



Alcohol Advertising and Sponsorship Consultation Response

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

- DIRECT LINKS

The Scottish Beer & Pub Association (SBPA) represent brewers and pub companies operating in Scotland. SBPA members account for over 90% of beer sales in Scotland's and operate around 1,000 of the nation's beloved pubs. This includes Scotland's most iconic brewers such as Tennents, Belhaven, Innis & Gunn and Brewdog as well as many more large and small brewers and pub operators, many who operate across the wider UK and globally.

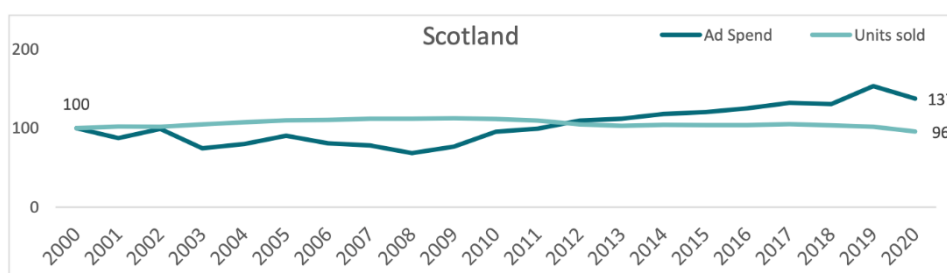
Sports and events sponsorship

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

- **No.**
- Alcohol sponsorship in Scotland is already robustly and sufficiently regulated through the [Portman Group's Code of Practice on Alcohol Sponsorship](#). The code seeks to ensure that alcohol is promoted in a socially responsible manner and only to those over 18. These rules are extensive and stipulate:
 - Any sponsorship must include a commitment to promoting responsible drinking and/or supporting diversionary/ community activities
 - Drinks companies must not sponsor or support individuals under the age of 18, and no under-18 participants should not be used individually in any promotional material or activity.
 - Drinks companies must not sponsor individuals, activities, teams, events, tournaments, competitions, bands or celebrities which have a particular appeal to, or are primarily aimed at, under-18s.
 - Drinks companies must not allow the placement of their brand names, logo or trademark (including the non-alcoholic version of the alcohol brand) on merchandise which has a particular appeal to/intended for use primarily by under-18s.
 - Prior to sponsoring an event, team or activity, drinks companies must use their reasonable endeavours to obtain data on the expected participants,

audience or spectator profile to ensure that at least the aggregate of 75% are aged over 18.

- There must be no implication that bravado, aggressive, violent, dangerous or anti-social behaviour is advocated or condoned by a drinks company or brand.
 - Drinks companies must not sponsor individuals, groups or events associated with sexual activity or sexual success.
 - Drinks companies must not sponsor individuals, groups or events which encourage illegal, irresponsible or immoderate consumption.
 - Sampling must not encourage illegal, irresponsible or immoderate consumption such as binge-drinking, drunkenness or drink driving and should not have a particular appeal to under-18s.
 - Drinks companies must not use images of people who are, or look as if they are, under twenty-five years of age, where there is any suggestion that they are drinking alcohol or they are featured in a significant role.
 - Sponsorship must not imply it is acceptable to consume alcohol before or while playing sport or suggest alcohol enhances sporting performance or social success.
- Data from the Portman Group shows that the majority of Scottish adults drink moderately with 77% of consumers following the UK CMO's recommended low risk drinking guidelines (no more than 14 units of alcohol per week).
 - Alcohol consumption amongst young people in Scotland is in decline. In Scotland, since 2009 alcohol related violent crime has fallen by 50% and heavy episodic drinking has fallen by over a quarter (28%). Since 2010 there has been a significant reduction in drink driving accidents (56%) and between 2022 and 2021 there has been an 84% reduction in recorded offences of drunkenness and disorderly conduct.
 - There is no conclusive evidence that banning alcohol sponsorship of sport will have any effect on alcohol consumption, particularly amongst young people, indeed there is clear evidence that there is no link between alcohol marketing and overall alcohol consumption.
 - A report analysing alcohol sales data and advertising spend in Scotland was published in August 2022, and found 'no correlation between advertising spend and alcohol consumption' ([CREDOS 2022](#)). The report showed that alcohol sales have declined in Scotland since 2000, regardless of alcohol advertising spend which has grown. This is shown below with advertising spend growing whilst overall units fall. The same is true in England and Wales.



- The report concluded:
 - “advertising... has little effect on the size of the total alcohol market (e.g., creating new demand to consume alcohol), and rather works to grow a brand’s market share within the crowded alcohol market.
 - This trend (of advertising being used to increase brand share as opposed to growing a market) is in line with previous reporting by the Advertising Association. As such, **this result shows that there are likely better ways to encourage behavioural change than banning all alcohol advertising (e.g., alcohol safety programmes).**
- The report also sought to understand the relationship between alcohol advertising and alcohol-specific harms (deaths, hospital admissions and underage drinking). It found:
 - “...no relationship between the amount of alcohol advertised and the number of alcohol-specific deaths, hospitalisations, or underage drinking. In fact, there is a negative relationship between them that shows that alcohol-specific harms are independent of the amount of alcohol advertising that the public is exposed to.”
- Banning alcohol sponsorship of sport will have far-reaching unintended consequences, particularly on small, local community organisations at grassroots level. The majority of sport sponsorship by alcohol businesses in Scotland is not focused on national and international sport, but on local organisations in communities where distilleries and breweries are located. Particularly in the case of distilleries, this is in rural and remote communities where distilling is the major industry. For example, Deanston Distillery in Doune sponsoring the Bridge of Allan Games, or 6 distilleries (Ferg & Harris, Kilchoman, Lindores Abbey, Persie, Speyside, Strathleven) sponsoring the Blair Horse Trials.
- Across Scotland, there are hundreds of amateur sports clubs and organisations which are reliant on financial sponsorship by brewers, distillers, pubs and bars. Restricting this relationship would unquestionably make some financial unviable.
- The consultation document picks out football and rugby, two professional sports with significant followings in Scotland, however if a ban was enacted, impacts would be felt across all sports with most negative consequences for amateur level competition and less popular sports. Many sports venues, bowling clubs, ice rinks, etc would not be able to operate viably without their connection to alcohol brands or hospitality facilities attached. Impact would be far reaching, potentially impeding the ability for less popular sports to grow in popularity or reverse work done in past to grow participation in the sport. The potential for a reduction or withdrawal of services due to lower funding availability must be properly analysed alongside the Scottish Government’s goals of increasing access and participation in sport.
- As covered in the Code of Practice, any sponsorship must include a commitment to promoting responsible drinking and/or supporting diversionary/ community activities. This work, which often seeks to tackle head-on some of the root causes of alcohol misuse would be entirely lost. Any prohibition would disproportionately

impact Scottish businesses and Scottish sports, with global brands remaining able to engage with major sports teams and events not based in Scotland, but still carry significant prominence and in many cases greater broadcast coverage than domestic sports in Scotland. Removing a revenue source from Scottish sport at this time of severe economic turbulence and growing uncertainty would compound these losses. A survey by charity Sported in October 2022 found that 4 out of 5 community sports organisations in Scotland expected the cost-of-living crisis will force kids out of participating in activities over the next six months. The survey also found that 60% of community groups need between up to £10,000 to support their priorities over the next six months but almost half reported a drop in financial support for their vital work in the community. The consultation highlights that advertising is *"glamorous, fun, cool or sociable way in order to present this in a positive manner"* (page 49), however the majority of sports sponsorship extends to only showing the brand name or logo. We would submit that this is not glamourising alcohol, the specific product, or seeking to attract new drinkers, but attract consumers from other brands.

