Strengthening the Canadian Alcohol Advertising Regulatory System

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ABSTRACT

Research evidence points to harmful effects from alcohol advertising among children and youth. In particular, exposure to alcohol advertising has been associated with adolescents drinking both earlier and heavier. Although current federal and provincial guidelines have addressed advertising practices to prevent underage drinking, practice has not been supported by existing policy. While protective measures such as social marketing campaigns have the potential for counteracting the effects from alcohol advertising, the effectiveness of such measures can be easily drowned out with increasing advertising activities from the alcohol industry, especially without effective regulation. Research reviewed by the European Focus on Alcohol Safe Environment (FASE) Project has identified a set of key elements that are necessary to make alcohol advertising policy measures effective at protecting children and youth from the harmful effects of alcohol marketing. Using these key elements as an evaluation framework, there are critical components in the Canadian alcohol advertising regulatory system that clearly require strengthening. To protect impressionable children and youth against the harmful effects of alcohol advertising, 13 recommendations to strengthen current alcohol advertising regulations in Canada are provided for Canadian policy-makers, advertising standard agencies, and public health groups.

Key words: Alcohol drinking; government regulation; public health; advertising as topic

La traduction du résumé se trouve à la fin de l'article.

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While advertising is a legitimate marketing tactic used by alcohol producers to promote their products, recent reviews point to a clear link between exposure to alcohol advertising and subsequent drinking behaviour in young people.^{1,2} More specifically, the more alcohol advertising young people are exposed to, the more likely they will start to drink, or, if they are already consuming alcohol, drink more.² This link has been attributable to elements of alcohol advertisements that create favourable attitudes among children and youth towards drinking, thereby affecting intentions to consume alcohol. Among youth, alcohol advertising "has been found to promote and reinforce perceptions of drinking as positive, glamorous, and relatively risk-free",³ all of which encourage a higher consumption of alcohol, often well before the legal age of purchase.³⁻⁵

Protective measures in Canada

In Canada, despite federal and provincial guidelines that restrict alcohol advertisements from appealing to children and minors, children and youth are exposed to more than 300,000 alcohol ads each year through radio, television and the Internet.⁶ Alcohol advertising countermeasures have typically taken the form of social responsibility messaging initiatives that increase the public's awareness of the potential harmful influences from alcohol advertising. In Canada, alcohol media literacy campaigns have been the primary measures for counteracting the effects of alcohol advertising.⁷⁻⁹ While these initiatives have the potential of doing so, the effectiveness of such measures can be easily drowned out with increasing advertising activities from the alcohol industry, especially in the absence of effective regulation.

Critical elements of an effective alcohol advertising regulatory system

As part of the European Focus on Alcohol Safe Environment (FASE) Project, a 2010 report by the Dutch Institute for Alcohol Policy and the European Centre for Monitoring Alcohol Marketing (EUCAM) reviewed 190 papers from the literature along with alcohol marketing regulations in 23 European countries to identify components and criteria that make policy measures effective at protecting against the harmful effects of youth exposure to alcohol marketing.¹⁰ As outlined in Table 1, the results from this report indicate that three components are necessary for an effective alcohol advertising regulation system: 1) content restrictions, 2) volume restrictions, and 3) an overall supporting system. An effective supporting infrastructure consists of a supporting legal context, a commitment of all stakeholders, transparency of the decision-making process, a mandatory pre-screening system, an effective complaint system, an independent advertising committee, effective sanctions, and a monitoring

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Table 1. Evidence-based Framework for an Effective Alcohol Advertising Regulatory System¹⁰

