

9 June 2011

S11.07

### **Submission to the Advertising Standards Authority on the Review of the Code for Advertising Liquor**

The National Council of Women New Zealand (NCWNZ) is an umbrella organisation representing 51 nationally organised societies and national members. It has 23 branches throughout the country attended by representatives of those societies as well as individual members. The Council's function is to serve Women, the Family, and the Community at local, national and international levels through research, study, discussion and action.

This submission has been prepared by the Consumer Affairs Standing Committee based on input gathered from the NCWNZ membership, previous submissions written on this subject over several years, resolutions passed at conferences and current NCWNZ policy.

NCWNZ representatives attend the Liquor Advertising Preventing System Code Consultative Committee Meeting (LAPS CCC) when held in Auckland.

NCWNZ welcomes the opportunity to make a further submission on the 'Review of the Code for Advertising Liquor'

For many years NCWNZ has held very strong views against the advertising of alcohol and has made recommendations to the Government that a ban be placed on the promotional advertising of alcohol and sponsorship. In addition 11 policies have been adopted and much lobbying undertaken to restrict the advertising of liquor which promotes consumption. For example; in a submission written in 2008, NCWNZ urged that the labelling of alcoholic beverages should include a pregnancy health advisory label, and in October 2009 NCWNZ wrote a full submission to the Law Commission on the Issues Paper "Alcohol in our Lives" on the Reform of New Zealand's Liquor Laws. NCWNZ membership again supported the banning of all alcohol advertising and sponsorship except for objective printed product information and considered that if alcohol advertising and sponsorship is to continue. The roll of the Advertising Standards Authority (ASA) should be taken over by the Ministry of Health, as it does for tobacco.

Alternatively a body similar to Broadcasting Standards Authority should be set up by statute to adjudicate on complaints about liquor advertisements, and which has the right to impose penalties for any breaches of the code.

#### **Section11 (p.13ff.)**

##### **General Comments**

1. The key areas of concern about alcohol advertising

Alcohol advertising has special appeal for young people under the purchase age, No advertising should be targeted at young people. As long as powerful methods of promoting alcohol continue, the

heavy drinking culture will be maintained. No advertising should be allowed on television or cinemas. Advertorials should be regarded as advertising. No sponsorship of cultural or sports events should be permitted. The key areas of concern are supported by the NCWNZ membership. Liquor advertisement should not be sexually provocative, demeaning or denigrating women in a sexually explicit manner, or suggest that liquor will create a desirable change of mood, or suggest a link between liquor and sexual success or prowess.

NCWNZ considers the Code of Liquor Advertising should include strong guidelines about the depiction of women in the advertising of liquor to achieve social responsibility. The Code does not appear to have a clear direction about the depiction and/or denigration of young Women in advertising. It was also agreed that Liquor Regulations should be strengthened around promotions at the point of sale.

Despite the exclusions listed on page 4, NCWNZ strongly supports the inclusion of health warnings on every advertisement or label on any liquor product. Whilst the regulation of health warning is a matter covered by Food Standards Australia New Zealand, NCWNZ considers it should be discussed between ASA and FSANZ to possibly arrive at suitable and socially responsible outcome.

2. Were you aware of the ASA Code for Advertising Liquor prior to making this submission?

Yes. NCWNZ is also represented at the Annual LAPS meetings and receives communications from ASA.

3. Do you know how to make a complaint about alcohol advertising?

Yes. NCWNZ keeps its membership informed as to the procedure for making complaints and many of our members have used the complaints process with varying degrees of success.

4. Assessment of the current complaints process and how it may be improved?

NCWNZ members consider that the complaints process is cumbersome and time – consuming. Those members who express strong feelings about an advertisement may initiate a complaint but find the system slow to respond which allows plenty of time for advertisers to get their message into the public arena. The system needs to be streamlined and also better publicised so that the public are able to use it more readily. Advertisements on TV such as the Broadcasting Standards Authority would be helpful if they increased public awareness of the complaints process.

