

# **The Effectiveness of Regulating Alcohol Advertising: Policies and Public Health**

Rebecca B. Fortin, Hons. B.Sc.  
Benjamin Rempel, Hons. B.P.H.E.

Prepared for  
The Association to Reduce Alcohol Promotion in Ontario  
Ontario Public Health Association  
November 2005

Paper presented at the  
aIPHa OPHA “Determining Health Through Public Health Action” Conference  
November 2005, Toronto, Canada



Funding generously provided by the Ontario Ministry of Health and Long-Term Care

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**Ms. Pat Sanagan**, President, Pat Sanagan Consulting

**Dr. Marvin Krank**, Dean and Professor of Psychology, Faculty of Arts, University of British Columbia; Lead researcher on the Project on Adolescent Trajectories and Health (PATH)

**Dr. Robert Solomon**, Professor of Law, Faculty of Law, University of Western, Ontario

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# **The Effectiveness of Regulating Alcohol Advertising: Policies and Public Health**

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## Abstract

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The social and health consequences related to alcohol consumption are on the rise among Canadian youth. Alcohol advertising is a significant factor that influences adolescent alcohol consumption rates. In 1997, a relaxation of the process to approve alcohol advertisements in Canada occurred. This change took away from key deterrents in place that guarded against potential irresponsible alcohol advertising. *Purpose:* To examine existing literature and interview key informants to investigate the effectiveness of existing alcohol advertising control policies. *Methodology:* Academic databases and the Internet were searched using 10 keywords representing youth, alcohol, and advertising. Semi-structured interviews were conducted with a variety of key informants in advertising and academic organizations. *Results and Recommendations:* A summary of the findings is presented along with recommendations for Canadian policy makers, advertising standards agencies, and public health groups.

## 1.0 Introduction

The World Health Organization's European Charter on Alcohol in 1995 declared, "all children and adolescents have the right to grow up in an environment protected from the negative consequences of alcohol consumption and, to the extent possible, from the promotion of alcoholic beverages" (WHO, 1995). Despite this mandate, statistics clearly show that alcohol advertising and promotion remains plentiful on television, radio, magazines, and the Internet and in the view of impressionable children and youth.<sup>1</sup>

In 1999, there were over 356,000 alcohol advertisements aired on radio and television in Canada. In contrast, 257,000 Public Service Announcements (PSAs) were aired on radio and TV during the same year, a ratio of approximately 1.4 alcohol advertisements to every 1 PSA. For 2003, the number of alcohol advertisements increased dramatically to nearly 700,000 across Canada, while PSAs numbered only 390,000, a ratio of approximately 1.8 alcohol advertisements to every 1 PSA (CRTC, 2005a).

At a provincial level, there were approximately 440,000 alcohol advertisements appearing on radio and TV in Ontario in 2003. The PSAs designed to counter balance the influx of pro-drinking attitudes totaled only 179,000 in Ontario, approximately 260,000 less than pro-drinking advertisements, resulting in a ratio of 2.5 alcohol advertisements to every 1 PSA (CRTC, 2005a).

These statistics are just as dramatic in the United States, where advertising has a huge Canadian crossover market, especially among adolescents. In 2002, there were over 288,000 more alcohol advertisements than PSAs. United States teens heard and saw more beer and distilled spirits radio commercials, magazine advertisements, and television commercials between 2001 and 2003 than did people of legal drinking age (CAMY, 2005a; CAMY, 2003a; CAMY 2002).

### *1.1 Alcohol Advertising and Youth Consumption*

This high level of alcohol advertising exposure, especially among youth, has been linked with increased consumption. International researchers from the World Health Organization claim that alcohol advertising "has been found to promote and reinforce perceptions of drinking as positive, glamorous and relatively risk-free ... exposure to repeated high levels of alcohol promotion inculcates pro-drinking attitudes and increases the likelihood of heavier drinking" (Babor et al., 2003). These researchers verify two ideas. One that the cumulative influence of alcohol advertising, shapes young people's perceptions of alcohol

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<sup>1</sup> Advertising, promotion, marketing, and similar themes will be assumed to mean any message (the content of which is controlled directly or indirectly by the advertiser) expressed in any language and communicated in any medium with the intent to influence the public's choice, opinion or behaviour (ASC, 2005).

and drinking norms. Secondly, that alcohol advertising predisposes minors to drinking well before the legal age of purchase.

These arguments are supported through years of scientific data and research. For decades, researchers have been analyzing whether alcohol advertising influences young people to drink. Some of the strongest arguments have been published within the past ten years. To illustrate, Dr. Phyllis Ellickson led a longitudinal assessment with youth to determine whether alcohol advertising promotes adolescent drinking. Over 3,000 students in grade seven through to grade nine were recruited for the study. Ellickson and colleagues (2005) studied variables for four types of advertising, including television, in-store displays, magazines, and concession stands. This group concluded that, "multiple modes of advertising influence subsequent drinking during mid-adolescence ... adolescents start to drink in response to advertising and other influences in their everyday environment and continue to drink in response to advertising in specialized venues" (Ellickson, Collins, Hambarsoomians & McCaffrey, 2005).

Dr. Marvin Krank, Professor of Psychology at the University of British Columbia, led a research team to determine whether exposure to alcohol advertising increases implicit alcohol associations in adolescents. After surveying Canadian students in grades six and grade ten, Krank and Kreklewetz (2003) concluded alcohol commercials prime implicit alcohol associations and an increase in these alcohol cognitions. The increase in thoughts about alcohol may in turn increase the likelihood of alcohol use among youth. "Having fun, kicking back, being an adult, and partying are becoming increasingly associated with drinking," Dr. Krank added in a recent interview (M. Krank, personal communication, August 9, 2005).

In a similar study led by Krank, comparable conclusions were arrived at, stating findings were "consistent with the theory that alcohol associations change prior to and concurrent with changes in alcohol use and intention" (Krank, Wall, Lai, Wekerle & Johnson, 2003b). In simple terms, the more young people associate positive outcomes with alcohol - the primary messaging in advertising - the more likely their usage and intention to use will increase.

Other research clearly indicates that alcohol marketing, in addition to the influence of parents and peers, has a significant impact on youth decisions to consume alcohol. Alcohol marketing influences the attitudes of youth and their peers, which in turn, creates an environment that accepts and promotes underage consumption (CAMY, 2003b). In essence, the more aware, familiar, and appreciative young people are of alcohol advertising, the more likely they are to drink both now and in the future (Hastings, Anderson, Cooke & Gordon, 2005). These findings were also supported in numerous studies which state that at a minimum, alcohol advertising increases awareness and expectancies to drink within the youth population by creating favourable attitudes towards drinking

(Collins, Ellickson, McCaffrey & Hambarsoomians, 2005; Fleming, Thorson & Atkin, 2004; Wyllie, Zhang & Casswell, 1998a; Grube, 1995).

For decades, alcohol marketers have used techniques to link alcohol to physical attractiveness and sexiness, promote age identification through the use of spokespeople, humour, music, and popular culture icons and characters (McKenzie, 2000; Grube, Madden & Friese, 1996). Ad Track News Release (1999) found that Miller Lite and Budweiser commercials attract teenage interest more than any other type of promotion due to a high “liking” rating, which encompasses humour, music, and sexiness as contributing factors.

Using clever content in advertising is another advertising technique used by alcohol advertisers. The content of alcohol marketing has become considerably more sophisticated. Messages are no longer based on a product, but rather on lifestyle and the desire to belong to a specific subculture (Alcohol HealthWatch, 2005; Jernigan, 2005). These messages are increasingly subtle and woven into the social norms of society. Marketing strategies by alcohol companies, such as sports sponsorships, embed images and messages about alcohol into young people’s everyday lives (Babor et al., 2003). Through presenting desirables in young people’s lives (including good times, social acceptance, and sex) the alcohol advertisers’ aim is to slip youth unexpectedly into an adult world. As a result, youth enter into a world where alcohol consumption is accepted as a natural and normal part of living (M. Krank, personal communication, August 9, 2005).

