelters and other large-format pictorial displays. Due to outdoor advertising's reach and prominence being similar to that of television, the College believes it is appropriate to also restrict this advertising to "predominantly adult" audiences where it is not highly likely to be seen by children, young people and vulnerable people.

The College also considers that the draft Code focuses too heavily on traditional advertising formats and does not address internet, social media, and other future forms of alcohol advertising and how to protect vulnerable audiences in those media.

The College has noted the number of alcohol-related regulations which are deemed out of scope for this consultation, including alcohol sale and supply, discounts within licensed premises, health warnings, content of broadcast programmes and alcohol promotion guidelines, and also the number of organisations involved in administering a fragmented system.

⁶ Te Ara. The Encyclopaedia of New Zealand. *Television advertising*. Accessed 22 August 2019. <https://teara.govt.nz/en/advertising/page-4>

Although out of scope for this consultation, the College would recommend that a holistic, national approach is implemented for managing alcohol advertising, promotion, sale, use and harm minimisation in New Zealand.

We hope that you have found our submission helpful. If you have any questions, would like more information, or would like to meet to discuss our submission, please email policy@rnzcgp.org.nz

Nāku noa, nā



Lynne Hayman
Chief Executive