- Any restrictions would only reach a minority of the exposure from sports sponsorship in Scotland, as any restrictions applied would only cover Scottish sports teams or teams playing in Scotland. The vast majority of exposure to alcohol branding to the public comes from teams and competitions outside the country, such as English, European or American sports. Analysis by Republic of Media (RoM) with data from BARB on the reach of football competitions (below) underlines this with the Scottish Premiership having the lowest reach of the four competitions.

	Dates	Reach Sco vs Adults	Reach Sco vs Adults (%)	Reach rest of UK vs Adults	Reach rest of UK vs Adults (%)
Scottish Premiership	Jan-Nov 22	10,481	2.60%	22,600	0.40%
Europa League	Jan-Nov 22	45,550	11.30%	107,244	2.40%
Champions League	Jan-Nov 22	40,310	10.00%	152,760	3.40%
Premier League	Jan-Jun 22	30,575	7.60%	329,216	6.60%

- Additionally, the vast majority of sports broadcast in Scotland doesn't take place in the country and would be unaffected by any of the proposals to prohibit advertising

or sponsorship. Every week across the current major sport providers, Sky Sports, BT Sports, Amazon, ViaPlay plus terrestrial broadcasters, there are thousands of hours' worth of live sport shown from competitions and events taking place across the globe.

- Restricting alcohol sponsorship of sport in Scotland would put domestic clubs, competitions and associations at economic risk, at a competitive disadvantage compared to others based outside of Scotland, while only preventing a tiny minority of the exposure experienced through that medium.
- There would be a threat to hosting future international competitions in Scotland as highlighted by [the Scottish Football Association \(SFA\) and Scottish Professional Football League \(SPFL\) in their response](#) to the launch of the consultation. Due to a variety of factors, including the ban on alcohol consumption in football stadia in Scotland, Scotland is already at a disadvantage when attracting international competitions such as the FIFA World Cup and UEFA Football Championships.
- Evidence from other countries also highlights the ineffectiveness of such blanket restrictions:
 - In France, the Loi Evin has been in force since 1991, and put in place a total ban on alcohol marketing in France. The French government's evaluation report stated that it has been ineffective in reducing high-risk drinking patterns. A comparison of the respective evolution in consumption and ad spend in several countries leads to the conclusion that the link between the two "cannot be demonstrated". France still has above-average consumption rates despite being among the EU's most regulated markets. The figures below reinforce these findings.
 - In Norway, the Act on the sale of alcoholic beverages comprehensively prohibits any form of mass communication for the purpose of marketing alcoholic beverages. The data shows a steady increase in all categories since 2000, showing that the blanket ban on marketing of alcoholic beverages has not resulted in decreased alcohol consumption.
 - In Finland, the 2017 Alcohol Act covers alcohol marketing restrictions, including an alcohol sponsorship ban on direct and indirect marketing of strong alcoholic beverages and content and volume restrictions for mild alcoholic beverages. Since the introduction of tougher restrictions, the consumption of alcoholic beverages saw an increase for some categories and a similar rate for others, but no substantial decrease.

2. If alcohol sponsorship for sports was to be prohibited, what types of marketing do you think should be covered by a prohibition?

- Alcohol sponsorship of sport should not be further restricted than it already is.
- Prohibiting the forms of alcohol sponsorship described would have far-reaching unintended consequences, particularly on small, local community organisations. The majority of sport sponsorship by alcohol businesses in Scotland is not focused on national and international sport, but on local organisations in communities where

distilleries and breweries are located. Restricting this relationship would have a more pronounced negative impact on amateur, community, grassroots organisations.

- Removing the ability for alcohol producers to access sponsorship or advertising opportunities would reduce demand and devalue the price of those mediums. This knock-on financial impact could have significant negative repercussions for some sports and clubs.

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

- For the reasons already set out, there should not be prohibition on alcohol sponsorship of sporting organisations, nor would it have a positive contribution in tackling alcohol misuse and associated harms in Scotland. Our industry continues to support, and financially contribute to, targeted interventions in the form of a number of projects.

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

- **No.**
- Alcohol brands are major sponsors of many significant cultural and creative events in Scotland, both at national and local level.
- Restricting sponsorship would have a significant impact on the events, festivals and the creative sector in Scotland at a time when they are already in crisis as a result of COVID, cost-of-living crisis and funding cuts.
- The majority of alcohol industry support for events is focused on local events in the communities where distilleries and breweries are located, particularly in rural and remote communities where alcohol production is the principal industry.
- Removing the right of distilleries and breweries to support events in their local communities would be deeply damaging to the fabric of these communities, socially, economically, and culturally, while achieving little or no public health benefits.
- For local events where alcohol brands are the main or only sponsor, these proposals will threaten their future viability, especially at this time of severe economic turbulence where attracting other types of sponsorship will be exceptionally difficult. Even if it is possible, it would be very unlikely to be of the same level as provided currently.
- Prohibiting events sponsorship would also prevent smaller distillers and brewers with the opportunity to market their products, making it more difficult for them to succeed and grow their business. This will have a detrimental impact on Scotland's food and drink sector and undermine [the shared ambition to double the sectors turnover \(and hit £30 billion p/a\) by 2030](#).

- The impact on the cultural sector of these proposals should similarly not be underestimated. The industry has been a key supporter of a range of activities in this space and continues to ensure that Scottish talent is supported, nurtured and amplified to audiences at home and abroad. This includes for example, Innis & Gunn acting as the headline sponsor for the Edinburgh Military Tattoo and Johnnie Walker Princes Street sponsoring the Edinburgh Festival Fringe but also small, local events like the Borders Distillery sponsoring the Borders Book Festival, Stewart Brewing sponsoring the Meadows Festival, Deaston Distillery sponsoring the Callander Jazz & Blues Festival, or 3 local distilleries (Glengyle, Glen Scotia, and Beinn An Tuirc) sponsoring the Mull of Kintyre Music Festival. The smaller the event, the more dramatic the impact.
- The industry also supports and enables a range of events, such as Pride festivals. Dan O’Gorman, strategic partnerships director at Pride in London, stated on Budweiser’s sponsorship and campaign of Pride: *"[Budweiser’s] campaign has a real, much needed focus on supporting those communities and groups that continue to be marginalised, so it’s great to see Budweiser really 'flying the flag' for inclusion, diversity and freedom of expression. We’re excited to be collaborating with a brand that champions equality as much as we do."*
- Under the proposed measures, brewers and distillers would also be unable to advertise at events, even when their product is on offer or is the focus of events. For example, beer festivals would be unable to advertise the products and producers attending a festival, unable to use branding at the festival and would even be prevented from advertising its location if the brewery shared the name with a brand, like the majority of breweries (and distilleries) do.

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

- For the reasons set out above alcohol sponsorship of events should not be prohibited.