### *1.2 Alcohol Advertising and Associated Consequences among Youth*

Other research takes the argument further, claiming that the risk of adolescent alcohol use and associated problems are significantly associated with alcohol advertising (Stacy, Zogg, Unger & Dent, 2004; Unger, Schuster, Zogg, Dent & Stacy, 2003; Collins, Schell, Ellickson & McCaffrey, 2003; McKenzie, 2000; Saffer, 1997; Grube et al., 1996). Despite the variance in methodology throughout these studies, several common certainties can be drawn from them:

- Exposure to alcohol advertising results in youth having a more favourable attitude towards drinking, and a greater intention to drink as adults;
- Exposure or awareness of alcohol advertising may lead to heavier or more frequent drinking among young adults;
- Exposure to alcohol advertising significantly increases the risk of adolescent alcohol use and associated consequences.

Alcohol advertising has been linked to public health problems through various studies. A study of young adults (18 to 29 years of age) found that the “liking” of beer advertisements contributed to heavier drinking and to more alcohol-related problems (Wyllie, Zhang & Casswell, 1998b). Similarly, Hacker and Stewart (1995) rationalized that as advertisement spending in the United States decreased between 1986 and 1993, so too did deaths from alcohol-related vehicle crashes, especially among young drivers (16 to 20 years of age).

Furthermore, Dr. Krank acknowledges that there is growing evidence that shows youths' responses to attractive alcohol advertising predict who will drink during adolescence. This poses public health problems as young people who start drinking early are, "more likely to drop out of school, have health issues, trouble with police, and get involved with other drugs" (M. Krank, personal communication, August 9, 2005).

There are a number of additional alcohol-related injuries and problems, which pose a threat to public health and safety. Examples of injuries related to alcohol use include: motor vehicle crashes, drowning, fire burns, assault, rape, homicides and other crime-related injuries. Also, a number of health conditions may result from alcohol abuse; such as, addiction, sexually transmitted diseases from risky sexual practices, acute alcohol poisoning, numerous chronic diseases (e.g. heart disease), and suicides (Nelson, 2005; AMA, 2003; Pirisi, 2000). Research has shown that, at least in part, alcohol advertising and marketing plays a significant role in contributing to alcohol-related problems (Stacy et al., 2004; Unger et al., 2003; Collins et al., 2003; Wyllie et al., 1998b).

### *1.3 Purpose*

One way to protect young people from the effects of alcohol advertising, or at least reduce these effects, is to implement effective alcohol promotion control policies to reduce alcohol promotion's influence on minors. There are numerous alcohol advertising control policies used throughout Canada and the Western world, with varying degrees of effectiveness. The purpose of this report is to critically examine common alcohol advertising policies used throughout the world, focusing on the Canadian context. The evidence gathered from the literature review and key informant interviews formed the basis for the recommendations provided. In subsequent sections, recommendations are made towards preventing the harmful effects of alcohol promotion on the health and safety of Canadian youth.

## **2.0 Methodology**

This report outlines the key findings generated from a systematic literature review and key informant interviews about the effectiveness of current guidelines and systems that attempt to control the production and placement of alcohol advertising.

### *2.1 Literature Review*

The search for relevant literature included print, electronic, public and unpublished materials from searching library databases as well as the Internet. The library search strategy to identify relevant articles used the following library search databases:

- Cambridge Scientific Abstracts (which include Medline, PsychINFO, and Sociological Abstracts);
- Web of Science;

- ProQuest; and
- Factiva.

These databases search a vast number of medical, psychology, sociology, media and policy journals. Ten keywords reflecting alcohol, youth, and policy were used. English language articles were selected. The Internet search engines, Google and Yahoo, were searched for relevant online articles using the same keywords as in the library search strategy in a variety of combinations. A detailed description of the literature search strategy is in Appendix A.

The library search strategy generated 1,434 citations in total using the selected keywords. The library search strategy produced nine key articles used in the results of this paper. The Internet search generated hundreds of citations through a number of searches, which ultimately produced the most articles. In total, 32 articles from the literature review were used in this report. A summary of the library search results is described in Appendix B.

### *2.2 Key Informant Interviews*

A list of key informants was generated by the input from the voluntary advisory committee of the Association to Reduce Alcohol Promotion in Ontario (ARAPO). Three major advertising standards agencies were contacted for interviews: the Canadian Radio-Television and Telecommunications Commission (CRTC), the Alcohol and Gaming Commission of Ontario (AGCO), and Advertising Standards Canada (ASC). Additionally, other key individuals (e.g., public health professionals, researchers in law and public health) were recruited. These informants were involved in substance abuse issues, particularly interested in alcohol and alcohol advertising. They were asked to share their experiences and opinions on the effects that alcohol promotion has on public health and safety, as well as their opinions on the current guidelines that regulate the alcohol advertising industry. Interviews were semi-structured and occurred either over the telephone or face-to-face. A set of questions was used that differed slightly depending on the type of organization or affiliation. Some questions created were specific due to the nature of the organization that the key informant was affiliated with, and are listed in Appendix C.

Four individuals were interviewed from two different advertising standards agencies. AGCO and ASC were available to provide information. In one case, a face-to-face interview could not occur due to time constraints and answers to questions were submitted electronically. CRTC was contacted; however, there was no one available to be interviewed. Three of the four individuals in public health or research professions recruited were interviewed. See Appendix D for a complete list of key informants.

### 3.0 Results

Generally, two streams of thought exist when discussing the issue of alcohol advertising and promotion and how it impacts the level and patterns of alcohol consumption within the youth population. One, shared by alcohol producers and those funded by such, generally believe that alcohol promotion does not encourage youth to drink, but rather, it simply encourages those of legal drinking age to consider their brand of choice. The second viewpoint believes that alcohol promotion influences young people's attitudes surrounding alcohol consumption, to ultimately encourage alcohol use among young people.

In support of the first viewpoint, Ms. Katz, Vice President of Communications and Consumer Affairs at Anheuser Busch claims year after year that kids identify their parents, not the entertainment media, as the number one influence on their decision to drink (Schiller, 2005). The influences to drink are of course multifaceted, however, advertising has been shown to be a major influence in this regard. To illustrate, a large survey published by Gentile, Walsh, Bloomgren, Atti & Norman (2001) demonstrated that the amount of money companies spent advertising beer brands "strongly predicted adolescents' brand awareness, preference, use, and loyalty behaviours". This same study concluded that, "media-related variables (e.g., advertising on television) accounted for the greatest amount of variance in intention to drink and, along with peer variables, were a good predictor of actual adolescent drinking" (Gentile et al., 2001).

Hastings and colleagues (2005) argue it is difficult to answer whether alcohol marketing directly influences youth drinking, as "the relationships are simply too complex and ephemeral to unpick them with absolute certainty." However, the same authors proceed to clarify, "there is now sufficient research evidence on the constituent elements of (alcohol) marketing to say that the balance of probabilities now favours the conclusion that it is having an effect (on youth consumption). The fact that exactly the same conclusions have been drawn for tobacco and food marketing suggests that plausibility is moving to veracity" (Hastings et al., 2005).

Again in support of the first viewpoint, the alcoholic beverage industry invokes the defense that there is not a link between marketing spending and under-age consumption patterns. Mr. Newton of Labatt Breweries states that it is not in Labatts' commercial interest to "market our product irresponsibly, and have our brand fall into disrepute ... We want to encourage people who drink to buy our brand – today – and that means those who are of legal drinking age now" (Pirisi, 2000).

"This is ridiculous," states Novak (2004) in her paper, *Alcohol Promotion and the Marketing Industry: Trends, Tactics, and Public Health*, "What is clear is that alcohol manufacturers would not continue to invest substantial resources and capital into their marketing strategies if they did not view it as necessary for

increasing their margins. The surest way of achieving the two interrelated goals of growing market share and growing volume is through increasing sales.”

As illustrated, research leans towards the second viewpoint that alcohol promotion does encourage young people to drink, and as a result, has vast negative effects on level and patterns of consumption and serious health and safety problems (CAMY, 2003b).

The key informant interviews support what has been described in the reviewed literature. Ms. Pat Sanagan, former substance abuse prevention coordinator for North York Public Health says, “To pretend alcohol advertising doesn’t have an impact on youth behaviour around drinking does not make sense. You view these advertisements and wonder how this can be promoting responsible use of the product” (P. Sanagan, personal communication, August 8, 2005). Dr. Robert Solomon, professor and researcher at Western University, firmly agrees. “The simple fact is the alcohol industry spends hundreds of millions of dollars a year encouraging alcohol consumption. Every one of these advertisements, in my view, are lifestyle advertisements. They are all generally designed to encourage consumption of alcohol ... particularly among young people” (R. Solomon, personal communication, August 15, 2005).

