

National Institute for Health and Clinical Excellence

**PUBLIC HEALTH PROGRAMME–ALCOHOL-USE DISORDERS (PREVENTION)
 Consultation on the Draft Guidance from 13th October – 10th November 2009
 Comments to be received no later than 5pm on 10th November 2009**

Stakeholder Comments

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Recommendation 3: Marketing	p.20	<p>The Advertising Association represents all sides of the advertising industry, including advertisers, advertising agencies, and the media. Recommendation 3 on Marketing goes well beyond, and should fall outside, the scope of NICE's public health guidance, which has been requested by DH to develop practical prevention and early identification measures. Recommendation 3 ignores the fact that advertising falls within the remit of the DCMS and related regulatory and self-regulatory agencies – Ofcom, the OFT and the Advertising Standards Authority (ASA), and not within NICE's remit. We find it surprising that NICE has made far-reaching proposals for new advertising and marketing restrictions without consulting either the Advertising Standards Authority or the advertising industry, through the Advertising Association. Such an approach ignores Best Practice Better Regulation Principles, which require bodies to consult the industries concerned, evaluate the impact on the industry of the proposals, and be clear about the outcomes.</p> <p>The Advertising Association therefore considers that NICE should not be making recommendations of this nature, and that its proposals for new restrictions and an effective ban on alcohol advertising and marketing go well beyond the inconclusive evidence that it puts forward to justify such an approach. There is no evidence that demonstrates that the recommendation being proposed will have the beneficial health impacts outlined by the consultation. But there would be an adverse impact on advertisers (whose ability to compete for brand share would be limited or removed by such proposals), and on media in terms of loss of revenues and resultant impact on programme/editorial investment.</p>

Please add extra rows as needed

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Recommendation 3: Marketing	p.20	<p>NICE's Recommendation do not set out the current framework for the regulation of alcohol advertising by the Advertising Standards Authority (ASA). Alcohol advertising is subject to detailed content rules and scheduling/placement restrictions, set out in the CAP and BCAP Codes, which are enforced by the ASA. Details of the ASA system and the rules that apply have already been given to NICE in a response to the previous consultation by the Advertising Standards Authority.</p> <p>The current regulatory regime for advertising is robust, comprehensive, applies to advertising across all media, and is independently enforced by the ASA. The Codes can be found on the ASA website.</p> <p>The alcohol advertising rules were significantly tightened in 2005 in response to Government objectives. Alcohol advertising is permitted as long as it does not appeal to, or target, under-age drinkers or glamorise irresponsible drinking and anti-social behaviour. The rules were tightened up in four main areas to prevent:</p> <ul style="list-style-type: none"> • linkage between alcohol and the success of a social occasion • the linking of sexual success with alcohol • the potential to appeal to under 18's • the portrayal of alcohol being served or handled irresponsibly.

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Recommendation 3: Marketing	p.20	Advertising rules are drawn up to ensure that the advertising is targeted appropriately and that children and young people are protected.
Background documents - Interventions on Control of Alcohol Price, Promotion and Availability for Prevention of Alcohol Use Disorders in Adults and Young People	p. 190-191	Research conducted by the ASA and Ofcom in 2007 (referred to on Page 190-191 of the supporting evidence) showed the rule changes had been effective. The comment that “young people were more likely to say that advertisements make a drink look appealing...” is selectively lifted from the research and gives the wrong impression. The ASA noted that the advertisements chosen for the research were not representative of all alcohol advertising but were a selection of alcohol advertisements, and these were described as being from the “edgier” end of the market – ads that may be considered borderline.

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Recommendation 3	p. 20	<p>The Advertising Association agrees with the statements made at the beginning of Recommendation 3, that there is “only limited evidence” on how alcohol advertising affects consumption among adults, and that the evidence on whether or not a complete ban would be effective in preventing the onset of drinking amongst children and young people, and in preventing increased consumption amongst the young, is “inconclusive”.</p> <p>It is inappropriate to make far-reaching proposals for an advertising ban on the basis of inconclusive evidence.</p> <p>Brands do not advertise to get young people to drink, nor to increase consumption –they advertise to promote their brand against others in the same category. An analysis of advertising expenditure for each drink category compared with total sales demonstrates that there is no link between the two, so the argument that companies advertise to increase consumption is flawed.</p> <p>The statement at the end of the recommendation that “a tobacco advertising ban has helped reduce the prevalence of smoking” is highly questionable, as we know of no evidence that could corroborate such a statement. It is, anyway, irrelevant in this context, because alcoholic drink is a very different product to tobacco. Policy in relation to alcohol and the advertising of alcoholic products is appropriately focused on preventing the misuse of alcohol, not its moderate consumption.</p>