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

- Alcohol sponsorship of events should not be prohibited in Scotland.

7. If alcohol sponsorship restrictions are introduced, do you think there should be a lead in time for these?

- Alcohol sponsorship of events should not be prohibited in Scotland. Additionally, many agreements already entered will be several years, even decades long.

Outdoor and public spaces marketing

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

- No.
- Responsible alcohol marketing is a crucial part of how distilleries and breweries build their brands and differentiate themselves from competitor brands. Removing the ability for businesses to do this would have a disastrous effect on producers, tourism and country's wider economy.
- Restrictions in this area would severely undermine the Scottish Government's own *Ambition 2030* which aims to double the size of the [food and drink sector by 2030](#).
- Additionally, all promotions are also subject to the 128-page [Advertising Standards Authority \(ASA\) Code of Non-broadcast Advertising and Direct & Promotional Marketing](#). These robust set of rules ensure alcohol is marketed in a responsible way and crucially, never aimed at children. The rules state:
 - Marketing communications must be socially responsible and must contain nothing that is likely to lead people to adopt styles of drinking that are unwise. For example, they should not encourage excessive drinking. Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable.
 - Marketing communications must not claim or imply that alcohol can enhance confidence or popularity.
 - Marketing communications must not imply that drinking alcohol is a key component of the success of a personal relationship or social event. The consumption of alcohol may be portrayed as sociable or thirst-quenching.
 - Drinking alcohol must not be portrayed as a challenge. Marketing communications must neither show, imply, encourage or refer to aggression or unruly, irresponsible or anti-social behaviour nor link alcohol with brave, tough or daring people or behaviour.
 - Marketing communications must neither link alcohol with seduction, sexual activity or sexual success nor imply that alcohol can enhance attractiveness.
 - Marketing communications must not imply that alcohol might be indispensable or take priority in life or that drinking alcohol can overcome boredom, loneliness or other problems.
 - Marketing communications must not imply that alcohol has therapeutic qualities. Alcohol must not be portrayed as capable of changing mood, physical condition or behaviour or as a source of nourishment. Marketing communications must not imply that alcohol can enhance mental or physical capabilities; for example, by contributing to professional or sporting achievements.

- Marketing communications must not link alcohol to illicit drugs.
- Marketing communications may give factual information about the alcoholic strength of a drink. They may also make a factual alcohol strength comparison with another product, but only when the comparison is with a higher-strength product of a similar beverage. Marketing communications must not imply that a drink may be preferred because of its alcohol content or intoxicating effect. However, low-alcohol drinks may be presented as preferable because of their low alcoholic strength, provided that the alcohol content of the drink is stated clearly in the marketing communication. In the case of a drink with relatively high alcoholic strength in relation to its category, the factual information should not be given undue emphasis.
- Marketing communications that include a promotion must not imply, condone or encourage excessive consumption of alcohol.
- Marketing communications must not feature alcohol being handled or served irresponsibly.
- Marketing communications must not link alcohol with activities or locations in which drinking would be unsafe or unwise. Marketing communications must not link alcohol with the use of potentially dangerous machinery or driving. Marketing communications may feature sporting and other physical activities (subject to other rules in this section; for example, appeal to under-18s or link with daring or aggression) but must not imply that those activities have been undertaken after the consumption of alcohol.
- Only in exceptional circumstances may marketing communications feature alcohol being drunk by anyone in their working environment.
- Marketing communications must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18 in a way that might encourage the young to drink. People shown drinking or playing a significant role (see rule 18.16) should not be shown behaving in an adolescent or juvenile manner.
- Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age.
- People shown drinking or playing a significant role must neither be nor seem to be under 25. People under 25 may be shown in marketing communications, for example, in the context of family celebrations, but must be obviously not drinking.
- Marketing communications may give factual information about product contents, including comparisons, but must not make any health, fitness or weight-control claims. The only permitted nutrition claims are "low-alcohol",

"reduced alcohol" and "reduced energy" and any claim likely to have the same meaning for the consumer.

- In the case of vehicles, delivery vehicles are required to travel throughout Scotland and the rest of the UK and that such a restriction would result in companies being forced not to supply to Scotland/change vehicle at the border/remove branding at great expense. Scotland is already at risk of losing product availability due to the Deposit Return Scheme, with a [recent poll by BeerNouveau](#) showing that, "56 per cent (of producers) said they would stop supplying Scotland, 29 per cent still undecided and only 15 per cent said they will carry on."
- Prohibiting alcohol marketing would undermine the commercial viability of Scotland's most successful industry in its home market. It would be particularly damaging for Scotland's small entrepreneurial distillers and brewers that rely on local marketing to establish and grow their businesses.
- Removing the ability for Scottish producers domestically would inflict irreversible damage on smaller producers, who would effectively be prohibited from telling people of their existence or of the products which they offer. While established, multinational brands would still have the ability to reach consumers through a range of measures, including sponsorship of international events, and events based in other countries but shown in Scotland, or products placement in television shows, movies and new media.
- In 1923 there were over 150 breweries in Scotland, but by 1993 this had fallen to just over 10. The recent resurgence in craft brewing has now seen the numbers increase to 150 in 2023, with some fantastic Scottish entrepreneurial success stories. For example:
 - BrewDog, started off with two men and a dog, selling to local farmers markets in the North East of Scotland, to the world's 14th most valuable beer brand, with 123 hospitality venues across the globe, and breweries in Scotland, the United States, Germany and Australia.
 - Innis & Gunn began life 20 years ago as one man experimenting with the effect of whisky-cask maturation on beer, to become one of Scotland's best-selling craft Lager's, exporting to 20 international markets and continuing to grow in popularity across the world.
 - Both of these would be impossible for a new brewer or distiller seeking to start an alcohol production business in Scotland to emulate with the restrictions. It would result in a reduction of Scottish produced drinks being sold to consumers in Scotland, with multinational brands being the biggest beneficiaries.
 - While the majority of alcohol produced in Scotland is consumed overseas, smaller businesses and start-ups would find it impossible to grow to the extent that exporting would be impossible.
 - Prohibiting alcohol marketing would undermine the growing premiumisation trend in alcohol, by which the industry seeks to encourage consumers to choose high quality brands at higher price points, encouraging them to drink less and to drink

better. This is a trend via which alcohol marketing can positively accelerate moderate consumption.