Based on mounting academic evidence and the experience of interviewed public health professionals, effective policies to control the promotion of alcohol need to be in practice to prevent harm and injury among Canada’s young people. Ms. Sanagan states, “It’s just common sense to look at these advertisements and see the patterns of behaviour the industry is promoting heavy patterns of drinking, sexual activity in an intoxicated state. These [behaviours] all lead to increased problems in public health and safety” (P. Sanagan, personal communication, August 8, 2005).

From the literature review and interviews three major categories of alcohol promotion control policies were found: industry self-regulation; the restriction of alcohol advertisements; and, social responsibility messaging. Globally, these types of alcohol promotion control policies are used in a variety of ways and combinations (Appendix E). The information provided in this report focuses primarily on North American policies, particularly Canada and Ontario. Each policy type is summarized along with the current supporting evidence of effectiveness to prevent socially irresponsible alcohol advertisements.

### *3.1 Industry Self-Regulation*

Before June 1995, the Canadian federal government, through the Canadian Radio-television Telecommunications Commission (CRTC), held mandatory pre-clearance of all alcohol advertisements. All advertisements were required to meet the CRTC’s Code for Broadcast Advertising of Alcoholic Beverages before public distribution. In 1997, the CRTC disbanded the mandatory pre-clearance process of alcohol advertisements. Since then, efforts to control alcohol advertisements

have been left to the provinces, broadcasters, and the industry themselves on a voluntary basis.

There were several significant events that may have influenced the requirements to review all alcohol advertisements to be loosened. First, there was political pressure from the Association of Canadian Distillers, who argued that the regulations violated freedom of expression, as guaranteed by the Canadian Charter of Rights and Freedoms (CRTC, 1996). Second, pre-clearance was apparently abandoned for, “practical realities of fiscal restraint and budget reductions ... as well as maturity of the broadcasting industry in the area for self-regulation” (CRTC, 1996). One possible contributor to such “fiscal restraints” could be the increase in the number of advertisements that needed to be reviewed by CRTC, thus increasing the costs to support mandatory pre-clearance (CRTC, 1996). A cause of such an increase in advertisements may be attributed to the fact that around this same time, the Supreme Court struck down the provision regarding higher alcohol-content (e.g. whiskey, gin) advertisements, resulting in an increase in such advertisements being aired. Finally, the CRTC code had been updated with included provisions resulting in a stronger, more defined set of recommendations just prior to the decision to loosen requirements.

The alterations to mandatory regulations did not come without opposition. There were a number of individuals, interest groups, and government representatives who opposed the elimination of mandatory regulation of alcohol advertisements. They feared that the alcohol industry would not place health and safety before achieving large profit margins and that this would severely compromise public health and safety (CRTC, 1996).

Even though mandatory pre-clearance was abandoned by CRTC, it was felt by the Commission that some form of a pre-clearance system would be effective in alcohol companies adhering to the established regulations. The Commission encouraged the development of a self-regulated, pre-clearance system by broadcasters and advertisers (CRTC, 1996). As a result, in 1997 the industry requested the services of Advertising Standards Canada (ASC) to assist in complying with the national CRTC regulations for broadcast advertising. In 2002, ASC expanded its review services to include the Ontario guidelines set out by the Alcohol and Gaming Commission of Ontario (AGCO).

Additionally in Ontario, under the *Liquor License Act* any broadcaster wishing to advertise a liquor advertisement must adhere to the AGCO guidelines. Under this regulatory framework, anyone wishing to broadcast or promote an alcohol advertisement must comply with the AGCO Advertising Guidelines (AGCO, 2003). For example, broadcasters cannot air an advertisement that does not comply with the AGCO code and will not approve an advertisement for airing unless it has been pre-cleared (ASC, personal communications, August 17, 2005). However, as Dr. Solomon (2005) explains, “research evidence indicates

that self-regulation, directly or indirectly, through a sponsored supervisory group, doesn't work" (R. Solomon, personal communication, August 15, 2005).

In this review there were a number of restrictions identified, which show limitations in the effectiveness of self-regulation and why the current regulations on alcohol advertising in Canada, and more specifically in Ontario, need improvement. These limitations include: limited regulation of all sources of alcohol advertisements, limitations to the established alcohol advertisement control guidelines, and limitations to the alcohol advertisement complaint process.

### *3.11 Regulation of all Sources of Alcohol Advertisements*

It is currently difficult to control advertising due to its many sources. In most of the world, alcohol marketing enjoys free rein, flooding traditional media such as broadcast (T.V., radio), print (magazines, newspapers, flyers), and outdoor advertising (billboards, bus stops) (Jernigan & Mosher, 2005). International broadcast stations, many of which Canadians have access to through cable and satellite services, do not have to meet CRTC's code, and more specifically AGCO's code and regulations, specific to alcohol advertising. In almost all of the countries in the world producing alcohol advertisements, a significant number (between 28% and 57%, depending on the media) have no limitations or regulations on alcohol advertising (WHO, 2004). As a result, thousands of uncontrolled alcohol advertisements are aired or displayed with a large proportion of them being exposed to Canadian adolescents. Regulating bodies need to begin to not only recognize and regulate traditional media, but all types of advertising including (Kessler, 2005):

- sponsorship of youth functions (concerts, extreme sports events);
- point of purchase advertising;
- product placement in movies and television;
- school and campus marketing; and
- the Internet.

Given the global expansion of the alcohol industry, regulation of alcohol advertising is further challenged by international trade agreements. Gould (2005) illustrated scenarios in which the provisions under the trade agreements were used to override existing advertising restrictions or prevent new restrictions from being introduced. Furthermore, governments have had difficulty justifying their regulations to trade panels. As a result, a global-approach must be taken given that alcohol advertising is an international industry that does not recognize political borders (Caswell & Maxwell, 2005).

### *3.12 Alcohol Advertisement Guidelines*

In the literature, alcohol advertisements appeal to youth for a variety of reasons. A new category of alcohol products, called "alcopops", have been found to be especially popular among the younger audience, even to students as young as 14 years old (Johnston, O'Malley, Bachman & Schulenberg, 2004; Hughes et al.,

1997). Also, alcoholic energy drinks, filled with ingredients like caffeine, appeal to younger audiences by appealing to young drinkers' preference for all night party scenes (Kessler, 2005). Dr. Krank adds that youth are attracted to party scenes in alcohol advertisements, regardless of the model's age used in such advertisements (M. Krank, personal communication, August 9, 2005).

In the CRTC Code for Broadcast Advertising of Alcoholic Beverages and in the AGCO Liquor Advertising Guidelines, no reference is made to controlling advertisements that contain content which actually influences young viewers, such as "alcopops", alcoholic energy drinks, and party scenes. Hovius and Solomon (2001) argue "there are several situations in which the AGCO's approach appears to allow manufacturers and licensees to violate the regulations".

Using unclear and incomprehensive alcohol promotion guidelines makes it difficult to assure that the advertisements produced do not appeal to under age audiences, even if all alcohol advertisements by law in Ontario are to be reviewed by AGCO's guidelines. Dr. Solomon recommends that the guidelines be rewritten in a clear and concrete manner to aid in the review and complaint process of alcohol advertisements (R. Solomon, personal communication, August 15, 2005).

The United States is in a similar situation where advertisements are controlled by a voluntary set of guidelines. The Surgeon General and the congressionally appointed National Commission for Drug-Free Schools have determined that the voluntary guidelines that are used to regulate alcohol advertisements are, for the most part, disregarded by the alcohol industry, and advertisements blatantly target individuals under the legal drinking limit (APHA, 1992). The industry uses attractive and persuasive advertising and promotional techniques that do not comply with the advertising standards (APHA, 1992). In 1999, the Federal Trade Commission (FTC) concluded that the current standards for regulating alcohol advertising are inadequate in limiting its exposure to youth and called for stronger standards to reduce underage alcohol consumption (Jernigan, 2003). Unfortunately, little has been done in response to this recommendation.