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Evidence for Recommendation 3 – some new research	p. 20	<p>The 'evidence' mentioned in relation to recommendation is unreferenced, though there are some unsourced evidence statements at the back of the guidance, and a collection of 'background documents' online, which are used to support Recommendation 3.</p> <p>However, the evidence used to support the recommendation is drawn from academics who support an advertising ban (eg Hastings, Anderson) and who rely for their findings on small-scale experimental studies and a limited range of longitudinal studies mostly conducted outside the UK and indeed from outside Europe, with very different country-specific factors to the UK's.</p> <p>NICE should take into account an academic paper entitled "What's the BMA been drinking? The case against an Alcohol Ad Ban", published in September 2009 for the Democracy Institute by Patrick Basham and John Luik, (who state that neither they nor the D.I. received funding for, or discussed, the research with the alcohol industry or any affiliated organisation).</p>

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Evidence for Recommendation 3: Marketing	p.20	<p>This paper strongly challenges the research by academics like Hastings, who argue for an advertising and marketing ban. Basham and Luik demonstrate that the claims about the link between alcohol consumption and alcohol abuse is based on a flawed approach for several reasons:</p> <p>(1) it ignores numerous econometric analyses that do not show that alcohol advertising leads to drinking initiation or increases total consumption,</p> <p>(2) only a handful of the econometric and longitudinal studies find that advertising restrictions/bans have had a statistically significant effect on either initiation or consumption,</p> <p>(3) there is strong evidence that restrictions have not reduced consumption, and</p> <p>(4) that the evidence from jurisdictions that have removed bans shows that consumption has not increased when advertising has resumed.</p> <p>Basham and Luik conclude that "there is no public policy justification for measures to substantially restrict or completely ban alcohol advertising that is directed to legal consumers".</p>

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Evidence for Recommendation 3 - Background documents - Interventions on Control of Alcohol Price, Promotion and Availability for Prevention of Alcohol Use Disorders in Adults and Young People	p.197-8	<p>The document entitled 'Interventions on Control of Alcohol Price, Promotion and Availability for Prevention of Alcohol Use Disorders in Adults and Young People' contains a discussion section (p.197-8). This states that "social influence may also influence binge drinking among young people" and that "this was a topic outside the remit of this review".</p> <p>However, recent research by Paul Ormerod (2008) demonstrates that social influence is crucial to understanding the causes of binge drinking amongst 18-24 year olds, and that without factoring this in, policy interventions will not be successful.</p> <p>Ormerod concludes that social (peer) influence, operating through personal friendship networks, is sufficient by itself to explain the large rise in binge drinking amongst young people. He believes that binge drinking is a "fashion" phenomenon, spread by people observing and copying what their friends do. This study finds that relatively small networks of friends can generate and spread a culture that often includes anti-social behaviour linked to alcohol abuse.</p>
Interventions on Control of Alcohol Price, Promotion and Availability for Prevention of Alcohol Use Disorders in Adults and Young People	p. 198	This background document also justifies restrictions/bans on alcohol advertising on the basis that alcohol ads are permitted on TV before 9 pm, sourcing work by Alcohol Concern in 2007. This statement ignores the fact that there are effective scheduling restrictions already in place, designed to prevent alcohol ads appearing in or around any programmes where the proportion of viewers under 18 is more than 20% above the average audience. There are also placement restrictions governing alcohol advertising in other media.

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Evidence for Recommendation 3 - Modelling findings on advertising M55-M58		<p>In section 4.5 of the accompanying research on the website, looking at the published modelling findings, the paper says “The published quantified evidence on the effects of restrictions on advertising, including the small number of UK studies, exhibit considerable uncertainty...” (M55), and that “there is disagreement in the academic research literature concerning whether advertising bans ... reduce alcohol consumption, or increase it” (M58).</p> <p>The Advertising Association points out that such statements on the research findings do not provide sufficient justification to demand changes in the existing, already strict, regulatory and self-regulatory regime for alcohol advertising.</p>

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