- Prohibiting alcohol marketing would undermine the ability of distilleries and breweries to promote their visitor experiences, undermining Scotland's most successful tourism growth driver.
- It is right that alcohol marketing is strictly regulated to ensure it is responsible and targeted at adults of legal purchase age, as it is under current codes and practises. However, prohibition would be disproportionate, ineffective and unnecessarily damaging to the economic potential of the distilling and brewing sector in Scotland.
- A wholesale prohibition of alcohol marketing in public spaces will create a number of problematic issues for Scotland's pub and wider hospitality industry. The fragility of the sector at this time cannot be understated. The majority of businesses in the industry took on high levels of debt during the pandemic to ensure survival during the extensive period of closures over 2020, 2021 and 2022. However, due to the economic downturn, record inflation throughout every element of the supply chain, a recruitment crisis, unfathomable energy bills and consumer spend being similarly impacted, many businesses face a worrying and uncertain future.
- Anything which impacts on the profit margin or comes with additional costs for these businesses will likely result in closures. We have - and continue to - work with the Scottish Government to minimise the impacts of policy intervention in a number of areas, including Deposit Return and the Tied Pubs Act, but both policies will undoubtedly result in fewer pubs being able to handle the ever-growing regulatory burden.
- A number of branded items in hospitality premises and are vital to their operation, would potentially be caught by the any prohibition in public spaces due to their visibility. Using branded materials are beneficial for a number of reasons, including costs - there would be no incentive for the provision of free materials by producers if the brand name cannot be carried on the items - and informing customers of the products offered within the premises. These items which, in many premises, could be seen from public spaces include, but not limited to:
 - Windbreakers
 - Umbrellas
 - Signage
 - Menus
 - A boards
 - Seating
 - Tables
 - Glassware (when being consumed by customers outdoors, pavement seating, beer gardens etc)
 - Beer mats
 - Staff uniforms
- Additionally for hospitality premises, indoor areas are often viewable for the street with a growing number of premises featuring glass facades or patio style doors

allowing for usages during the summer months. These were particularly useful during the pandemic when there was a need to ensure premises were ventilated as well as possible. It would be disastrous for hospitality premises if any of these elements were restricted, as suggested due to branded items being viewable from public space. These include the above listed items but also extend to pump clips, branded mirrors, posters and the alcohol products themselves.

- It would create significant wastage through the disposal of non-compliant materials and increase emissions in the replacement of these materials, which would be contrary to environmental goals - an area the sector continues to make significant strides in.
- Any restrictions in this area would have a direct impact of the beneficiaries, including public transport providers (buses, ferries, trains, taxis, the Edinburgh trams, and Glasgow subway). As we seek to encourage the use of these services over private car usage, removing a significant source of funding for these providers would undoubtedly have a negative impact on the level of service able to be offered. We believe that these stakeholders must be engaged with by the Scottish Government to fuller understand the potential impacts on wider-government and societal goals.
- Also, a growing number of hospitality businesses are run by alcohol producers which are emerging in their industry as a way to grow their brand awareness and get their product to market. Many Scottish producers have done this successfully, such as BrewDog, Innis & Gunn, Fierce Brewing, Black Isle Brewery. If these proposals were enacted, these premises would be unable to trade under their current names due to it sharing the brand name of their products and signage being in the public space.
- Another potential impact would be on Breweries and Distilleries. These production facilities are often, understandably named after their brands for example Belhaven Brewery, Broughton Brewery, Old Pulteney Distillery, and the majority of other distilleries in Scotland. These facilities, many iconic and tourist attractions in their own right would be required to cover up branding on their property. This would have a dramatic and directly negative impact on these businesses and for those in communities locally to them who benefit through the tourist visitors etc.
- It should also be noted that many producers and brands are named after the village/town/area that they are in. It is impossible to detangle the connection between these local areas and production facilities which in many cases date back hundreds of years. Would these iconic businesses be required to change their name due the inability to fully comply with regulations due to road signs, maps etc? This, in our opinion, would be entirely disproportionate on a sector which supports around 100,000 jobs in Scotland and contributes £6.3 billion in GVA for the Scottish economy.
- It should also be noted that many non-alcohol brands, will have alcohol products available for sale. For example, the Scottish Parliament has its own branded Whisky, Wine and Gin. The SNP similarly has SNP and YES branded alcohol products.

Similarly, many retailers retain own brand alcohol products, which feature the branding of the parent store/business.

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

- For the reasons previously set out, alcohol marketing should not be prohibited in Scotland.

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?

- For the reasons previously set out, alcohol marketing should not be prohibited in Scotland.

In-store alcohol marketing

11. Do you think that we should further restrict the visibility of alcohol in retail environment?

- **No.**
- Retail sale of alcohol is already strictly regulated via the licensing system and by the Alcohol (Scotland) Act 2010. Further regulation would be disproportionate and have negative consequences for the economic success of the alcohol and retail sectors.
- Current interventions into the sale of alcohol include:
 1. Minimum Pricing: the chieftain of all interventionist policies in the world of alcohol regulation and licensing. This is accepted by many as the single biggest policy step taken by the Scottish Government in this space. Presently 50p per unit, this is a condition which now sits on every licence in Scotland.
 2. Multi-pack pricing: Discounting on alcohol products where the sum of price of a multi-pack must not be less than a single product multiplied by the number of containers. I.e., where one bottle of wine costs £10, a pack of two bottles must be sold for at least £20.
 3. The "72 Hour Rule": licensed premises may not decrease the price of their drinks outside of a 72-hour period. In other words, if a premises drops its price, the price must stay at that level for at least 72 hours before it can be changed again (note there are slight differences in this rule in on-sales vs off-sales premises) in order to prevent cheaper prices in short windows
 4. Free or Discounted Drinks: It is illegal to supply alcohol free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks)

5. Free or Discounted Measures: It is illegal to supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink
 6. Unlimited Drinks for a Fixed Fee: It is illegal to offer unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises)
 7. Location of promotions: Drinks promotions in connection with the premises are only able to take place in the alcohol display areas (under the licence) or in a separate tasting room. Further, branded non-alcoholic products (such as tea towels) may only be displayed in these areas.
 8. Challenge 25: All premises must have an age verification policy with the age set at a minimum of 25. These policies involve retailers having a set policy where any person who looks under the age of 25 (or a higher age if felt necessary) must be challenged to provide identification, proving they are at least 18 years of age.
 9. Overprovision: the availability of alcohol from on and off-sale premises is subject to close scrutiny by local licensing boards, each of whom has the legal duty to consult upon and produce a policy concerning whether they believe there may be overprovision in their local area (or parts of it). This process is renewed every five years and is presently being undertaken by licensing boards who will be required to adopt new policies by November 2023.
 10. Overprovision (types): the 2005 Act allows for overprovision in terms of numbers of licences, capacity of patrons, licensed hours, and also in relation to the visible display of alcohol within retail environments. Local licensing boards have significant flexibility to agree overprovision on a "mixed-bag" of some or all of these types; but must do so on a probative evidential basis following consultation.
 11. Limitations on Hours: the 2005 Act restricted off sales to 10am to 10pm following chaotic scenes in the Scottish Parliament. For on-sales, 24 Hour licences may only be granted in exceptional circumstances and in practice are extremely rare, if not virtually non-existent.
 12. Limitations on Deliveries: Alcohol may not be delivered between 12midnight and 6am
 13. Limitations of Advertising in-store: in a retail off-sales environment, it is illegal to have advertising or promotional materials outside of the agreed alcohol display area.
 14. Limitations of Advertising externally: a retail off-sale premises may not advertise externally within 200m of the premises (excluding the boundary of the premises itself)
 15. Availability to Children and Young People: the 2005 Act contains a suite of criminal offences relating to the sale or attempted sale or supply of alcohol to children and young persons. Proactive enforcement activity around these offences is incredibly low. Conviction rates are virtually non-existent.
- Additionally, all promotions are also subject to the ASA code as detailed in our response to question 9.

