

Your response

Question	Your response
<p>Question 1a: Do stakeholders agree with Ofcom’s proposed guidance on control of advertising, including the application of the terms ‘marketed, sold or arranged’?</p>	
<p>Question 1b: If you do not agree with the proposed guidance on control of advertising, please explain why, and include any alternative approaches.</p>	
<p>Question 2a: Do stakeholders agree with Ofcom’s proposed framework for regulating VSP-controlled advertising?</p>	
<p>Question 2b: If you do not agree with the proposed framework for regulating VSP-controlled advertising, please explain why, and include any alternative approaches for regulating advertising on VSPs.</p>	
<p>Question 3a: Do stakeholders agree with Ofcom’s proposal to designate the ASA as a co-regulator for VSP-controlled advertising?</p>	No
<p>Question 3b: If you do not agree that it would be appropriate to designate the ASA as a co-regulator for VSP advertising, please explain why, and include any alternative approaches.</p>	<p>We disagree it is appropriate to designate the ASA as a co-regulator for VSP advertising.</p> <p>There is a strong academic evidence base that self-regulation of alcohol marketing is not effective and fails to protect young people from exposure to harmful content (1,2). This was also recognised by UK Parliament’s Health Select Committee in 2010 (3).</p> <p>Specific problems with self-regulation approaches include:</p> <ul style="list-style-type: none"> • the reactive complaints-led nature, meaning that adverts only begin to be investigated after exposure has occurred • a lack of meaningful sanctions • evidence of inconsistency and subjectivity in decision making (4)

Decades of research have found adolescents' exposure to alcohol marketing leads to subsequent alcohol use (5-7).

Such exposure is high among UK adolescents under the current self-regulation (ASA) approach to alcohol marketing:

- 82% of UK adolescents aged 11-19 recall seeing alcohol marketing in the past month, and 27% recall seeing alcohol marketing on social media at least weekly (8)
- Alcohol adverts often appeal to underage adolescents, and having a positive reaction to alcohol adverts is associated with susceptibility to drink among children who have never tried alcohol (9)
- Even primary school aged children commonly recognise alcohol brands (10)

The current system of regulation is not sufficiently independent of industry, creating a clear conflict of interest. Regulation should be independent of the food and advertising industries, to ensure its effectiveness and to avoid conflicts of interest. A preference for the regulatory frameworks for alcohol marketing to be supported by legislation was outlined in the World Health Organization's Global strategy to reduce the harmful effects of alcohol. A stronger legislative footing is therefore necessary. (11)

Given the short-term nature of the proposed framework, the alternative approach that we suggest is that all regulatory functions, from the day-to-day regulation to enforcement, should be carried out by Ofcom to avoid conflict of interest and ensure effectiveness of the restrictions.

(1) Noel, J. K., & Babor, T. F. (2017). Does industry self-regulation protect young people from exposure to alcohol marketing? A review of compliance and complaint studies. *Addiction, 112*, 51-56.

(2) Noel, J. K., Babor, T. F., & Robaina, K. (2017). Industry self-regulation of alcohol marketing: a systematic review of content and exposure research. *Addiction, 112*, 28-50.

(3) House of Commons Health Committee (2010). *Alcohol, First Report of Session 2009-10 (Volume I)*. London: House of Commons Health Committee.

	<p>(4) Alcohol Concern and Alcohol Research UK (2018). <i>Fit for Purpose? An analysis of the role of the Portman Group in alcohol industry self-regulation</i>. London: Alcohol Change UK. Available from: https://alcoholchange.org.uk/publication/fit-for-purpose-an-analysis-of-the-role-of-the-portman-group-in-alcohol-industry-self-regulation?token=150</p> <p>(5) Smith, L. A., & Foxcroft, D. R. (2009). The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. <i>BMC public health</i>, 9(1), 1-11.</p> <p>(6) Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. <i>Addiction</i>, 112, 7-20.</p> <p>(7) Sargent, J. D., & Babor, T. F. (2020). The relationship between exposure to alcohol marketing and underage drinking is causal. <i>Journal of Studies on Alcohol and Drugs, Supplement</i>, (s19), 113-124.</p> <p>(8) Critchlow, N., MacKintosh, A. M., Thomas, C., Hooper, L., & Vohra, J. (2019). Awareness of alcohol marketing, ownership of alcohol branded merchandise, and the association with alcohol consumption, higher-risk drinking, and drinking susceptibility in adolescents and young adults: A cross-sectional survey in the UK. <i>BMJ open</i>, 9(3), e025297.</p> <p>(9) Boniface, S., Critchlow, N., Severi, K., MacKintosh, A. M., Hooper, L., Thomas, C., & Vohra, J. (2021). Underage Adolescents' Reactions to Adverts for Beer and Spirit Brands and Associations with Higher Risk Drinking and Susceptibility to Drink: A Cross-Sectional Study in the UK. <i>Alcohol and alcoholism</i>. https://doi.org/10.1093/alcalc/agab018</p> <p>(10) Alcohol Focus Scotland, Alcohol Concern, Balance North East and Drink Wise (2015). <i>Children's Recognition of Alcohol Branding</i>. Available from https://www.alcohol-focus-scotland.org.uk/media/62890/Children_s_Recognition_of_Alcohol_Marketing_Briefing.pdf</p> <p>(11) World Health Organization (2010). <i>Global strategy to reduce harmful use of alcohol</i>. Geneva: WHO. https://www.who.int/substance_abuse/activities/gsrhua/en/</p>
<p>Question 4a: Do stakeholders agree with Ofcom's proposed guidance on non-VSP-controlled advertising?</p>	
<p>Question 4b: If you do not agree with the proposed guidance on non-VSP-controlled</p>	

advertising, please explain why, and include any alternative approaches.	
Question 5a: Do stakeholders agree with Ofcom's proposed approach to regulating non-VSP-controlled advertising?	
Question 5b: If you do not agree with the proposed approach to regulating non-VSP-controlled advertising, please explain why, and include any alternative approaches.	

Please complete this form in full and return to vspreulation@ofcom.org.uk