5. Should the Code for Advertising Liquor and the Code for Naming, Labelling, Packaging and Promotion of Liquor be combined in a single Code?

NCWNZ considers that the two Codes should be combined and there seems to be little justification for a separate Board. Labelling, packaging and promotion is an integral part of advertising alcohol products and should come under the same umbrella.

6. Should all complaints about liquor advertising and promotion be considered by a separate specialist complaints board?

NCWNZ agrees that all complaints should be considered by a separate specialist complaints board. A completely independent but statutory organisation, quite separate from the advertising industry, would be an alternative - a specialist complaints board for the combined Codes.

## **Section 12 The Content of the Code for Advertising Liquor**

### **Responses to Questions (p.17)**

Are the above definitions clear and do they provide sufficient guidance?

The definitions appear to be clear and should provide sufficient guidance.

The definition “liquor advertiser” could be broadened to include the various types of liquor advertisers e.g. websites, trade-me, internet pop ups, texting, internet and other electronically generated advertisements.

Regarding the definition of “minors”, it would be an advantage to have the current legal status stated in the definition.

Is further guidance required? If so, in what areas?

No further comments

### **Principle 1 (p.18)**

#### **Questions**

Is it appropriate to require liquor advertisements to be consistent with the need for responsibility and moderation in liquor consumption?

It was agreed that advertisements should not emphasise a product’s alcoholic strength except where the product is a light (or lite) alcohol product. Regulations must be strengthened and complaints adjudicated expeditely, where and when responsible advertising is not adhered to in an attempt to achieve moderation in liquor consumption. Alcohol advertising adversely plays a strong and significant role in shaping attitudes towards drinking. Alcohol advertising is not supposed to be aimed at the young and vulnerable.

Responses strongly supported that liquor advertisements must not glamorise liquor or association with it, or show or encourage that immoderate consumption of liquor.

Bill boards, posters and signage around sports fields cause concern as do televised broadcasts of sporting events that show liquor advertisements around the sports field. This means that it is advertising outside the curfew hours. NCWNZ would like to see this changed in the Code of Liquor Advertising. Many of these advertisements for liquor target ‘minors’ at all hours.

If so do the guidelines provide sufficient guidance on how to achieve this? If not is further guidance required? In what areas?

No – as in many areas of liquor advertising (a few examples outlined above) the Code allows a wide interpretation of the principle statement and members agreed that it is not sufficiently specific to allow any complaints to be made or actioned. Guidelines need to be strengthened in all areas of liquor advertising.

One of the objectives of the present regulatory framework states that it should adhere to this when reviewing the Code and adjudicating on complaints on any alcohol advertisements to be consistent with the need for responsibility and moderation in liquor consumption – the role of alcohol advertising should be to inform e.g. price, the nature of the product and where to buy, and include a health

warning on every label. No sports icons, heroes and/or heroines of the young should be depicted in any liquor advertising.

## **Principle 2 (p.20)**

### **Questions**

Is it appropriate to require liquor advertisements to observe a high standard of social responsibility?

Yes – NCWNZ agrees totally. The overarching principle of the Advertising Code of Ethics states that “All advertisements should be prepared with due sense of social responsibility to consumers and to society”

NCWNZ members consider that heroes and/or heroines of the young should not be permitted in liquor advertisements. Members consider that advertising glamorises alcohol, particularly when it incorporates a ‘sports icon’, and is socially irresponsible.

If so should there be guidelines on how to achieve this? In what areas?

Yes – The current guidelines elaborate on the meaning of social responsibility as outlined in Principles 2 - 2(a) 2(b) 2(c) 2(d) and as printed suggest socially responsible liquor advertising would be the outcome if strictly adhered to.

NCWNZ considers that the wording “all advertisements should be prepared....is very weak and feels strongly that as far as alcohol advertising is concerned should read “all advertisements must be prepared with a due sense of social responsibility”.