- Prohibition of window displays, and additional restrictions of in-store alcohol retail display and sales would have a damaging impact on distillery and brewery visitor experiences that utilise windows and retail stores as part of the visitor experience that the growing number of tourists expect. It also raises the question of whether or not retail premises would need to black-out their windows in order to comply.
- There has been sustained, progressive growth in the low and no-alcohol category, particularly through off-trade channels. Measures which restrict the visibility and/or access to such products undermine this growth and restrict those options available to consumers looking to reduce their alcohol consumption. Ensuring access to such products, as a legitimate option for consumers who are looking to moderate their alcohol consumption, is also important in providing suitable options for those seeking to make responsible choices to avoid alcohol in given social situations or occasions i.e. when driving.

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)?

- **No.**
- Retail sale of alcohol is already strictly regulated via the licensing system. Further regulation would be disproportionate and have negative consequences for the economic success of the alcohol and retail sectors.
- The confinement of alcohol to alcohol-only displays is already included in the conditions attached to the mandatory Premises Licence.
- Further reducing the visibility of alcohol will have a damaging impact on smaller brands which will be un-able to develop brand awareness and thus discourage new producers from entering the market. The economic implications of this would be significant, especially for rural communities where many smaller brands are based and produced.
- Additionally, retailers in Scotland already comply with an incredibly onerous, complex, and expensive licensing system. Alcoholic products cannot be promoted with other products or advertised in other areas of the store and are currently decided by local licensing boards. These proposals would remove the local decision-making process, of elected representatives and would centralise power away from those in the communities, who understand the varied, diverse, and complex nature of alcohol licensing in a retail environment.
- We also note the estimated cost to retailers of implementing these changes by the Scottish Retail Consortium (SRC) of over £96 million, on top the £250 million currently being spent on refitting stores to comply with the deposit return scheme being introduced in August of this year.

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

- For reasons previously stated there should be no structural separation of alcohol.

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

- **No.**
- Branded merchandise is a critical aspect of distillery and brewery tourism which is Scotland's leading tourist growth sector. International visitors travel to distilleries in rural communities of Scotland on pilgrimages to the places where their favourite brands are made. Branded merchandise is one of the key commercial offerings and is a key part of the visitor experience. Prohibiting this would have an extremely damaging impact on Scotland's reputation and success as a tourist destination.
- Such prohibition would have a disproportionate impact on rural economic development and rural communities in Scotland because that is where most distilleries are located.
- It would also have a disproportionate impact on entrepreneurial small distillers and brewers that use merchandising as an additional way of building their brand and growing their business.
- It would potentially mean that the only offerings at a brewery or distillery gifts shop would be solely products containing alcohol, while even educational or historical items, such as books would be prohibited. Many visitors, particularly international visitors, do not drink alcohol - and consequently don't purchase it - but appreciate the history, professionalism, and iconic drinks industry that Scotland has. These visitors will almost exclusively wish to purchase keepsakes or mementos which understandably don't include alcohol.
- The sale of merchandise to brewers is also critical due to the nature of the product. Beer has a short shelf life, not the same as whisky or gin, and many who wish to purchase a souvenir or memento of their visit, would naturally choose a t-shirt, baseball cap or other branded item due to its non-perishable nature and ability to appreciate years or decades later.
- It is also important to note that branded items could still be worn/used by people in Scotland, as long as they were not purchased in the country or sold post-legislation. This would put Scottish brands at a huge disadvantage with minimal or no impact on alcohol health harms.
- Producers are careful to ensure their merchandise is responsible and stays within the Portman Group Codes of Practice, which explicitly says that "Drinks companies must not allow the placement of their brand names, logo or trademark (including the non-alcoholic version of the alcohol brand) on merchandise which has a particular appeal to/intended for use primarily by under-18s."

- Merchandise sales can also be vital to some producers, due to the high tax burden and alcohol duties payable to UK Exchequer, meaning the profit margin on alcohol products are extremely thin.
- There is also substantial third party selling of branded materials in Scotland. This occurs via mainstream high street retailers (branded t-shirts etc) but also through the sale of collectibles or antiques which include current and former alcohol brands.

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

- No.
- For the reasons previously set out merchandising is a critical part of the economic success of the alcohol and tourism sectors, particularly in rural economies.
- It is right that any use of merchandise should be responsible and targeted at people of legal purchase age, however, this can be achieved through sensible regulation rather than prohibition.
- Additionally, hospitality businesses across the country receive branded merchandise through associations with the alcohol brands that are sold. This is outlined in further detail in our response to question 9 on branded materials in public spaces. This merchandise including glassware, external furniture, placemats all help ensure that operating costs are reduced. Prohibiting the free distribution would mean that pubs would have to pay for these products when we are already struggling with rising costs as previously highlighted in our response to question 9. The issues highlighted in that answer would be applicable to all hospitality and licensed premises, not just those which could potentially be viewed from public spaces, should free distribution of these materials be prohibited. This would be entirely disproportionate and is not something, as we are aware, which is in place in any other international jurisdiction.
- A number of branded items in hospitality premises are also not designed to solely advertise the product. Glassware is often specifically designed to suit the style and type of drink, enhance the drinker's enjoyment and provide a more premium experience. For example, there are numerous styles of glassware which is often provided free of charge to hospitality businesses to ensure this, including: Pint (Nonic glass); Pilsner glass; Tube (Stange); Tulip; Weizen; Snifter; Flute; Jug.
- Traditional pint (nonic glass) glasses for example have a large mouth to provide a good layer of foam and due to its capacity and shape, it is ideal for beers that do not drink very cold or carbonated. Whereas a snifter glass is designed to increase the heat transfer of the hand, therefore, heating the beer. The upper part narrows inward to enhance and capture volatile elements (aromas).
- The inability for branded glasses to be provided free of charge will likely dilute the customer experience in Scotland for domestic and international visitors, damaging *brand Scotland*. It would potentially reduce the availability of new products being

placed on the market, due to the unlikelihood of them not being able to be offered to the consumer in the format intended.

- Branded materials are often used in a variety of other ways, including to highlight responsibility messaging and campaigns, charity fundraising, providing information, or as was evident during the pandemic – safety and hygiene resources, such as hand gel, floor stickers/signage to enforce one-way systems, posters to provide information on rules etc. This was crucial to a number of premises who were unable to trade for extended periods of time and had substantial new costs associated with reopening while covid restrictions remained in place.
- The amount of wastage that would occur due to the removal of current branded items would be unfathomable, especially with the backdrop of the climate emergency and Scottish Government's net zero ambitions.

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

- For the reasons previously set out merchandising is a critical part of the economic success of the alcohol and tourism sectors, particularly in rural economies and should not be prohibited.

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

- None, as long as the marketing and distribution is responsible and targeted at adults of legal purchase age.

