

Alcohol Change UK response to the CAP/BCAP consultation on amending limitations on advertising low-alcohol products



April 2021

Introduction

Alcohol Change UK is a leading UK alcohol charity, formed from the merger of Alcohol Concern and Alcohol Research UK. With a vision of a society that is free from serious alcohol harm, we work towards five key changes: improved knowledge, better policies and regulation, shifted cultural norms, improved drinking behaviours, and more and better support and treatment. We welcome the opportunity to respond to this consultation.

Alcohol Change UK is the national alcohol charity behind the popular and growing Dry January campaign. We encourage Dry January participants to try low-alcohol and alcohol-free alternatives. We also provide reviews of hundreds of alcohol free and low-alcohol drinks on our website.

While alcohol-free and low-alcohol drinks ('NoLo' drinks) have been around for decades, their popularity has grown significantly in recent years. In 2020 we commissioned [research by the Social Market Foundation](#) which found that nearly half (42%) of adults have ever tried NoLo drinks and 27% had drunk them in the past year.¹ 41% of those who had drunk NoLo drinks recently said that drinking them had helped them to reduce their alcohol consumption or stop drinking alcohol completely, while 44% reported no effect on their alcohol consumption.

We perceive two main ways in which NoLo drinks may have a positive impact, driving down alcohol harm:

1. Positive benefits are realised for individuals who replace alcoholic drinks with NoLo, thereby reducing their alcohol intake: a substitution effect.
2. Positive benefits might be realised for society if the growth in NoLo drives a cultural shift, moving away from alcoholic drinks being seen as the default choice.

NoLo drinks could have a neutral effect, if drinkers increase their consumption of NoLo drinks with no change in their consumption of alcohol: an addition effect. This may occur if, for example, consumers drink NoLo drinks at times when they would not drink alcohol, such as before driving or during the working day.

We recognise there are also potential negative impacts, which could increase alcohol harm:

1. A trigger effect may apply to some, where an alcohol free drink prompts someone recovering from an alcohol problem to start drinking alcoholic drinks again.
2. A gateway effect may apply to children and young people, if alcohol free drink brands introduce them to the taste of alcoholic drinks or encourages positive brand recognition.
3. There could also be confusion for customers, for example if pregnant women were to consume even small amounts of alcohol contained in low-alcohol drinks, believing them to contain no alcohol.

Finally, a negative effect we are keen to avoid is regulatory slippage, where alcoholic drink brands circumvent the sales and marketing rules applied to alcoholic drinks by advertising their NoLo drinks (and, therefore, their overall brand) at inappropriate times or places, or to inappropriate audiences. For example, research has found that 'alibi marketing' in sporting events has enabled alcohol

¹ Social Market Foundation (2020) Alcohol-free and low-strength drinks: understanding their role in reducing alcohol-related harms <https://www.smf.co.uk/publications/no-low-alcohol-harms/>

companies to circumvent regulations by not including the actual product, but still including the brand font and slogan.²

Question 1: Do you agree with CAP and BCAP’s proposed new rule to replace CAP rule 18.9 and BCAP rule 19.10? Please set out your arguments for supporting or disagreeing with the proposal.

Yes: we agree with the intention underpinning CAP and BCAP’s proposed new rule to replace CAP rule 18.9 and BCAP rule 19.10.

We agree that the low strength of a product should be a marketable factor, while a product’s high strength should not be. We therefore approve this change on the understanding that the new rule will continue to disallow stronger drinks being advertised as preferable because of their greater strength.

The new rule may make it more likely that producers will include low-alcohol and alcohol free alternatives in their advertising. This will increase awareness of these products and could lead to increased demand. If, on a population level, more low-alcohol and alcohol free drinks were consumed *as a replacement or alternative* to full-strength drinks, alcohol harm would decrease. However, we note that alcohol free and low-alcohol drinks currently occupy such a small proportion of the total alcohol market that a population-level effect probably would not occur in the near future.

If increased awareness only resulted in these drinks being consumed *in addition to* full-strength drinks, for example during occasions where an alcoholic drink would not usually be consumed, there would be no benefit. **We would, therefore, welcome new guidance that these drinks should not be advertised as suitable for consumption during non-typical drinking occasions such as while driving or at the gym, but as alternatives to full-strength drinks.**

Another advantage of the rule change is that including low-strength drinks alongside their full-strength counterparts positions low-ABV drinks in the ‘adult drink’ category, by saying they are like the other alcoholic drinks. There is a possibility that increased awareness of low-ABV and alcohol free drinks would lead to them being marketed towards, and used by, children under the legal drinking age. Although alcohol-free drinks contain almost no alcohol, the fact that they are mimicking their full-strength counterparts means that they should not be marketed at or consumed by children, to prevent any gateway effect.

Given that alcohol free or low-alcohol drinks are still in the ‘adult drink’ category, we believe that these adverts should not be aimed at under-18s. For example, alcohol adverts, even for alcohol free alternatives, should not be shown in cinemas before films rated 15 or below. **We would, therefore, welcome guidance that marketing of alcohol free and low-alcohol products should be subject to the same regulation and restriction as marketing of full-strength drinks.**

Providing clarity on what counts as ‘low-alcohol’

The proposed rule states that *“low-alcohol drinks may be presented as preferable because of their low alcoholic strength, provided that the alcohol content of the drink is stated clearly.”*

It is not clear whether the proposed new rule *as written* refers specifically to ‘low-alcohol’ drinks (of 1.2% alcohol by volume (abv) or below), or whether it is intended to apply to the lowest strength product in an advert.

² Murray, R., Breton, M.O., Britton, J. et al. Carlsberg alibi marketing in the UEFA euro 2016 football finals: implications of Probably inappropriate alcohol advertising. BMC Public Health 18, 553 (2018). <https://doi.org/10.1186/s12889-018-5449-y>

Different product categories include drinks of relatively different strengths. For example, an 8% ABV wine could be considered low for a wine while 8% abv would be very strong for a beer. Despite its relative weakness, an 8% wine is not a low-alcohol drink.

If it is the rule's intention only to refer to low-alcohol (1.2% abv or below) drinks, it should explicitly state that it is aligned with the Department of Health and Social Care guidance on low-alcohol descriptors:

<https://www.gov.uk/government/publications/low-alcohol-descriptors> This guidance states that a drink may be described as low-alcohol if *“the drink must be 1.2% alcohol by volume (abv) or below and an indication of its maximum abv should be included on the label.”*

If this is not the intention behind the rule, the phrase ‘low-alcohol’ should be changed. It would also be clearer if you added included ‘alcohol-free’ drinks in the rule.

Furthermore, we would welcome your consideration of whether the rules should specifically allow and encourage producers to emphasise the relative merits of lower strength products in their marketing. For example, allowing a beer advert to favourably compare a 4% beer to a 5.5% beer because of its lower alcohol content, or a winemaker to advertise their 8% wine as a less harmful alternative to a 13% wine. This would require careful guidance to ensure products were not erroneously described as ‘low-alcohol’. It would, however, encourage producers to nudge their consumers to choose lower strength – and therefore less harmful – alcoholic drinks.

We would be pleased to discuss any aspect of this submission in more detail at your request.

Alcohol Change UK

14 April 2021

www.alcoholchange.org.uk