Despite the exclusion stated in Section 2 of this document, members want social responsibility guidelines to include health warnings about the damage ‘binge drinking’ and excess consumption can have on the brain, liver and kidneys, and the damage foetal alcohol syndrome can have on unborn child. NCWNZ does not recall any alcohol advertising giving any informed choices that warns of a life of addiction or other health problems. Young women are also being targeted by alcohol advertising especially in regards to Ready –To – Drink alcohol (alcopops). Statistics show the amount being consumed by any one individual is rising sharply.

None of this sounds like “socially responsible” advertising and NCWNZ see this as an area which needs urgent attention by strengthening current guidelines in order to achieve this. NCWNZ members have made strong comments about the difficulty experienced when submitting complaints and consider they are frequently unsuccessful or decision making is delayed before any action is taken.

The guidelines are so broad that perhaps their usefulness is questionable. Their elasticity also means questionable advertising can occur without the standards being breached. As a result it will be difficult to maintain objectivity when making decisions about complaints or pre-vetting any liquor advertisements unless the guidelines are more specific in all areas.

## **Principle 3 (p.22)**

### **Questions**

Is it appropriate to require liquor advertisements not depict or imply the consumption of liquor in hazardous situations or include unsafe practices?

NCWNZ agrees that liquor advertisements must not depict or imply the consumption of liquor in hazardous situations or include any unsafe practices and strongly supports this principle 3(1). NCWNZ does **not** agree that it is permissible to depict the consumption of liquor after the activity has ended, even provided that no unsafe practice is involved.

If so, do the guidelines provide sufficient guidance on how to achieve this? If not, is further guidance required? In what areas?

The guidelines should be more specific on how to achieve Principle 3(1) and provide stronger guideline that must be adhered to in order to ensure a high standard of social responsibility. The Code sets out the guidelines adequately. However the members' responses considered advertisements were interpreted literally and there were breaches of the Code evidenced - in their opinion - on many occasions and in many areas of sophisticated presentation which conveyed a subliminal message to viewers.

Are there any other prizes that should not be offered in liquor advertising?

NCWNZ members consider that NO prizes should be offered in liquor advertisements and the guidelines should indicate this to allow action following any complaints or breaches of the Liquor Advertising Code.

#### **Principal 4 (p. 24)**

##### **Questions**

Is it appropriate to require liquor advertisements to be directed at adult audiences and to not have particular appeal to minors?

NCWNZ considers that any liquor advertisements should only be directed to adult audiences and have no strong appeal to minors in particular. NCWNZ members consider young men and women are presently being targeted by alcohol advertising especially with regard to 'Ready-to Drink' Alcohol often with a higher alcohol content.

Targets should be set to reduce under-age drinking and to stop advertising that glamorises and normalised the drinking of alcohol.

There is no guarantee that minors will not be exposed to advertisements supposedly directed at adult audience. Particularly as restrictions for television liquor advertising currently only prohibits this between 1.00am to 8.30pm.

Billboards, signage, websites, texting, face book pop-ups on the internet etc do not prevent minors from being exposed to liquor advertising specifically "directed to adults".

Billboards are not only environmentally unfriendly but also send "the messages to the public before any complaints are actioned on brand advertising. NCWNZ does not agree that minors may appear in advertisements in situations where they would naturally be found, for example, family barbecues even if there is no direct or implied suggestion that they will serve or consume alcohol. Their presence normalises the consumption of alcohol as acceptable. This is not considered to be socially acceptable.

Yes, it is acceptable to require liquor advertisements to be directed at adult audiences and to not have particular appeal to minors. However, the currently allowable times for advertising and many electronic methods being used to promote and advertise alcohol make Principle 4 and the Guidelines 4(a) (4b) (4c) difficult to enforce. Pre-vetting of all liquor advertising should be mandatory to avoid unsuitable Liquor Advertising targeting minors.