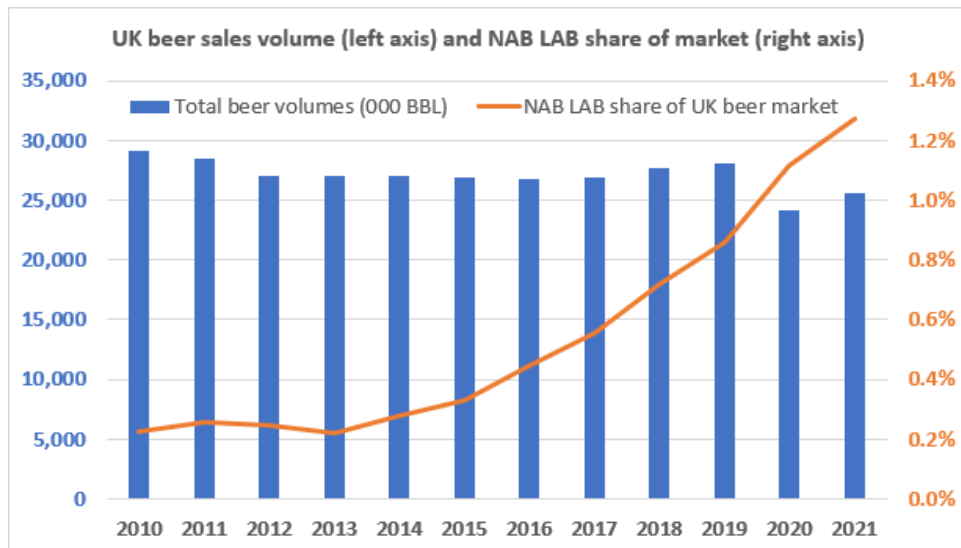
18. Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks?

- **No.**
- The development of low or no alcohol brands is a positive response to growing consumer trends towards moderate consumption of alcohol, as acknowledged by the Scottish Government.
- Adult consumers are increasingly seeking low or no alcohol alternatives that are specifically designed as adult alternatives to standard strength drinks, with flavour profiles and serving rituals that are associated with alcohol brands, but with little or no alcohol.
- This is a positive trend that should be encouraged not restricted.
- While the popularity of low and no products in Scotland is higher than other part of the UK, restrictions to their advertising and branding will likely stifle investment in

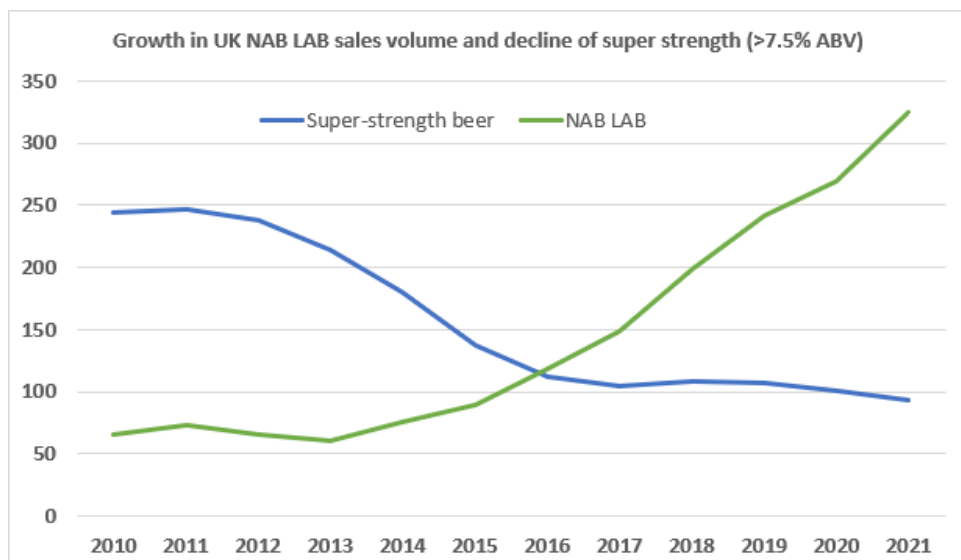
these products and also reduce consumer awareness of low-or-no alternatives to alcohol products.

- Concerns around low and no alcohol and children are unfounded, as these products have either already been captured by existing legislation or voluntary industry action to prevent possible harm.
- Any product above 0.5% ABV in the low alcohol category is covered by existing licensing legislation and the Portman Group Codes of Practice - ensuring that there are no sales or marketing to minors.
- Below 0.5% ABV, retailers as part of the Retail of Alcohol Standards Group as well as many PubCos have voluntarily restricted sales of non-alcoholic adult alternatives to ensure no sales to under 18s - extending the existing use of the 'Challenge 25' scheme to verify the age of customers. The existing Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks also applies in spirit to brand extensions below 0.5% ABV - so that they do not have a particular appeal to under 18s.
- The brewing sector has engaged positively to support the ASA who have developed new rules under CAP and BCAP to ensure the responsible promotion and marketing of alcohol alternative drinks and which are those drinks with an alcohol content below 0.5% ABV.
- The new rules are expected to be published later this year and will further bolster the existing rules that govern the responsible marketing and promotion of alcohol drinks across the UK.
- There is also no evidence that advertising of low and no products leads to an increase in their full-strength equivalents and indeed a growing body of research, including for the UK market, shows that substituting higher alcohol beverages with lower strength beverages can reduce overall consumption and improve public health at the population level.
- Most recently, a study by [Newcastle University \(published May 2022\)](#) reviewing purchases across 64,280 UK households shows purchases of branded low alcohol versions of high strength products resulted in reduced alcohol consumption overall as well as a reduction in the likelihood of later purchases of the higher strength brands.
- The positive impacts associated with substitution of higher strength drinks for lower strength alternatives has also been documented by WHO (2019) who acknowledged policies in Russia to shift consumption away from spirits and toward lower-alcohol beverages were associated with a decline in mortality, heavy drinking, alcohol poisoning, alcohol psychoses, and cardiovascular diseases¹.
- As highlighted in the chart below, UK sales of low and no products have increased substantially in recent years, but overall volume of alcohol sales has continued to decline.

¹ World Health Organization. "Alcohol policy impact case study: the effects of alcohol control measures on mortality and life expectancy in the Russian Federation." (2019)



- The growth in low and no has also been mirrored by a reduction of *super-strength* beer.



- The growth in the category also mirrors the increasing number of low and no equivalents to full strength products, often stylised with 0.0 on the end of a well-known brand. These products have been specifically designed to emulate the taste, flavour profile and experience of their full-strength equivalent, to encourage people to switch to that product.
- Low and no products have existed for a long time but it's only recently they have grown in popularity. This is due to the innovation in the sector making these products now possible, where 0.0 products taste like the full-strength equivalent, and being able to make consumers aware that they can still enjoy their preferred choice of drink but now with substantially less alcohol.
- Removing the ability to advertise these products would setback the positive strides that have been made in this area and potentially reverse the trend away for super strength products.
- We share the view of the Scottish Government that it is "[important that people have access to alternatives to alcohol, such as non-alcoholic beer](#)". Prohibition in this area would reduce access to these alternatives.