### *3.13 Alcohol Advertisement Complaints*

Submission of complaints against alcohol advertisements is one way offered by advertising standards agencies (i.e. CRTC, AGCO, ASC) to help enforce Canadian advertisers to comply with the regulations. CRTC, AGCO and ASC all have complaint services established for broadcast and print alcohol advertising. Each organization has their own mandates and does not use identical sets of codes, which ultimately causes confusion and difficulty when trying to complain about an inappropriate advertisement. If the public has concerns about an advertisement under the CRTC code, they can submit it to the CRTC for its review. Complaints relating to the AGCO guidelines can be submitted for review by the AGCO. ASC clears advertisements using the CRTC and the AGCO code,

but uses a different code, the Canadian Code of Advertising Standards, a self-regulatory code, when *re-evaluating* an advertisement from a complaint (ASC, personal communication, August 17, 2005).

In a recent interview, ASC staff even admitted that, “it takes about three months of working here to start to understand (advertising procedures in Canada)” (ASC, personal communication, August 17, 2005). For a summary of the current Canadian advertising control guidelines and advertisement complaint procedures see Appendix F.

Out of the nearly 700,000 alcohol advertisements displayed in the past year in Canada, only 230 had complaints made against them to the ASC (CRTC, 2005a; ASC, 2004). In addition, only 24 (10%) of these complaints were upheld (ASC, 2004). Furthermore, only 36 complaints since 2002 were submitted to the AGCO and none, according to the AGCO, warranted suspensions or fines (AGCO, in response to electronic survey, September 9, 2005).

ASC argues that the complaint system, “works pretty well ... because we get very few complaints. And the complaints we do get are issues of ‘taste’. For example, models are wearing skimpy clothing” (ASC, personal communication, August 17, 2005). However, the minimal amount of complaints received by advertising standards agencies may be suggesting a different interpretation. The low number of complaints may also illustrate the confusion and lack of knowledge the Canadian public have on advertising and complaint procedures. Dr. Solomon (2005), a professor and researcher of law, admitted finding the complaint process, “very frustrating and not particularly effective” and adds “the idea that we leave it up to Advertising Standards Canada to respond to complaints is completely and utterly ineffective ... The reason why it is ineffective is the vast majority of the public have no idea what the law is” (R. Solomon, personal communication, August 15, 2005). He also states that a positive impact would result if the public were educated on both the current Canadian advertising laws and the complaint process.

Even when a complaint is submitted, it is generally too late to prevent public harm. Once the advertisement is in public view, “the damage has already been done – the ad is out there, the public has seen it and has reacted to it”, concludes Ms. Sanagan (P. Sanagan, personal communication, August 8, 2005). The current complaint system in Canada can be seen as a band-aid solution and cannot be relied on to prevent the occurrence of inappropriate alcohol advertising.

### *3.2 Restriction of Alcohol Advertisements*

In 2002, the Institute for Public Strategies, a United States project to prevent alcohol and other drug problems, stated in a newsletter that it is unrealistic to believe industry self-regulation is effective and that instituting measurable and enforceable restrictions would be a more effective alternative (Institute for Public

Strategies, 2002). In reviewing the literature, three types of alcohol promotion restriction policies were found: restriction of alcohol advertising placement; partial restriction of alcohol advertising; and total restriction of alcohol advertising.

### *3.21 Restriction of Alcohol Advertising Placement*

Throughout Canada and the United States there are policies used to limit or prohibit the placement of alcohol advertisements near or in areas frequently visited by minors, such as schools, amusement parks, movie theatres, etc. In Ontario, it is recommended that advertisements not be placed in areas that are specifically targeted at minors, such as children's concerts. Also, according to the AGCO guidelines, outdoor advertising should not be placed within 200 metres of a primary or secondary school (AGCO, 2003). Due to the regulatory framework provided by AGCO, there are limitations in how this guideline is enforced. This is a concern of Hovius and Solomon (2001) who feel that "the extent to which these restrictions and guidelines are enforced, in practice, remains a matter of grave concern among those working in the fields of public health and safety in Ontario".

The alcohol industry in the United States has standards that do not allow placement of alcohol advertisements in places where the audience is comprised of greater than 30 percent minors, referred as the 30 percent cap (CAMY, 2005b). After the first seven months of the 30 percent cap on the placement of alcohol advertisement went into effect, youth were more exposed to 73 brands of alcohol in 10,000 magazines than the intended audience of adults aged 21 years and over (CAMY, 2005b). This scenario was also true for six popular alcohol brands on national television. Based on this research, CAMY suggested a new standard for alcohol advertising restriction policies, mainly that restriction on alcohol advertisements be employed when audiences contain 15 percent minors. This guideline, they suggest, would more effectively prevent underage audiences from viewing alcohol advertising than the current standards (Hass, 2005). However, little has been done to date to respond to CAMY's recommendations.

### *3.22 Partial Restriction of Alcohol Advertising*

Partial restriction of alcohol advertising is banning one or two ways to advertise alcohol and or alcohol products (e.g. banning alcohol advertisements on television, but allowing print alcohol advertisements). Tobacco advertising research in the United States has found that since the time tobacco advertisements were banned from television and radio, many tobacco companies turned to event sponsorship, stadium billboard space, and merchandising as a means of product promotion (Jernigan, 2003). This shift has also been seen in alcohol advertising. As a result, partial advertising restrictions do not work because advertising migrates to an alternate medium. A ban in one or two media will result in the shift toward different, available media (Saffer, 2002). Therefore, if alcohol restriction policies are used, a total ban of alcohol advertising, including radio, television, print, and sponsorship, must be employed.

### 3.23 Total Restriction of Alcohol Advertising

Total restriction of alcohol advertising involves the complete ban of all types of alcohol advertising. A total ban of alcohol advertising usually refers to, but not limited to, traditional media; including, print advertisements, advertisements on radio, television advertisements, and alcohol sponsorship. There has been variable evidence to support complete alcohol advertising restrictions. Many early studies, including studies of the alcohol advertising bans in British Columbia and Saskatchewan, were considered to have weak study designs and showed little support for their findings. More recent studies, however, have used stronger study designs (e.g., larger study samples, and including longitudinal data), which suggest that advertising bans do in fact decrease alcohol consumption (Saffer & Dave, 2002).

Furthermore, Tremblay and Okuyama (2001) suggest that advertising restrictions reduce alcohol usage and its negative effects, such as drinking and driving, because alcohol advertising bans affect industry competition. When industry competition exists through advertising, the prices of alcohol products are lowered to stay competitive. On the contrary, implementing an alcohol advertising ban eliminates industry competition. The cost of alcohol increases over time and ultimately deters individuals from purchasing alcohol, particularly among young people. In recent research, it was found that an increase in the cost of alcohol products effectively discourages minors from buying alcohol, which ultimately decrease rates of underage drinking and its' associated negative effects (Hastings et al., 2005; Babor et al., 2003).

Aside from opposition by the alcohol industry, a few broadcasters, and heavy drinkers, there is virtually no support for alcohol advertisements in the media (Giesbrecht, Ialomiteanu & Anglin, 2005; Hacker, 1998). In 2003, the Center for Alcohol Marketing and Youth cited a survey that found two-thirds of American parents believe that seeing and hearing alcohol advertisements make children more likely to drink, and nearly three-quarters of these same respondents feel the industry is not doing enough to limit the amount of alcohol advertising that teens see (O'Hara & Jernigan, 2003). Youth feel the same way. A recent survey of adolescent students, conducted by the Youth Empowerment and Policy Group, found that about two-thirds of respondents were convinced the alcohol industry uses marketing techniques that appeal to people under the legal drinking age (Portland Press Herald, July 2005).

Banning alcohol advertisements may bring opposition and counter-arguments that a ban would restrict the rights of the manufacturer to advertise its product. However, there is enough evidence to show that alcohol advertising does present real potential harm to the public's health and safety to justify strict control of alcohol advertising. Saffer (1997) of the Harvard School of Public Health found that if "a ban were placed on all radio and TV alcohol advertising, 2,000 to 3,000 lives would be saved each year [in the U.S. alone]." As Dr. Solomon points out, alcohol is the only intoxicating substance that we allow to be mass marketed and

mass advertised in our society. According to the key informant interviews, this needs to change. “We would all be better served if there were more limits to the [alcohol] industries’ right to advertise,” concludes Solomon (R. Solomon, personal communication, August 15, 2005). As seen above, the general public would most likely support such initiatives to ban alcohol advertising.