Component	Elements
Content Restrictions – Content restrictions can protect all consumers against misleading or deceptive alcohol advertisements and in particular, young people against attractive advertisements.	<p>Content restrictions are said to be effective at protecting young people against attractive advertisements only if:</p> <ol style="list-style-type: none">1. Content restrictions address all elements that have shown to be appealing to young people and do not just state that alcohol advertising cannot be specifically aimed at minors. Such elements might include lifestyle images, use of humour, celebrities, cartoons, and sexual content;2. Content restrictions limit advertisements that young people find appealing even if these are not specifically targeting minors, or that are specifically appealing to minors (but to adults as well); and3. Alcohol advertisements are evaluated according to young people’s interpretation and not according to the intention of the advertiser.
Volume Restrictions – Volume restrictions are a necessary tool in protecting young people against the cumulative effects of exposure from large volumes (both in quantity or specific locations) of alcohol advertisements on drinking behaviour. In practice, there have been three types of volume restriction measures, including a) restrictions on certain times or places, b) restrictions on certain types of media, and c) restrictions on certain types of alcoholic beverages.	<p>Volume restriction measures are said to be effective only if they meet the following criteria:</p> <ol style="list-style-type: none">1. Volume restriction measures are not merely symbolic policies but contribute substantially to the total volume of alcohol advertising to which adolescents are exposed; and2. No significant substitution effects arise (e.g., shift to other media or price decrease).
Supporting Infrastructure – While both content restrictions and volume restrictions should be employed, the effectiveness of alcohol advertising regulations depends not solely on these content and/or volume restrictions, but also on the system that supports them.	<p>Elements to an effective alcohol advertising regulatory system include:</p> <ol style="list-style-type: none">1. A supporting legal context – No conflicting regulations on the national or international level and a legal backstop is needed to support the enforcement of the restrictions;2. Commitment of all stakeholders (including policy-makers, public health advocates/consumer representatives, and industry-related stakeholders) to increase the support of and adherence to the restrictions;3. Transparency, which includes the availability of information to the public at every stage of the regulation process – including what and how decisions are made during the pre-screening and complaints process;4. A mandatory pre-screening system with a public health interest to prevent both public exposure to advertisements that are non-compliant with restrictions and breaches of the rules;5. Effective complaint system with easy access to and support from the public – Complaints should be monitored by a third party;6. An independent advertising committee – Evaluation by parties independent from commercial interests (not by advertising industry-related or alcohol industry-related, but by judges, public health advocates or consumer representatives);7. Effective sanctions – Sanctions that are expected to be most effective are: withdrawing broadcasting rights and substantial financial penalties. Sanctions that are expected to be less effective are: bad publicity or voluntary action;8. Monitoring to assess the effectiveness of the system and record the potential effects of new marketing techniques; monitoring should 1) be performed by parties independent from commercial interests, 2) be conducted routinely and systematically, 3) include content, volume, as well as “unmeasured” types of alcohol marketing practices, and 4) include public disclosure of alcohol marketing expenditures to third parties (government, academic institutes, or civil society);9. Coverage and flexibility – Restrictions should cover the entire range of forms of marketing activities and should be updated regularly to respond to potential shifts in unregulated types of alcohol marketing practices.

system. In addition, such supporting infrastructure should cover all forms of marketing activities and have the flexibility to adjust restrictions accordingly. Using these key elements as an evaluation framework, there are critical components in the Canadian alcohol advertising regulatory system that clearly require strengthening.¹¹

Limitations in the current alcohol advertising regulatory system

A number of limitations in the current federal, provincial and industry regulations governing alcoholic beverage advertisements in Canada exist. In terms of content restrictions, the Canadian Radio-television and Telecommunications Commission Code for Broadcast Advertisement of Alcoholic Beverages (CRTC Code) has not been updated since 1996. Not all elements that appeal to youth, such as party scenes, have been addressed. In terms of volume restrictions, regulations do not mandate place restrictions, coverage of all types of advertising mediums are not standardized, and underage viewers are not protected from the total volume of alcohol advertisements they may be exposed to. Finally, in terms of the infrastructure, pre-screening has been made voluntary as of 1996, complaints are not monitored by a third party, and there lacks an independent advertising committee independent from commercial interest. Through current regula-

tions, it is also possible for international broadcast stations to advertise alcoholic beverages to Canadians through cable and satellite services without complying with the CRTC Code.¹² As a result, thousands of irresponsible alcohol advertisements are aired or displayed with a large proportion of them being exposed to young and impressionable children and adolescents.

The voluntary pre-screening process provided through Advertising Standards Canada (ASC) as a means of enforcing the CRTC Code represents one of the largest gaps in alcohol advertisement regulations in Canada. This process, which was made voluntary in 1996, has made it possible for alcohol advertisers, fearing little in terms of consequences, to disregard the CRTC Code.¹³ Without key deterrents in place that guard against potential irresponsible alcohol advertising, young and impressionable children and youth will not be protected from exposure to alcohol advertisements. Even if contravening ads are pulled by advertisers, it is post-facto because children and under-aged audiences will have already been exposed to them.