- Additionally, the report [*Drinks for Everyone - Experiences and perceptions of alcohol-free drinks*](#) by Club Soda found:
 1. Alcohol-free drinks are a positive alternative for people changing their drinking habits
 - a. People report choosing alcohol-free to enjoy the taste of a drink without getting drunk, to cut down the amount of alcohol they drink overall and to take temporary breaks from drinking. A clear majority of adults drink alcohol-free drinks as a substitute for alcohol, rather than in addition to their existing alcohol consumption. And they use alcohol-free alternatives to sustain long-term behaviour change.
 2. Alcohol-free drinks offer a health-positive alternative to high-sugar soft drinks
 - a. Soft drinks are more frequently consumed by adults than alcoholic drinks. While early adopters of alcohol-free drinks often choose them because of their lower sugar content, their limited availability leaves the majority of people facing a stark choice between sugar and alcohol. Alcohol-free drinks can offer a viable, health-positive alternative for adult drinking.
 3. Alcohol-free drinks enable inclusion and normalise a society in which people drink less or not at all
 - a. When people have the option to drink alcohol-free drinks in traditional drinking environments, they are better able to maintain relationships and feel included in social events, from watching sports to attending weddings. The wider acceptance and availability of alcohol-free choices allows more people, including those who have never drunk alcohol, to engage positively in social settings from which they would otherwise be excluded, reducing isolation and promoting community cohesion.
 4. People want to see wider promotion of alcohol-free drinks as an alternative to alcohol
 - a. A majority of UK adults want to see alcohol-free drinks more widely promoted as an alternative to alcohol. And they are comfortable with alcohol companies promoting alcohol-free options, with a majority either preferring drinks from familiar brands or not having a preference about who produces alcohol-free drinks. And people hold positive attitudes towards sports sponsorship by alcohol-free drinks from alcohol brands, believing that this normalises choices to drink less or not at all.

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

- **No.**
- Scotland's newspaper industry is primarily a source of news for the adult population over the legal purchase age for alcohol.
- Restricting alcohol advertising in newspapers would have minimal impact on public health but would remove a significant source of financial support for the media industry in Scotland, further undermining their already fragile economic viability.

- The impact would be disproportionately felt by small entrepreneurial brands, undermining their attempts to establish their brands and grow their businesses in their home market.
- Removal of a vital revenue stream to newspapers and magazines would also be detrimental to this industry, which has also faced sustained pressures over the past several decades with the closure of some titles, and many jobs lost in the industry. We believe that the Scottish Government must fully engage in a constructive manner with these partners to fully understand the potential impact on this vital Scottish industry.
- There would also be a negative impact on non-consumer facing publications, like trade press publications, newsletters, and wholesaler materials. This does not target the public and its prohibition would be disproportionate.
- There would also likely be removal of some physical consumer facing publications from sale in Scotland, as many titles are cross-border, international and growingly available online. These titles are unlikely to remove lucrative advertising agreements simply due to restrictions in one, tiny part of the market. In many cases, the economics would mean withdrawal from the Scottish market makes more sense than reconfiguring the publication to comply with any regulations.
- These titles would likely shift online, where they would escape regulations but could still be available to consumers in Scotland.

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

- For reasons previously stated alcohol advertising in newspapers and magazines should not be prohibited.

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

- **No.**
- Online marketing is already, rightly, subject to strict regulation under existing codes governed by the Advertising Standard Authority.
- The alcohol industry in Scotland is a responsible sector that does not seek to advertise to people below the age of legal purchase for alcohol. The industry agrees that this should be strictly regulated and enforced by the relevant authorities.
- Technological advances allow online advertising to be strictly targeted at people of legal purchase age. A range of sophisticated technologies allow advertisers to ensure this is the case, even if a person puts a false age into an age gate. The alcohol industry is committed globally to ensuring the most rigorous possible approach is taken to responsible online marketing.

- Social media channels and websites are a crucial marketing tool for the success of any brand or business in the modern world. Prohibiting alcohol brands from having their own social channels and websites would cause enormous commercial damage to businesses.
- The impact of any restrictions would be disproportionately felt by start-up distillers and brewers who primarily use digital communications to establish their brands and to grow their businesses in their home market

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

- For reasons already set out online marketing of alcohol in Scotland should not be prohibited beyond existing regulations.

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

- **No.**
- Online marketing is already, rightly, subject to strict regulation under existing codes governed by the Advertising Standard Authority.
- The alcohol industry in Scotland is a responsible sector that does not seek to advertise to people below the age of legal purchase for alcohol. The industry agrees that this should be strictly regulated and enforced by the relevant authorities.
- Technological advances allow online advertising to be strictly targeted at people of legal purchase age, even if a person puts a false age into an age gate. The alcohol industry is committed globally to ensuring the most rigorous possible approach is taken to responsible online marketing.

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

- For reasons already set out online marketing of alcohol in Scotland should not be prohibited beyond existing regulations.

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

- For reasons already set out online marketing of alcohol in Scotland should not be prohibited beyond existing regulations.

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?

- **No.**
- Online marketing is already, rightly, subject to strict regulation under existing codes governed by the Advertising Standard Authority, including the sharing of consumer generated content.
- The alcohol industry in Scotland is a responsible sector that does not seek to advertise to people below the age of legal purchase for alcohol. The industry agrees that this should be strictly regulated and enforced by the relevant authorities.
- Alcohol brands and hospitality premises are also currently restricted from sharing (retweeting for example) social media posts of customers enjoying their product if it falls foul of existing codes. For example, an alcohol brand or pub is unable to share a social media post from a consumer or patron if they appear under the age of 25, regardless of their actual age and are subject to enforcement action if they do. The same is true if any other regulations in the existing codes are similarly breached.
- Technological advances allow online advertising to be strictly targeted at people of legal purchase age, even if a person puts a false age into an age gate. The alcohol industry is [committed globally](#) to ensuring the most rigorous possible approach is taken to responsible online marketing.
- It is important to note that the research cited in the consultation document (11.27) notes that 'I wouldn't be friends with someone if they were liking too much', is a comment from the hyper-linked study which was given as a reason not to interact with alcohol brands online. The study showed that *'liking too much rubbish'* was a reference to someone liking posts from alcohol brands and that 'too much' would be detrimental. Furthermore, the study also highlighted that responsibility messages works, noting that a well-known beer brand was *"particularly appealing for the young males in the sample who wished to present an image of a more mature, self-assured drinker who enjoyed drinking for pleasure as opposed to a product such as vodka which was associated with binge drinking and immaturity."*
- This sort of relationship, where responsible brands are seen in a better light in comparison to those which would encourage binge drinking is a hugely positive step in Scotland's relationship with alcohol. Reducing binge drinking has long been an aspiration of successive governments, and the alcohol industry, using responsibility messaging to highlight this. This study shows that this is having a direct impact with it finding:
 - *"...the male participants aspired to a more relaxed style of alcohol consumption as it aligned with their desire to project an outward appearance of maturity and control, and not having to try too hard to fit in. This discussion also incorporated elements of social allegiance where a relaxed, non-binge style of drinking was associated with a higher socio-economic status.*
- By applying restrictions preventing responsibility messaging would, in our view, be a massive step backwards.

- It is also important to note NekNominate, the social media craze highlighted in the consultation response was not created or driven by any alcohol brands, and was also not brand specific. It should also be noted that there has not been a similar social media craze to NekNominate since it was widely criticised almost a decade ago.

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?

- For reasons already set out online marketing of alcohol in Scotland should not be prohibited beyond existing regulations.