### *3.3 Social Responsibility Messaging*

There are three main types of social responsibility messaging that could be mandated to help counter messaging in alcohol advertisements: health warning labels/signs, Public Service Announcements (PSAs), and alcohol media literacy. These types of communication do not control the alcohol advertisement message per se, but rather counteract the pro-alcohol messaging by increasing the public’s awareness of the potential harmful effects of alcohol use.

#### *3.31 Alcohol Health Warning Labels/Signs*

Alcohol health warning labels or warning signs is messaging displayed on alcohol products or on alcohol advertisements, specifically to communicate the potential harm or consequences of using alcohol products. In Canada, some alcohol advertisers include cautionary statements on advertisements and beverages, while others may include “moderation messages”, such as, promoting responsible drinking or drinking in moderation. These activities, for the most part, are done on a voluntary basis by the industry or where alcohol products are sold. There is some legislation occurring in Canada surrounding warning labels and signs. For example, signage warning the public about the potential effects of alcohol during pregnancy is mandatory in Ontario where alcohol products are being sold (AGCOa, 2005).

In a recent study, 70% of Ontario respondents supported the statement that, “alcoholic beverages should have warning labels with regard to health hazards” (Giesbrecht et al., 2005). Even though there is strong public support for policies around mandatory use of alcohol health warning labels, there is limited research on the effectiveness of health warning labels on alcohol products and advertisements. From tobacco research, health warning labels can be effective in changing attitudes and behaviours if they (Fox, Drugman, Fletcher & Fischer, 1998):

- contain simple, straight-forward messaging suitable for low-literacy individuals;
- contain large fonts and graphics;
- are believable; and
- are comprehensible (e.g., no medical jargon).

Policies to require the use of alcohol health warning labels and signs may be a feasible option to reduce the effects of alcohol promotion. However, more research needs to be done in this area to determine how to use alcohol health warning messaging most effectively, especially among youth audiences.

### *3.32 Alcohol Public Service Announcements*

Public Service Announcements are effective in raising awareness about the potential harms that could result from risky alcohol use and provide support for policy initiatives surrounding alcohol use (Saffer, 2002). There are no set guidelines in Canada of how many PSAs should be produced each year or how many should be produced for every new alcohol advertisement. The guidelines to regulate the number of PSAs produced in Canada are not required of the alcohol advertising standards agencies, such as AGCO (AGCO, in response to electronic survey, September 9, 2005). Currently, the majority of PSAs produced in Canada are done so by government funded public health groups. As a result, the number of PSAs produced in Canada is irregular from year to year.

A recent literature review was conducted by Miller Neighbour & Associates (2005) to support an Ontario-wide media campaign on risky-drinking. Out of this review of 25 media campaigns came a number of ways to increase the effectiveness of media campaigns. These activities include:

- linking messaging with direct community action;
- using of accurate information;
- using of scare tactics only with low awareness audiences;
- establishing a well defined target group;
- conducting formative evaluations to inform the campaign messaging and materials; and
- addressing knowledge and beliefs that are barriers to the desired behaviour.

### *3.33 Alcohol Media Literacy*

Media literacy training with youth that is focused on the harmful effects of alcohol advertising is one major way to combat the messages and the preferred lifestyles dictated by the alcohol industry. Education should contain components to increase youth awareness about the issue, allow for meaningful analysis and reflection of the alcohol messages, and finally enable youth to take action (Bergsma, 2004). When youth are media literate about the influence of alcohol advertising, they are able to make informed decisions about personal consumption of alcohol and can join the efforts to reduce the influence of alcohol advertising on themselves and peers.

The Marin Institute (2005a) explains that, “youth-led environmental prevention benefits young people’s understanding of how they are targeted by alcohol advertising and marketing ...and how drinking is perceived among their peers”. A strong example of this is seen in the recently held “Risky Drinking: the un-conference”, which was a youth-led symposium designed to “raise awareness about the risks of drinking, explore the impact of alcohol advertising on teens, and develop youth-to-youth messages about how to drink safely and minimize dangerous behaviour” (Gordon, June 2005). Public health agencies and community groups are well-placed to provide adequate support and encouragement for youth to be involved in prevention efforts. The Marin Institute

(2005a) explains that, “with the right training and support, young people can lead a wide range of effective prevention activities, such as media advocacy that changes community norms about underage drinking, and community organizing and policy advocacy to combat irresponsible alcohol sales, advertising and promotion”.

## 4.0 Recommendations

Based on the literature review and key informant interviews with both public health professionals and advertising standards organizations, it was found that alcohol advertising control policies are not as effective as they should and could be in Canada and Ontario. The deficiencies in the current system to control alcohol advertising pose a public health and safety threat, particularly to underage audiences. Even though research on the effectiveness of alcohol promotion control policies is not conclusive, there is sufficient research to support making the application of total alcohol advertising bans. As a result, a complete restriction of alcohol promotion should be a top priority. This is true especially after one considers the harmful effects alcohol advertising has on youth’s choices towards alcohol consumption. However, a complete ban on alcohol promotion is ambitious and long term in nature. In the interim, there are a number of activities that a variety of groups could do to help reduce the impact alcohol advertising has on youth. The following outlines a number of recommendations for governing bodies, alcohol advertising standards agencies, and public health agencies and community interest groups.

### 4.1 Recommendations to Governing Bodies

Based on the research collected by this report, and other public health groups responding to concerns about the impact of alcohol advertising on the public’s health and safety, a number of recommendations have been developed for regulatory bodies (CAMY, 2005c; Alcohol HealthWatch, 2005; OPHA, 2003). These recommendations include improvements to strengthen the current regulatory system and to implement more effective alcohol advertising control policies.

#### 4.11 Improve the Current Regulatory System

There are many actions that could be taken by Canadian federal and provincial governments to improve the current voluntary pre-clearance system. It can be argued that some of the following recommendations may cause local economies to become less competitive. However, these recommendations are meant to be a model to other jurisdictions, becoming most effective when adopted collaboratively. These include:

- Reinstatement of federal mandatory pre-clearance of alcohol advertisements, at the final stage of production by federal and provincial bodies with a strong public interest mandate. Public interest would be served if representatives from public health, children and youth organizations, objective media, and marketing experts were included on review panels.

- Have one standard set of guidelines all agencies use for pre-clearance and complaint systems.
- Mandate and fund the establishment of clear and consistent guidelines regarding industry-sponsored responsible drinking messages and public education programs, particularly those appealing to, or directed at, young people
- Cap the total quantity of alcohol advertising, and use stricter threshold policies for audiences with youth in attendance. For example, consider CAMY's recommendation to restrict placement of advertisements in places where 15% of the audience is under the legal drinking age (CAMY, 2005c).
- Focus on effective deterrence, by introducing improved mechanisms for monitoring compliance with existing or new regulations. This would include a stronger role for community groups in the monitoring and enforcement of advertising provisions, including membership in panels that preview and monitor alcohol advertising.
- Monitor and accurately measure advertisement placements on an ongoing basis by an entity independent of any single advertiser. Fees could be paid by advertisers to support monitoring.

#### *4.12 Implement Effective Alcohol Control Policies*

The main recommendation to governing bodies in regards to implementing effective alcohol control policies is to issue a complete ban on all controlled alcohol advertising with sufficient enforcement and evaluation. Efforts towards completely banning alcohol advertising would present a number of challenges and possible opposition from the alcohol industry. However, if the health and safety of Canadian youth were a priority, a complete ban would be instrumental in preventing serious harm among young people and outweigh the difficulties that may be presented. Further recommendations include:

- Provide appropriate funds for a government agency to produce industry and statistical reports to support informed policies. Policies should be considered in the regulated use of health warning labels, guidelines to produce a set number of PSAs, and alcohol media literacy education requirements.
- Facilitate public awareness of industry advertising practices thereby promoting industry accountability, both through market pressure on companies and, if necessary, through regulatory intervention.
- Expand beyond traditional media (i.e., television, radio, print) to cover alcohol marketing in its broadest sense (i.e., Internet, on-site promotions, specialty promotions, etc.), including international advertisements.