The need to strengthen alcohol advertising regulation in Canada

Consistent with recent reviews on alcohol advertising^{1,2} and the Global Alcohol Strategy,¹⁴ there is a dire need for effective alcohol

Table 2. Strengthening the Regulation of Alcohol Advertisements in Canada

	Recommendations	Activities	Implementation Considerations
Regulating Scope	1. Strengthen content restrictions (governing bodies)	Mandate content restrictions to address all elements appealing to youth; Consolidate all content restrictions into one document; Outline what is allowed in content restrictions, rather than what is not allowed.	Feasible to implement: Recommendation is administrative in nature as existing codes could be altered to accommodate.
	2. Develop and implement codes for volume restrictions (governing bodies)	Employ statutory watersheds to limit the time of day alcohol advertisements would be allowed to be shown on television; Develop and implement volume restrictions based on the viewing habits of underaged viewers.	Concerns with implementation: A monitoring and compliance system would need to be established to ensure restrictions are adhered to by advertisers.
	3. Increase coverage of alcohol advertising regulations (governing bodies)	Regulate both measured and unmeasured media outlets, particularly new media and the Internet; Prohibit marketing practices that are difficult to monitor and are being used to reach children and underage youth.	Difficult to implement: Internet and new media are currently difficult to monitor and measure. Creative cross-jurisdictional strategies would need to be employed to effectively address this recommendation.
	4. Reinstate federal mandatory pre-screening process (governing bodies)	Revert back to enforcing mandatory pre-clearance of alcohol ads by federal and provincial bodies with a strong public interest mandate.	Feasible to implement: Before 1996, pre-clearance of alcohol advertisements were mandatory. Reverting back to past processes is predicted to be feasible for recommendation implementation.
Regulating Procedures	5. Improve current complaints system (governing bodies)	Adjust the current complaints systems to ensure both a simpler and quicker process; Remove biases from reviews being made on complaints.	Feasible to implement: Recommendation is administrative in nature as existing codes could be altered to accommodate.
	6. Create an independent panel of representatives (governing bodies)	Include representatives free from any alcohol industry ties to review the appropriateness of alcohol advertisements during the pre-screening process as well to review complaints; Include representatives from public health, children and youth organizations, objective media, and marketing experts.	Feasible to implement: Before 1996, pre-clearance of alcohol advertisements were mandatory. Reverting back to past processes while ensuring representatives from health organizations are included is predicted to be feasible.
	7. Increase transparency (governing bodies)	Ensure that all alcohol advertising decisions are made in consultation with both federal and their respective provincial health agencies.	Feasible to implement: Consultation processes can likely be established and maintained under current administrative structures.
	8. Develop and implement a public health-informed advertising standards code for alcoholic beverages (advertising standards agencies)	Develop a self-regulatory code that specifically addresses advertising of alcoholic beverages; Ensure that development of a self-regulatory code is made by people with a public health background rather than with a legal or exclusively business background.	Feasible to implement: Working closely with government and national public health agencies, Advertising Standards Canada could be tasked with developing and introducing new codes.
	9. Implement an effective monitoring system (governing bodies)	Implement regular and systematic monitoring of alcohol advertising activities, including public disclosure of alcohol marketing expenditures, use of various mediums for alcohol advertisements, and compliance of advertisements with codes for responsible advertising.	Concerns with implementation: A monitoring system would need to be established to ensure public disclosure of alcohol marketing expenditures, medium tracking, and compliance rates.
	10. Enforce effective sanctions (governing bodies)	Develop and implement an effective administrative and deterrence system for infringements on marketing restrictions; Include real consequences, such as bans on marketing products for a specified time period or financial penalties, on advertisers who breach rules.	Difficult to implement: An administrative and deterrence system would need to be established to process infringements on marketing restrictions. Complete advertising bans and financial penalties within other jurisdictions have been seen to be effective, but also difficult to accomplish.
	11. Advocate; cultivate collaborations and partnerships (Public Health and community interest groups)	Advocate for additional limits on alcohol advertising to prevent irresponsible messages from being targeted to underage drinkers; Ensure Public Health's role in cultivating collaborations and partnerships.	Feasible to implement: Public health units or regional health authorities could work in collaboration to advocate and pressure governing bodies for additional advertising limits.
	12. Conduct additional research (Public Health and community interest groups)	Review the literature for specific elements of initiatives that have been evaluated for effectiveness at counteracting the influences from alcohol advertising.	Feasible to implement: Research grants could be secured by national public health groups to collate and report on evaluated and effective initiatives.
	13. Increase public awareness (Public Health and community interest groups)	Inform future provincial alcohol strategies by specifying the specific elements of the alcohol advertising regulatory system that require updating; Increase public awareness around the limitations of the current alcohol advertising regulatory system.	Concerns with implementation: Future provincial alcohol strategies could specify specific elements of the regulatory system that require attention. Increasing public awareness may require significant funding to accomplish.
Provision of Additional Supports			