Television and radio advertising

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

- **No.**
- Alcohol marketing on television and radio is already strictly regulated and outwith the legislative competence of the Scottish Parliament.
- Research by the Advertising Standards Authority found that between 2008 and 2020, children's exposure to alcohol advertising on TV decreased by just over two thirds, from an average of 2.8 ads per week in 2008 to 0.9 ads per week in 2020, the lowest in the 13-year period observed.
- The extent to which people below the legal purchase age of alcohol see/hear alcohol advertising on TV/radio is low and therefore, prohibition would be an extreme and disproportionate measure to take, with little if any impact on public health.
- Furthermore, the prohibition of advertising on television would not capture product placement or exposure to brands through mediums not specified as commercials such as product placement or via on the field advertising of sporting events.
- It would also only be able to limit a tiny minority of sport shown and watched on TV in Scotland, as highlighted in our response to question 1.

29. Do you think we should introduce a watershed for alcohol advertising on TV No.

- Alcohol marketing on television and radio is already strictly regulated under the [ASA's Code of Broadcast Advertising \(BCAP Code\)](#).
- Research by the Advertising Standards Authority found that between 2008 and 2020, children's exposure to alcohol advertising on TV decreased by just over two thirds,

from an average of 2.8 ads per week in 2008 to 0.9 ads per week in 2020, the lowest in the 13-year period observed.

- The extent to which people below the legal purchase age of alcohol see/hear alcohol advertising on TV/radio is low and therefore, restrictions would be disproportionate, with little if any impact on public health.

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

- **No.**
- Cinema advertising is already strictly regulated by the [Advertising Standards Authority](#) and the [Cinema Advertising Association](#) (CCA), including stipulation that alcohol adverts cannot be broadcast as part of trailers for a film where more than 25 per cent of the audience is under the age of 18, or where the film is likely to appeal to those under the age of 18.
- The primary function of [The CAA](#) is to promote, monitor and maintain standards of cinema advertising. This includes pre-vetting all cinema commercials to ensure conformity with relevant advertising codes. The CAA Copy Panel clears commercials for exhibition in cinemas in the UK and Republic of Ireland. No commercial may be exhibited in a cinema unless it has been cleared. For exhibition in the UK, cinema commercials must comply with the UK Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code).
- Further restrictions to cinema advertising are therefore unlikely to have any significant effect in the real world and would further worsen the economic issues already facing cinemas across the country and beyond.
- Furthermore, product placement would still be possible, ensuring larger multinationals would still be able to advertise to consumers whilst domestic SMEs would not be able to access such opportunities.

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?

- For reasons set out previously alcohol advertising in cinemas should not be further restricted.

Restrictions on content of advertisements

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

- **No.**
- The content of alcohol marketing is, rightly, already strictly regulated.

- Restricting alcohol marketing to purely factual statements would reduce alcohol to a commodity and undermine centuries of Scottish creativity and brand-building.
- It would have a negative impact on Scotland's creative sector and on the ability of distilleries and breweries to market themselves as tourism destinations.
- Again, this would have a disproportionate impact on small start-up distillers and brewers that are trying to establish their brands and grow their businesses.
- Under UK law, alcohol products over 1.2% ABV are already prevented from making claims in relation to health. Nutritional claims are heavily restricted and are only permitted in relation to reduced alcohol or energy content, and which must be evidenced through relevant, factual information presented on the product label.

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.

- **No.**
- The content of alcohol marketing is, rightly, already strictly regulated.
- Restricting alcohol marketing to purely factual statements would reduce alcohol to a commodity and undermine centuries of Scottish creativity and brand-building.
- It would have a negative impact on Scotland's creative sector and on the ability of distilleries and breweries to market themselves as tourism destinations.
- Again, this would have a disproportionate impact on small start-up distillers and brewers that are trying to establish their brands and grow their businesses.

34. Do you think that content restrictions, like the Estonia model, should be applied to all types of alcohol marketing?

- **No.**
- The content of alcohol marketing is, rightly, already strictly regulated.
- Restricting alcohol marketing to purely factual statements would reduce alcohol to a commodity and undermine centuries of Scottish creativity and brand-building.
- It would have a negative impact on Scotland's creative sector and on the ability of distilleries and breweries to market themselves as tourism destinations.
- Again, this would have a disproportionate impact on small start-up distillers and brewers that are trying to establish their brands and grow their businesses.
- In Estonia, since the introduction of the restrictions on alcohol advertising and sponsorship, the consumption in Estonia has increased for some categories.

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

- Alcohol marketing should not be further restricted.

- Existing regulations on alcohol marketing should continue to be rigorously enforced.
- Instead, the Scottish Government should seek to engage with existing systems of co-regulation such as the ASA and the Portman Group, which have proven effective in ensuring a system of widespread responsible alcohol advertising.

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

- **No.**
- The alcohol sector in Scotland has a strong established record of being a responsible industry working collaboratively with government and stakeholders to build economic value for communities the length and breadth of the country.
- Imposing unnecessary and onerous reporting requirements on the industry, particularly at a time of significant economic headwinds, would undermine the ability of the industry to invest and grow, thereby undermining the economic potential of the industry for Scotland.

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

- **No.**

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?

- **No.**

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?

- **No.**

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

1. There is no BRIA.

- Increasing regulatory burden is something that many businesses we represent argue is a constant threat to their ability to be viable. The Scottish Government has also recognised this wider issue under its "Better Regulation Agenda". The Agenda says that, amongst other measures, the Government should "At the outset of any policy development, non-regulatory options such as voluntary regulation should always be considered and a BRIA completed to ensure the costs and benefits of each option are fully considered and compared".
- It is very disappointing to us that no BRIA has been produced to coincide with this consultation. Our members would have been very happy to assist the Government in providing data and details for a BRIA had they been asked and SBPA will be happy to engage with Government on any BRIA.

2. There is no ICIA.

- Scotland's small brewers, distillers, pubs and bars are from Island communities. It is our understanding that an Island Communities Impact Assessment (ICIA) ought to have been carried out in relation to how the proposals might affect island communities, given the terms of the Islands (Scotland) Act 2018. Many small pubs and brewers may have a very important local presence on smaller islands especially in terms of employment and tourism for that community. An ICIA should be produced.

3. There should be post-legislative scrutiny of the 2005 Act framework given the volume of regulation already in place, and given there has never been any, before new laws are considered.

- "Our members are holders of premises licences under the Licensing (Scotland) Act 2005. They are already subject to a significant amount of licensing regulations and mandatory conditions which deal with the responsible sale, promotion and advertising of alcohol. It is therefore unfortunate that there has been no post-legislative scrutiny of the 2005 Act given it has been amended so many times under other Acts of the Scottish Parliament and a large number of regulations. The existing licensing framework is voluminous. What research has been done on any of these rules to understand if they have had the desired policy effect (excluding minimum pricing)? Surely work should be done to understand the impact of existing laws prior to new ones being brought forward."

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?

- The proposals within this consultation would be disastrous for Scotland's drink producers, hospitality industry, sports sector, events sector, cultural sector, our tourism industry and have wide economic consequences which haven't been considered or even acknowledged in this consultation.

- If these proposals were brought in, small and medium-sized domestic producers would be the biggest losers While larger, multinational companies will still be able to advertise to those in Scotland through advertising on mediums which cannot be restricted by the Scottish Parliament (TV, Online, etc), by product placement and continued sponsorship of events taking place outwith Scotland but with significant viewership in Scotland.

Scottish Beer & Pub Association
March 2023