#### *4.2 Recommendations to Advertising Standards Agencies*

The agencies that provide standards and complaint services have made a commitment to ensure integrity in efforts to support the alcohol industry self-regulation (ASC, 2005; AGCO, 2005; CRTC, 2005b). From the research explored in this report, there are a number of ways these agencies could improve their commitment to offering worthwhile and effective services to meet both the

advertisers' interest as well as keeping public health and safety in mind. These activities include:

- Support and advocate for reinstating federal mandatory pre-clearance of all alcohol advertisements.
- Update guidelines to reflect public health interest. To assure that public health interest is upheld, key public health researchers and agencies in the area of alcohol promotion should be consulted when revising guidelines and reviewing advertisements.
- Collaborate across agencies (CRTC, AGCO, ASC) to reduce duplication of effort, particularly in the area of alcohol advertising review and complaint submission. The intent is that all advertisements are reviewed with the same set of guidelines during the pre-clearance process and the barriers are reduced when the community submits complaints.

#### *4.3 Recommendations to Public Health Agencies and Community Interest Groups*

Once the link between inappropriate alcohol advertising and public health and safety is understood, public health agencies will be able to play a vital role in addressing the issue. Public health agencies have the expertise and ability to engage community members, volunteers, local politicians, medical officers of health, school boards, and others to combat alcohol advertising. It is important to note that public health agencies' efforts should be of a population-based model in addition to individually-focused prevention. "To be effective in reducing alcohol problems, communities must take shared responsibility for creating conditions that support positive choices about alcohol," explains the Marin Institute (2005a). Recommendations for public health agencies and community groups include the mobilizing community action and finding alternatives to alcohol sponsorship and promotion.

##### *4.31 Mobilizing Community Action*

Public health agencies are able to mobilize communities against irresponsible advertising as illustrated in numerous jurisdictions in the United States (Marin Institute, 2005b). Political action and advocacy in Canada would also be worthwhile, including composing complaint letters to industry, pressuring local politicians to take action, and educating the community, including youth, about laws and regulations.

Public health groups such as the Association to Reduce Alcohol Promotion in Ontario, Parent Action on Drugs, Ontario Drug Awareness Partnership, Council on Drug Abuse, FOCUS Resource Centres, Center for Alcohol Marketing and Youth (United States), and the Marin Institute (United States), offer resources, research, prevention programs in schools, and current web-based information on youth and alcohol issues. Selected agencies have also written or been featured in articles for local media, raising awareness and mobilizing action.

It is also important to join with a large number of community partners. "Environmental prevention depends on a broad base of community partners working together to address problems related to alcohol sales, promotion and consumption," explains the Marin Institute (2005a). Helpful community partners which will take an interest in the health and safety of the community may include: law enforcement, health directors, clergy, school officials, family physicians, youth-specific organizations (i.e., Young Drivers, YMCA), local businesses, and charitable organizations.

#### *4.32 Find Alternatives to Alcohol Sponsorship and Promotion*

An alcohol sponsorship policy is a set of rules and guidelines that a group can adopt to make appropriate choices about the acceptance of funding or in-kind contributions from the alcohol industry. Such a policy is important for any group or organization contemplating sponsorship agreements with alcohol producers or distributors (Hyndman, 2005).

Working with organizers of local events (e.g., carnivals, town festivals, sports tournaments, statutory holiday parties) to minimize alcohol sponsorship is critical since young audiences are bound to be in attendance. In addition, college events such as concerts, formals, sports tournaments, post-exam parties, and orientation "frosh" weeks should be free of alcohol sponsorship due to the high percentage of underage youth likely in attendance. "The acceptance of funding from the alcohol industry, which most often requires the visible promotion of products produced or distributed by the company in question, comes with potentially serious consequences that should cause organizations and communities to proceed with caution," explains Hyndman (2005). Development of an alcohol sponsorship policy through a public health agency helps organizations advert the risks associated with alcohol at events where youth are present.

## **5.0 Summary**

This report has shown that alcohol industry self-regulation in Canada is limited as a means of preventing public harm. The literature reviewed and conversations with key informants suggest that effective alcohol advertising control policies do not exist in Canada and improvements need to occur, especially to control advertisements targeting minors. In response to this report, governing bodies need to take active roles in controlling all alcohol advertisements, so that access to all types of media are consistently and effectively regulated and enforced. Regulating bodies should invest considerable thought into the effectiveness of current systems and work to improve these systems by creating less ambiguous guidelines and support mandatory pre-clearance. To ultimately reduce the likelihood of young people in Canada being negatively influenced by alcohol advertising there need to be improvements to current alcohol promotion policies in the short-term, and the addition of even more effective policies over time.

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## **Appendices**

***Appendix A: Systematic Literature Review Search Strategy***

***Appendix B: Library Search Results***

***Appendix C: Key Informant Interview Questions***

***Appendix D: List of Key Informants***

***Appendix E: Regulation of Alcohol Promotion throughout the World***

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**Appendix A: Systematic Literature Review Search Strategy**

**Research questions:**

What are the effects of alcohol advertising on youth consumption?

What is the effectiveness of regulating advertising before and after pre-clearance?

**Library Search Databases:**

Cambridge Scientific Abstracts (CSA) databases (including Medline, PsychINFO (1982 - current), Sociological Abstracts); Web of Science; ProQuest (including: ABI/Inform, ProQuest, and APS Online); and Factiva

**Internet Search Engines:**

Google <www.google.ca>, Yahoo <www.yahoo.ca>

**Limits on all searches:**

English

**Keywords:**

Note: The \* is a truncation symbol to allow searches of words with various endings (e.g., teen\* will search for teens, teenage, teenager, etc.).

Keyword:	youth	alcohol	policy
Synonyms:	adolescent* teen* child*	dangerous commod*	promotion advertising marketing

**Appendix B: Library Search Results**

<b>Database</b>	<b>Hits</b>	<b>Titles Chosen</b>	<b>Abstracts Chosen</b>	<b>Articles Used</b>
Cambridge Scientific Abstracts (CSA), includes Medline, PsychINFO (1982-current), Sociological Abstracts	408	81	43 (one overlap with ProQuest)	4
Web of Science	464	35	23 (12 overlap with CSA, 1 with Factiva)	2 (1 overlap with ProQuest)
ProQuest (includes ABI/Inform, ProQuest, and APS Online)	182	50	20	2 (1 overlap with Web of Science)
Factiva	380	29	24	1
<b>Search Engine</b>	<b>Hits</b>	<b>Titles Chosen</b>	<b>Articles Chosen</b>	<b>Articles Used</b>
Google Yahoo	813,000; 1,340,000	--	--	19 (Google and Yahoo)
<b>Other</b>				
ARAPO resources	--	--	--	3
Resources offered by Key informant	--	--	--	1

## **Appendix C: Key Informant Interview Questions**

### **Questions for Professionals in Public Health or Research**

- 1) Please explain your involvement with efforts to reduce the effect of inappropriate alcohol advertising on public health and safety.
- 2) What are the effects of inappropriate alcohol advertising on public health and safety?
- 3) Are you familiar with the current Canadian guidelines and procedures to monitor alcohol advertising?  
Probe: If no, provide a brief synopsis:  
Advertising Standards Council does not demand that advertisers clear their advertisements before going public. There are only a set of recommendations provided by Alcohol Gaming Commission of Ontario. AGCO and ASC will respond to industries breaking these guidelines only when a complaint is submitted by the public.
- 4) Do you believe the current Canadian guidelines and procedures to control the amount of inappropriate alcohol advertising are adequate?  
Probes:
  - a) If yes, why?
  - b) If no, why not?
    - i) In your opinion, what efforts can be done to overcome the limitations of the current regulating system?
    - ii) Also, would you have any suggestions to improve the current regulating system?

