

It's not the drinking, it's the advertising

Despite the easy availability of alcohol and the huge market for it in New Zealand, breweries and wineries inevitably want to sell more. Currently the industry spends approximately \$75 million a year on advertising and sponsorship (source GALA) – all designed to create a particular image associated with a particular brand and promote its consumption.

The extent to which governments allow (or disallow) liquor companies to advertise and promote alcohol makes a huge difference to the image and acceptability of alcohol in society and to how much is sold. Currently there are over 50 countries which do not permit the advertising of alcohol at all. A few countries, New Zealand among them, impose no government regulations on the advertising of alcohol and even allow the industry to make up its own rules and regulate itself.

The Advertising Standards Authority

In New Zealand, advertising rules are administered by the Advertising Standards Authority (ASA) – a self-regulating body effectively devoid of government input. The ASA oversees the standards for advertising content and has developed codes of practice for advertising. This approach allows the liquor industry to create its own set of advertising principles and guidelines which are then administered by the ASA. In the process, it enables the liquor industry to create the illusion that it operates as a responsible corporate citizen.

In a recent review of the codes of practice, the ASA Chairman wrote: *“the Advertising Standards Authority is dedicated to ensure that not only does advertising comply with the law but it is also truthful and not misleading or deceptive, and that it is socially responsible”*. There is also an Advertising Code of Ethics which applies to all advertising. Principle 4 of the Code states: *“All advertisements should be prepared with a due sense of social responsibility to consumers and to society”*

The rules for liquor advertising

The principles established specifically for liquor advertising reiterate the need for social responsibility. They state: *‘that liquor ads shall observe a high standard of social responsibility’... ‘should not glamorise liquor or association with it’.... ‘shall not conflict with the need for moderation in consumption’..... ‘shall not depict or imply the consumption of liquor in potentially hazardous situations’ ... ‘and must be directed at adult audiences, not at minors, and may not have strong or evident appeal to minors’*. A further requirement is that *‘advertisements shall not suggest that liquor will create a significant or desirable change in mood or social environment.’*

Ignoring their own rules

➤ *Liquor advertisements shall not be directed at minors:*

Minors are defined as those under the legal age at which they are allowed to purchase alcohol - currently 18. However, one of the guidelines underpinning this principle specifically states that *“anyone visually prominent in a liquor advertisement depicting liquor being consumed shall be and shall appear to be at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older.”*

This principle is fundamentally ignored by current advertisements for beer on television. The breweries advertise alcohol in amusing and provocative scenarios which appeal to as many potential consumers as possible, but especially young men. One well known television

campaign shows three young men stealing beer from a factory run by 'gorgeous girls' and getting away in a variety of improbable scenarios – including one where the young men pretend to be ducks.

Another campaign by DB Breweries shows a drunken idiot smashing into a fence so that a large group of young looking people can get to a party on the other side. The slogan that appears on the screen is 'Export yourself'.

Some of these ads are amusing and are not to be taken too seriously. But the image they create is one of young people having fun by drinking and engaging ridiculous behaviour. Frequently, the participants do not appear to be 25 years old, the behaviour depicted could hardly be called moderate or responsible and the stated intention of the drinking in the DB ad is to 'export yourself' to some other state of mind and mood.

These television campaigns are almost exclusively targeted at young people. The actors in the ads (i.e. the drinkers) are all young; there are no middle age or older people quietly sipping on a beer anywhere to be seen. The brewery websites seem to confirm this approach. The Tui website says it has been 'Distracting the boys from the task at hand since 1889.' The DB Breweries website says that their beer is about 'Inspiring good times' and has pictures of young people drinking beer on the homepage.

➤ *Exposure to minors*

Another of the principles the liquor industry adopted to avoid targeting minors relates to the time slot that liquor ads are shown on television. The industry initially established a guideline that liquor ads would not be allowed on television before 9.00pm, when minors are supposedly in bed.

Not many teenagers seem to be in bed by 9.00pm. Research on advertising in New Zealand indicates that the average New Zealand teenager will now see almost 5,000 alcohol advertisements before the age of 18 and many teenagers report that alcohol ads are their favourite ads on television.

The impact of advertising on teenagers is considerable. A number of studies have found a significant relationship between early exposure to alcohol advertising and higher levels of self-reported use. Between 1991 & 1999 coinciding with the introduction of liquor advertising on television and when the legal age of purchase was still 20, 14 to 17 year olds in New Zealand reported drinking twice as much as they used to.

Despite mounting concerns about excessive drinking by youth, in 2003 after the age of purchase had been reduced to 18, the liquor industry changed the guideline to allow liquor ads to be shown from the even earlier time of 8.30 pm. The ASA must have decided that teenagers were going to bed even earlier!

➤ *The need for moderation and social responsibility:*

In 2006, the combined revenue of the three biggest breweries in New Zealand (NZ Breweries, DB Breweries and Lion Nathan) was approximately \$12 billion. However, the goal of the liquor industry – to maximise profit - is fundamentally incompatible with social responsibility. They sell a mind altering drug with potentially lethal side effects; it is clearly not in their financial interest to provide information about moderate drinking, the risks associated with drinking or remind the public what the guidelines for safe drinking are. That might scare customers off.

As a result, there is no content in any of the liquor campaigns on television suggesting that consumers should actually moderate their consumption – quite the reverse. The ads

described above display quite outrageous, immoderate and even illegal behaviour (stealing beer from the 'gorgeous girls'), albeit in an amusing way. Advertising about moderation is left up to the Alcohol Advisory Council (ALAC).