If so, do the other requirements under Principle 4 provide sufficient guidance on how to achieve this? If not, is further guidance required? On what areas?

The requirements as outlined under Principle 4 do not provide sufficient guidance as they are not adhered to in all areas. Guidelines need stronger definitions in order to require liquor advertisements to be directed at adult audiences and to have no appeal to minors. NCWNZ members consider that any review of the present Code – and in particular Principle 4, is problematic until the final form of the Government Bill is finalised. There may possibly be significant changes made by the Select Committee regarding advertising of alcohol and a change to hours for permissible TV alcohol advertising to become a possibility.

NCWNZ also recommends that approval of all advertisements by the liquor Advertising Pre-vetting System (LAPS) should be mandatory, and not just 'strongly recommended'.

### **Principle 5 (p. 26)**

#### **Questions**

Is it appropriate to restrict sponsorship advertisements and credits to feature the sponsor only in a subordinate manner?

Yes – NCWNZ members agree that sponsorship advertisements and credits must clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them may be featured only in a subordinate manner – as outlines in the guidelines 5(a), 5(b), 5(c), 5(d), 5(e) and 5(f). NCWNZ considers that the level of sponsorship is too high particularly within high profile sports codes. It re-enforces the image of the muscular, macho, beer-swilling male that the liquor companies wish to perpetuate. Sponsorship of sport in its various forms 'advertises' to young people by association, the need to drink alcohol for success.

If so do the guidelines provide sufficient guidance on how to achieve this? If not, is further guidance required? In what areas?

The guidelines provide sufficient guidance on how to achieve the statement for Principle 5. However, this appears to be difficult to enforce as in just one of many examples – an advertisement in the newsprint and on a billboard included the Tui logo. The breach of the ASA code on Liquor Advertising is seen many times and this supports the NCWNZ recommendation to ban alcohol sponsorship of sports teams in particular and in all areas of sponsored liquor advertising.

There was an outcry from the public and industry when sponsorship by tobacco companies was prohibited – now it is not missed!

Sponsorship is often interpreted as implying personal endorsement of an alcoholic drink and promotion of the sponsor's drink(s) or outlet. Sponsorship needs to be regarded as advertising and dealt with under a combined single code.

### **Principle 6 (p.28)**

#### **Questions**

Is it appropriate to require liquor advertisements not to contain misleading descriptions, claims or comparisons or suggest a special quality that cannot be sustained?

NCWZN agrees that liquor advertisements must not by any means, directly or indirectly or by innuendo, contain any misleading description, claim or comparison about the product advertised, or about any other product, or suggest some special quality which cannot be sustained.

If so should there be guidelines on how to achieve this? In what areas?

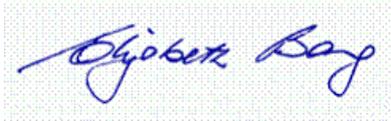
NCWZN considered that this statement – Principle 6 - was self-explanatory and comprehensive.

Should explanatory guidelines be necessary on how to achieve this end and in what areas?

Yes, the guidelines should be written by the ASA Board or Review panel and circulated for comment.

### **Conclusion**

NCWZN is of the opinion that a phased ban on advertising and sponsorship of liquor products, similar to that for tobacco, is the best way forward as recommended by the Law Commission Report. Until all liquor advertising is banned, the Advertising Standards Authority needs to continue to promote responsible advertising, and a review of the Code for Advertising Liquor is timely. Also the complaint system does have the effect of placing some useful limitations on the advertising of alcohol in the community. NCWZN thanks the ASA for the opportunity to comment on 'The Review of the Code for Advertising Liquor'.

A handwritten signature in blue ink that reads "Elizabeth Bang". The signature is written in a cursive style and is set against a light blue, textured background.

Elizabeth Bang  
**National President**

Jan Brown  
**Convener Consumer Affairs Standing Committee**