## **Questions for Alcohol and Gaming Commission of Ontario (AGCO)**

### **History of Alcohol Advertising Guidelines**

- 1) Please provide a brief history of the alcohol guidelines as they apply to alcohol advertising from the perspective of AGCO.
- 2) Originally, why were these guidelines put into place?
- 3) How were these guidelines developed? Were they based on a set of pre-existing criteria or evidence?
- 4) It is our understanding that in 1997 the Canadian Radio-Television and Telecommunications Commission (CRTC) pre-approval process to review alcohol advertising was abandoned. Why did this occur?
- 5) Without the CRTC's pre-approval role, it is our understanding that the AGCO Advertising Guidelines have become recommendations. What are the practical implications of this change, particularly in relation to deterrence and enforcement at AGCO?
- 6) Have there been any changes to the AGCO guidelines and complaint process?
- 7) How often are these reviewed and on what basis/criteria do the guidelines get reviewed?
- 8) What changes have taken place internally at AGCO as a result of the pre-approval process being removed?
- 9) How is the AGCO informing the public about the law and complaints about an alcohol advertisement of concern?
- 10) Before the removal of the pre-approval process, how many complaints were received from the public? Also, how many suspensions and/or fines occurred?
- 11) Since the removal of the pre-approval process, how many complaints have been received from members of the public? Also, how many suspensions and/or fines have occurred?
  - a) If the answers for question 10 and 11 can also be obtained in a published report and available, could you send that to ARAPO?
- 12) Do you believe the current system is adequate to control the promotion of inappropriate (e.g., advertisements directed towards minors) alcohol advertisements?
  - a) If yes, why?
  - b) If no, why not?
- 13) What is the AGCO's continued role in the area of alcohol advertising?
- 14) What is and has been the relationship between AGCO, ASC and CRTC with respect to alcohol advertising (e.g. in creating/updating guidelines, in responding to complaints, in compliance, etc.)?

**Related Guidelines/Policies**

- 15) Do Canadian broadcasted programs get alcohol advertisements from the United States and/or other countries? If so, what are the policies/regulations around this?
- 16) Are there a minimum number of Public Service Announcements about the harmful effects of alcohol consumption required each year?
  - a) How many have aired in recent years?
  - b) How do they compare (as a ratio) to alcohol advertisements?
  - c) What would be an appropriate ratio for alcohol advertisements to PSAs? Please provide your rationale.
  - d) In your opinion, what are some feasible ways to create more equal exposure to PSAs to alcohol advertisements?
- 17) Are there guidelines surrounding alcohol sponsorship?
  - a) If so, how is the age group determined at a sporting or music event?
  - b) If not, why not?
- 18) Have other alcohol control policies in other jurisdictions been looked at.
  - a) If so, how have they been reflected in Canada's and or Ontario's policies?
- 19) Are there any other products for which pre-approval is required for advertising of that product?

## Questions for Advertising Standards Canada (ASC)

### ASC Pre-Clearance

- 1) Please provide a brief history of advertising pre-clearance as they apply to alcohol advertising from the perspective of ASC.
- 2) It is our understanding that in 1997 the Canadian Radio-Television and Telecommunications Commission (CRTC) pre-approval process to review alcohol advertising was abandoned. Why did this occur?
- 3) Without the CRTC's pre-approval role, it is our understanding that the Alcohol and Gaming Commission of Ontario (AGCO) Advertising Guidelines have become recommendations. What are the practical implications of this change at ASC?
- 4) Please describe your relationship with the alcohol industry with respect to alcohol advertising pre-clearance.
- 5) Please describe the ASC pre-clearance process with respect to alcohol advertising.
- 6) Do all a) alcohol advertisers and b) alcohol advertisements undergo a pre-clearance process with ASC? If not, how many (maybe provide a percentage)?
- 7) Do you believe the ASC pre-clearance process is adequate to control the promotion of inappropriate (e.g., advertisements directed towards minors) alcohol advertisements?
  - a) If yes, why?
  - b) If no, why not? What efforts can be made to improve this process?

### ASC Complaint Process

- 8) Please provide a brief history of the ASC complaint process with respect to alcohol advertising.
- 9) Have there been any changes to the ASC complaint process over time?
- 10) How often are these procedures reviewed and on what basis/criteria do they get reviewed?
- 11) How is the ASC informing the public about the law and complaints about an alcohol advertisement of concern?
- 12) How does ASC respond to complaints about an alcohol advertisement?
- 13) Do you believe the current ASC complaint system is adequate to control the promotion of inappropriate (e.g., advertisements directed towards minors) alcohol advertisements?
  - a) If yes, why?
  - b) If no, why not? What efforts can be made to improve this process?

### General

- 14) What is the ASC's continued role in the area of alcohol advertising?

15) What is and has been the relationship between ASC, AGCO and CRTC with respect to alcohol advertising (e.g., in creating/updating guidelines, in responding to complaints, in compliance, etc.)?

**Related Guidelines/Policies**

16) Do Canadian broadcasted programs get alcohol advertisements from the United States and/or other countries? If so, what are the policies/regulations around this?

17) Are there guidelines surrounding alcohol sponsorship?

- a) If so, how is the age group determined at a sporting or music event?
- b) If not, why not?

18) Are there any other products which pre-approval is required for advertising of that product? Are there any products where mandatory pre-approval is required? Please describe.

## **Appendix D: List of Key Informants**

### *Key informants interviewed:*

Representatives at Advertising Standards Canada (ASC)

Representatives at Alcohol and Gaming Commission of Ontario (AGCO)

Dr. Marvin Krank, Dean and Professor of Psychology, Faculty of Arts, University of British Columbia; Lead researcher on the Project on Adolescent Trajectories and Health (PATH)

Ms. Pat Sanagan, President, Pat Sanagan Consulting

Dr. Robert Solomon, Professor, Faculty of Law, University of Western Ontario

### *Contacted but not interviewed:*

Representatives at Canadian Radio-Television and Telecommunications Commission (CRTC)

Mr. Andrew Murie, National Executive Director, Mothers Against Drunk Driving (MADD)

## **Appendix E: Regulation of Alcohol Promotion throughout the World**

### **1) North America**

#### Canada

- Alcohol advertising in Canada is self-regulated by the industry. A non-government review board, the Advertising Standards Council (ASC), reviews advertisements as per request by the industry and guided by Canadian Radio-television Telecommunications Commission (CRTC) government national codes and optional provincial codes (e.g. AGCO in Ontario). ASC, CRTC, and provincial standards agencies provide complaint services for the public (CRTC, 1996).
- There are no mandated restrictions on of alcohol advertising, including broadcast, radio, print, and billboard advertisements (WHO, 2004).
- The government requires some bans on youth events and there are no limitations on advertising at sports events (WHO, 2004).
- There are no warning labels required on Canadian alcohol advertisements (WHO, 2004).
- There is no evidence that the advertising and sponsorship restrictions are enforced (WHO, 2004).

#### United States

- Alcohol advertising is self-regulated by codes established by three trade associations: The Beer Institute, The Distilled Spirits Council of the United States, and the Wine Institute (FTC, 1999). There are no compliant systems established.
- Alcohol advertisements are restricted on broadcast, radio and print on a voluntary basis. There are no bans on billboard advertisements (WHO, 2004).
- Alcohol advertisements in places where the audience is comprised of minors greater than 30 percent is not allowed (CAMY, 2005). There are no limitations on advertising at sports events (WHO, 2004).
- There are no warning labels required on American alcohol advertisements (WHO, 2004).
- Rarely is advertising and sponsorship restrictions enforced (WHO, 2004).

### **2) Europe**

#### United Kingdom

- Mandatory pre-clearance is required of all broadcasted alcohol advertisements according the code set by the Independent Television Commission, a government agency. Voluntary codes for print and billboard media have been established (The Portman Group, 2005).
- Bans on all alcohol advertising are done on a voluntary basis (WHO, 2004).

- There are no bans of sponsorship of sports events and some bans on youth event sponsorship applied on a voluntary basis (WHO, 2004).
- There are no warning labels required on American alcohol advertisements (WHO, 2004).
- There is no evidence that the advertising and sponsorship restrictions are enforced (WHO, 2004).

### France

- Entreprise & Prévention issues a code called Code of Self-Regulation and Ethics for Communication and Marketing of Alcoholic Beverages as a guide for the alcohol industry (AG, 2004).
- In France, there are bans on all broadcast advertisements and some restrictions on radio and print advertisements. All billboard advertisements are permitted (WHO, 2004).
- There are strict guidelines on the content of alcohol advertisements (Kessler, 2005).
- There are some government limitations on alcohol beverage companies in sponsoring sports events and a complete bans for sponsorship at events where minors are in attendance (WHO, 2004).
- All alcohol advertisements are required to include a warning message to encourage drinking in moderation (FTC, 2005).
- There is no evidence that the advertising and sponsorship restrictions are enforced (WHO, 2004).

### Norway (WHO, 2004)

- Complete bans on broadcast, radio, print and billboard advertisements.
- Complete bans on sports and youth event sponsorship.
- Enforcement is fully applied for established restrictions on print and billboard advertisements.