In this day and age, keeping customers fully informed about your product is a fundamental requirement for any socially responsible company. In order for the liquor industry to demonstrate responsibility, it would need to be a great deal more transparent in its marketing. Beer, wine and spirit bottles would carry advisory labels defining safe drinking levels. Liquor ads would carry warnings describing the harms associated with excessive consumption. Pregnant women especially would be advised not to drink at all.

By failing to advise consumers about safe drinking levels, the industry ignores its own guideline regarding the need for moderation. By failing to advise consumers about the harms associated with alcohol, they ignore the need for social responsibility. These are deliberate omissions which mean that liquor industry advertising is both deceptive and misleading. In that alcohol kills over 1,000 New Zealanders every year, failing to provide such information is not only socially irresponsible, it may even constitute criminal negligence.

The complaints process

The ASA has a complaints process for advertisements that may be in breach of the industry's codes. Hilary Souter, executive director of the ASA says "Claims about advertisements are heard by an independent complaints board to determine whether or not the boundaries laid down in the ASA codes of practice have been breached."

This statement is not true as the complaints board is far from independent. The Advertising Standards Complaints Board has eight members, four drawn from the general public and four from the advertising industry; and the complaints process examines potential breaches of a code established by the advertising industry itself. That would be akin to a drug dealer being judged on rules of conduct for drug dealing made up by a gang or 'board' of drug dealers – and any complaints going before an eight man board or jury, four of whom are also dealers.

This analogy is not as far fetched as it might seem. Alcohol is a drug, the breweries are drug dealers (albeit legal) and the advertising rules are made up by big-time dealers in the liquor industry. Any complaints are examined by those with a vested interest in the outcome.

The complaints process is far from independent and New Zealand is one of very few countries that still allows the liquor industry to operate in this manner and regulate their own advertising. When it comes to seriously harmful products such as alcohol, someone else should be making up the rules – such as government and the Ministry of Health, if they would only do their job properly?

The Fair Trading Act

Liquor companies not only make up their own rules, their marketing could also be in breach of The Fair Trading Act (1986). This Act is designed to ensure that products sold in New Zealand will not cause harm to the purchaser. More specifically, the Act protects the public against being misled or treated unfairly by prohibiting what is called "*misleading or deceptive conduct, false representations and unfair practices*".

By promoting alcohol as a frivolous product which helps create fun times, the breweries are effectively operating with a hidden agenda to deceive and mislead. There is nothing frivolous about liver disease, or heart disease or becoming an alcoholic. There is no pleasure in drinking so much you assault your partner. Your family won't be too happy if you

die from alcohol poisoning. And there is not much contentment in the life of a mother who has a child with fetal alcohol syndrome.

Liquor industry marketing avoids any mention of these problems, which from a pharmaceutical perspective, would be called side effects. Pharmaceutical companies are required to document and publish all known drug side effects. The liquor industry is not. It presents only one side of the story – the fun side. In fact, the marketing is so one-sided, it helps to perpetuate the myth that binge drinking is basically harmless. It is not hard to make the case that liquor advertising is therefore 'misleading, deceptive, and provides a false representation' of their product - and is potentially in breach of the Fair Trading Act.

It's all good fun – yeah right!

The advertising of alcohol on television reinforces the acceptability of drinking and normalises the use of alcohol as a means of bonding with your peer group. Sponsorship and television advertisements which promote alcohol are now an integral part of our drinking culture - a culture which legitimizes the acceptability of binge drinking. The result is that for young males in particular, getting drunk seems to have become one of the rites of passage to adulthood. The industry's own advertising guidelines require liquor ads to be socially responsible. The industry earns approximately \$12 billion a year, but the damage alcohol causes costs the taxpayer around \$24 billion (Doug Sellman quoting economist Brian Easton in a Summary And Review of the Law Commission Issues Paper "Alcohol in our lives: An issues paper on the reform of New Zealand's liquor laws", by Alcohol Action group July 2009.) There is simply nothing socially responsible about promoting a product which ends up imposing a massive financial burden on the country and costs the taxpayer even more than the revenue it generates. This is not only socially irresponsible, it's an unmitigated financial disaster.

Government could make the liquor industry more accountable and use some of the profits from the sale of alcohol to pay for much of the damage. Unfortunately, government takes only \$600 million a year in taxation from alcohol. When literally billions of dollars are required to pay for the damage, \$600 million doesn't even cover the health costs imposed by alcohol consumption, let alone the added costs for police, the courts and the corrections department. What this means is that the burden of financial responsibility for the damage falls directly on the taxpayer instead of onto the liquor industry. You and I have to pay for all this damage.

In this day and age, when there is so much concern about the safety of virtually every kind of product on the market, the fact that liquor companies are not required by law to place health warning labels on their products as part of their marketing is hard to comprehend. It is truly remarkable that both government and our health authorities allow the liquor industry get away with this.

With no government control over advertising, the industry makes up its own rules, breaks them and then uses a biased complaints process to interpret and adjudicate on those rules. It's not the least bit surprising that the breweries takes full advantage of this freedom, and actively promote their product with no mention of the side effects and harm that it causes. This is an incredibly cavalier approach to public safety by the liquor industry and any government that allows this to continue.

The reality is that alcohol sells so well, it doesn't need to be advertised. There is a huge demand for cannabis and other illegal drugs without any advertising. Why would alcohol be any different? Most New Zealanders enjoy having a drink or two (or more) and there is little doubt that they would continue to do so, whether alcohol was advertised or not.

Some suggestions:

- Ban media advertising of alcohol. the limited advertising that is permitted in printed media, on billboards, and on radio broadcasts must be limited to messages that provide information directly related to the product rather than selling values
- Ban sponsorship of sport by liquor companies.
- Compulsory health warning labels on alcohol bottles, cans, casks and other containers