advertising control policies to address the harmful effects of alcohol advertising, especially among children and underage youth. Without a unified regulatory system governing and enforcing compliance around alcohol advertising, several limitations exist. To address such limitations, evidence gathered from literature reviews and key informant interviews were used to inform recommendations made for Canadian policy-makers, advertising standard agencies, and public health groups.

Table 2 outlines 23 activities to support 13 recommendations within three primary domains that can be made to strengthen current alcohol advertising regulations in Canada, organized according to predicted feasibility based on the authors' analysis. Implementation of all of these recommendations will require development of political will. The majority of recommendations are feasible within current regulatory structures. Some novel approaches will require creative solutions and even international cooperation to be most effective. As shown, recommendations to regulate scope of advertising including introducing volume and content restrictions, are generally feasible. Regulations to cover new media sources will be more difficult to implement and will require creative cross-jurisdictional partnerships to better ensure success. The majority of recommendations related to regulating procedures are seen as feasible within existing administrative structures. The main difficulty will be the implementation of effective enforcement sanctions. Recommendations for the provision of additional support are generally feasible. Nevertheless, implementation will need to address the lack of dedicated funds to increase public awareness around system limitations. Predicted barriers are similar across all recommendations and include weak political will, differing political priorities, and a lack of funding and staffing to establish new protocols. Also problematic are the anticipated lobbying efforts from the alcohol industry against any new controls.

In response to all of these recommendations, governing bodies and advertising standard agencies need to take active roles in controlling all alcohol advertisements, including both volume and content exposed to children and youth, so that all types of media channels are consistently and effectively regulated and enforced.

Finally, it is important to recognize that no single measure can act as a definitive solution to tackle the effects of alcohol advertising on young people's drinking, and therefore regulation should be complemented with other policy levers and interventions led by Public Health, while given adequate time to have an effect.³ Such interventions may include educating and mobilizing a community around the limitations of the current system along with advocating for additional research-based limits through political means, such as provincial alcohol strategies.

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RÉSUMÉ

Les données de recherche font état des effets néfastes de la publicité sur l'alcool chez les enfants et les jeunes. On a en particulier associé l'exposition à cette forme de publicité à une consommation d'alcool plus précoce et plus importante chez les adolescents. Bien que des lignes directrices fédérales et provinciales actuelles visent les pratiques publicitaires afin de prévenir la consommation d'alcool par les mineurs, ces directives ne sont pas soutenues par les politiques en vigueur. Des mesures de protection, comme des campagnes de marketing social, pourraient éventuellement contrer les effets de la publicité sur l'alcool, mais leur efficacité est facilement noyée par un accroissement des activités publicitaires de l'industrie de l'alcool, surtout en l'absence d'une réglementation efficace. Des études examinées par le projet européen Focus on Alcohol Safe Environment (FASE) définissent un ensemble d'éléments clés nécessaires pour que les mesures contre la publicité sur l'alcool protègent efficacement les enfants et les jeunes des effets néfastes du marketing de l'alcool. En utilisant ces éléments clés comme cadre d'évaluation, on remarque que des volets essentiels du système de réglementation canadien de la publicité sur l'alcool doivent clairement être renforcés. Afin de protéger les enfants et les jeunes suggestibles contre les effets néfastes de la publicité sur l'alcool, nous formulons, à l'intention des responsables des politiques, des organismes d'établissement des normes publicitaires et des groupes de santé publique canadiens, 13 recommandations pour renforcer la réglementation actuelle de la publicité sur l'alcool au Canada.

Mots clés : consommation d'alcool; réglementation gouvernementale; santé publique; publicité comme sujet