## **3) Oceania**

### Australia

- The Australian alcohol advertisements are self-regulated and guided by the Alcohol Beverages Advertising Code (ACAC) which covers all types of print and broadcast media. There is an independent review board (the ABAC Complaint Adjudication Panel) available to address any complaints about advertisements (DSICA, 20052).
- Bans on broadcast, radio, print and billboard media are banned on a voluntary basis (WHO, 2004).
- No bans are in place for sports and youth event sponsorships in Australia.
- There are no warning labels used on alcohol advertisements (WHO, 2004).
- There is no evidence that the advertising and sponsorship restrictions are enforced (WHO, 2004).

#### 4) Africa

##### Kenya

- Currently there are no restrictions or guidelines in place for how to control alcohol advertisements (WHO, 2004).
- Kenya government has reported plans to soon implement a full ban on broadcasted and billboard alcohol advertisements (BBC News, 2005).

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## **Appendix F: Canadian Alcohol Promotion Guidelines and Complaint Procedures**

### **1) Advertising Standards Canada ([www.adstandards.com](http://www.adstandards.com))**

Sets national advertising guidelines and is the advertising industry's self-regulating body, created to increase community confidence in advertising.

#### Guidelines:

- ASC will review alcohol broadcast and print advertisements against the CRTC Code (national advertisements) if requested by the advertiser.
- ASC will review alcohol broadcast and print advertisements against the AGCO Code (Ontario advertisements) if requested by the advertiser. <[www.agco.on.ca/pdf/Non-Forms/3099B.e.pdf](http://www.agco.on.ca/pdf/Non-Forms/3099B.e.pdf)>
- ASC will use the Canadian Code of Advertising Standards as the basis for reviewing complaints about an advertisement. <[www.adstandards.com/en/Standards/canCodeOfAdStandards.asp](http://www.adstandards.com/en/Standards/canCodeOfAdStandards.asp)>

#### How to Complain:

ASC will consider complaints for broadcast (television and radio), print and outdoor advertisements.

A) Online Submission <[www.adstandards.com/en/Standards/submission.asp](http://www.adstandards.com/en/Standards/submission.asp)>

B) Letter or Email Submission:

- For complaints about print ads, if possible, please enclose or attach a copy of the ad
- Include your name, return mail address, phone number, and (if applicable) fax number
- Identify the product or service, including the advertiser or brand name, and briefly describe the advertisement
- Identify where you saw or heard the ad - e.g., TV/radio station call letters and location, publication name, billboard location, Internet address, theatre name and location, etc.
- Identify when you saw or heard the ad - e.g., broadcast date, publication date, billboard sighting date, etc.
- State your concern about the advertisement
- Send to:  
Advertising Standards Canada  
175 Bloor Street East  
South Tower, Suite 1801  
Toronto, Ontario M4W 3R8  
Fax: (416) 961-7904  
E-mail: [complaints@adstandards.com](mailto:complaints@adstandards.com)

#### Responses to Complaints:

ASC Staff Review:

Upon receipt of any written consumer's complaint, ASC Standards Division staff evaluate the advertisement against the criteria contained in the *Canadian Code of Advertising Standards* and, as appropriate, the *Gender Portrayal Guidelines*.

When a complaint does not raise a *Code* issue, ASC sends a written explanation to the complainant. To ensure that advertisers are provided with feedback, ASC makes the involved advertiser aware of the nature of the concerns. This provides advertisers with valuable insights about advertising issues that concern Canadian consumers.

Complaints that appear to raise issues under the *Code* are handled in different ways depending on the applicable *Code* clause.

A) Complaints under Clauses 10 (Safety) or 14 (Unacceptable Depictions and Portrayals)

In the case of complaints that ASC staff determines may raise potential issues under Clauses 10 or 14, the advertiser is given an opportunity to share its insights about the advertising directly with the complainant, if prior permission is granted to disclose the complainant's name and address, or, through ASC, if such permission is not granted.

- i) In the former case, the advertiser is requested to quickly respond directly to the complainant regarding the merits of the complaint, copying ASC.
- ii) In the latter case, the advertiser is asked to provide a response to ASC, who will then promptly redirect the response to the complainant.

In either case, if the complainant does not feel that his/her concerns have been adequately addressed by the advertiser, the complainant may request a review by the Consumer Response Council. This independent body, including senior industry and public representatives, convenes on a regular basis to review and adjudicate consumers' concerns about advertising.

Upon receipt of a request for Council review, ASC staff evaluates the advertising in light of the applicable *Code* provision(s), and determines whether to forward the matter to Council.

If the complainant does not request a review by Council, the file will be closed.

B) Complaints under any other *Code* clause

Following ASC's initial evaluation of the complaint and communication with the involved advertiser, complaints that appear to raise issues under any *Code* clause (other than 10 or 14) are sent for review and adjudication by the Council.

Council Decisions:

If Council determines that the advertising in question does not violate the *Code*, both the advertiser and the complainant are notified in writing of the Council decision.

If Council determines that the advertising in question violates the *Code*, the advertiser is requested to withdraw the advertisement, or to amend it to comply with the decision. If the advertiser does not comply with a Council decision, the involved media are notified and generally do not exhibit the advertising in that form.

Council decisions may be appealed by either the involved advertiser or the complainant.

ASC reports on consumer and Special Interest Group Complaints are available online in its Ad Complaints Reports at:

<<http://www.adstandards.com/en/Standards/report.asp>>

**2) Alcohol and Gaming Commission of Ontario ([www.agco.on.ca](http://www.agco.on.ca))**

Sets provincial advertising guidelines and is mandated to ensure the Liquor Licensing Act regulations and Guidelines are respected. The AGCO has maintained its staffing levels in order to investigate and pursue complaints although pre-clearance of liquor advertising are no longer required.

Guidelines:

AGCO will consider complaints for broadcast (television and radio), print and outdoor advertisements. The AGCO continues to proactively deal with advertising matters as they arise or come to their attention.

AGCO Liquor Advertising Guidelines: Liquor Sales Licensees and Manufacturers are available online at:

<<http://www.agco.on.ca/pdf/Non-Forms/3099B.e.pdf>>

How to Complain:

Complete a complaint form is available online at:

<<http://www.agco.on.ca/pdf/forms/1201B.pdf>>

A letter and/or the form can be mailed to:

Alcohol and Gaming Commission of Ontario  
Manufacturer and Special Licensing, Advertising, and Promotions  
20 Dundas St. W. 7<sup>th</sup> Floor  
Toronto, ON M5G 2N6  
Fax: (416) 326-8700

Responses to Complaints:

The *Liquor Licence Act* states that no person shall advertise liquor except in accordance with the regulations. It is the responsibility of the licensee to ensure that advertising carrying its business or brand name, or endorsed by it, falls within the parameters set out in the regulation and in the Liquor Advertising Guidelines. Under the law, AGCO can initiate disciplinary proceedings (revoke, suspend, conditions) or issue an order of cessation for impermissible/inappropriate advertising. Individuals may be imprisoned for up to one year and fined up to \$100,000. Corporations may be fined up to \$250,000.

**3) Canadian Radio-Television and Telecommunications Commission  
(www.crtc.gc.ca)**

Sets federal advertising guidelines. Prior to 1997, the CRTC pre-cleared alcohol advertising, however, it no longer plays any direct role in clearance.

Guidelines:

CRTC Code for Broadcast Advertising of Alcoholic Beverages is available online at:

<<http://www.crtc.gc.ca/eng/GENERAL/CODES/ALCOHOL.HTM>>

How to Complain:

CRTC will consider complaints for television and radio advertisements only.

Submit complaints online following the directions available at:

<<http://www.crtc.gc.ca/RapidsCCM/Register.asp?lang=E>>

Response to Complaints:

CRTC's complaints process is one in which the parties involved are entitled to see what others have said about it. CRTC sends the complaint to the radio, television or distribution service so that it can address specific concerns in writing. The company's response will be sent directly to the complainant with a copy to the CRTC within 30 days. The CRTC staff will review the complaint and the company's response. The complainant will be contacted again if CRTC needs to intervene.

Alternatively, the CRTC refers the complaint to a self-regulatory council, such as the Canadian Broadcast Standards Council or the Cable Television Standards Council for resolution.

CRTC staff will respond to the complaint within 10 working days.