Portman Group

Alcohol (Licensing, Public Health and Criminal Justice) Scotland Bill

1. The Portman Group is the responsibility body for UK alcohol producers. We regulate the promotion and packaging of alcoholic drinks sold or marketed in the UK; challenge and encourage the industry to market its products responsibly; and lead on best practice in alcohol corporate social responsibility.

2. The Portman Group has regulated alcohol marketing since 1996 and alcohol sponsorship since 2003. In January 2014 the Portman Group launched the UK’s first ever Code of Practice on Alcohol Sponsorship that ensures children are protected from alcohol marketing at sports, music and cultural events and binds all drinks companies to promote responsible drinking as part of their sponsorship agreements.

EXECUTIVE SUMMARY

1. As the regulator of alcohol marketing and sponsorship in the UK, one of the Portman Group’s fundamental aims is to protect children.

2. We are fully supportive of targeted and effective measures to continue to reduce the harms related to alcohol misuse and to promote responsible drinking, and we welcome a number of themes in this Bill, such as alcohol education, alcohol awareness training and tackling underage sales.

3. However, we believe that the measures contained in the Bill (Section 9) would not introduce any new protections for young people from alcohol sponsorship than already exist under the self-regulatory framework.

4. The drinks industry is subject to the Portman Group’s Code of Practice on Alcohol Sponsorship (Appendix A) which contains strict, detailed rules preventing alcohol companies from sponsoring individuals, activities, teams, events, tournaments, competitions, bands or celebrities which have a particular appeal to, or are primarily aimed at, under-18s. The Code also ensures drinks companies promote responsible drinking as part of their sponsorship agreements.

5. The Code applies across the whole UK alcohol industry and was actively developed in partnership with the Scottish Government Alcohol Industry Partnership (SGAIP), and major sports, music and venue rights holders who have all formally endorsed it. It carries clear sanctions for companies that breach the rules and is enforced at no cost to the taxpayer.

6. The official government statistics show that rates of alcohol consumption and alcohol-related harms among children and young people in Scotland (and across the UK) are in significant and sustained decline.
7. In France, the alcohol marketing and sponsorship ban (Loi Evin) has failed to reduce underage consumption and has instead been accompanied by two decades of increasingly harmful drinking among French children and teenagers.

8. We believe that the real-world examples show that continued robust self-regulation and partnership between industry and government is the best way to ensure children are protected from alcohol marketing and to further the positive trends we have seen in Scotland and across the UK.

CONTEXT: ALCOHOL AND YOUNG PEOPLE IN SCOTLAND

9. The official Scottish Government statistics show significant and sustained declines in underage drinking and alcohol-related harms among children and young people.

10. The proportion of both 13 year olds and 15 year olds who have never had a drink has doubled since 2004; moving from 32% to 68% among the former, and from 12% to 31% among the latter. Similarly the proportion of 13 year olds drinking once a week has dropped from 10% in 2002 to 1% in 2013, while for 15 year olds the proportion has dropped from 20% to 7% in the same period.¹

11. In 2013/14 the rate of alcohol-related hospital stays among those aged under-15 dropped to its lowest record level (going back to 1981). For those aged 15-19 the rate has nearly halved since a 2007/8 peak. These declines follow a population level fall in alcohol-related hospital stay rate which has been most pronounced among the younger age groups.²

12. The proportion of adults ‘binge drinking’ on their heaviest drinking day in a week has declined nearly from 24% in 2003 to 19% in 2013. This decline has been led by the youngest age group with those aged 16-24 seeing a relative decrease of 40% during this period.³

THE PORTMAN GROUP’S CODE OF PRACTICE ON ALCOHOL SPONSORSHIP

13. The Portman Group has regulated alcohol sponsorship since 2003. In 2011, under the UK Government’s partnership framework with industry, the Public Health Responsibility Deal, drinks companies committed to: “further action on advertising and marketing, namely the development of a new sponsorship code requiring the promotion of responsible drinking”⁴.

¹ Scottish Schools Adolescent Lifestyle and Substance Use Survey, ISD Scotland
² Alcohol-Related Hospital Statistics Scotland 2013/14, Office of National Statistics
³ Scottish Health Survey Annual Report 2013, Office of National Statistics
⁴ https://responsibilitydeal.dh.gov.uk/pledges/pledge/?pl=6
14. The Portman Group drew inspiration from the Scottish Government’s Alcohol Sponsorship Guidelines for Scotland, published in 2008, produced by the partnership framework of the Scottish Government Alcohol Industry Partnership (SGAIP). The Portman Group’s Code was developed in close consultation with, and is endorsed by, SGAIP.⁵

15. In January 2014, the Portman Group published the Code of Practice on Alcohol Sponsorship. The Code applies to all alcohol sponsorship agreements activated in the UK and provides a procedural framework for influencing, regulating and controlling industry practice.

16. The Code applies to all new sponsorships undertaken by the UK alcohol drinks industry for an alcoholic drink which is marketed for sale and consumption in the UK. The Code is supported throughout the industry with over 140 Code Signatories including producers, importers, wholesalers, retailers and trade associations.⁶

17. The Code was actively developed in partnership with major sports, music and venue rights holders, and the SGAIP, who have also formally endorsed it. These include:

AEG  
Association of Independent Festivals  
British Horseracing  
DF Concerts  
England and Wales Cricket Board  
European Sponsorship Association  
Football Association  
Rugby Football Union  
Rugby Football League  
Lawn Tennis Association  
Premier League  
Scottish Golf Union  
Scottish Government Alcohol Industry Partnership (SGAIP)  
Scottish Rugby

18. The Code complements and is consistent with the Broadcast Committee of Advertising Practice UK Code of Broadcast Advertising (BCAP Code) and the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code), both of which are administered by the Advertising Standards Authority (ASA).

19. Anyone can make a complaint against any sponsorship agreement which is subject to the Code that they consider is in breach of the rules.

Complaints are considered by an Independent Complaints Panel and its decisions are published.

20. Clear and effective sanctions are in place to ensure that the Panel’s decisions are enforced. Producers risk significant reputational damage if they breach the Code both through negative publicity and the financial cost of having to renegotiate a sponsorship agreement or having to withdraw it completely.

21. The Code is administered and enforced at no cost to the taxpayer, and is entirely funded by the eleven alcohol companies that constitute the membership of the Portman Group.

22. This robust self-regulatory framework, based on partnership working between industry and government, brings together the widest ever partnership to ensure responsible alcohol sponsorship, protect children from alcohol marketing and promote responsible drinking.

PROTECTING CHILDREN

23. One of the fundamental principles of the Code is to protect children from alcohol marketing and sponsorship. The Code contains explicit rules to this end, including:

- **Rule 3.2**: Drinks companies must not sponsor or support individuals under the age of 18. Though companies may sponsor a team, band or group which includes a player or member who is under-18 years of age provided that at least 75% of the overall participants are aged over 18. Any under-18 participants should not be used individually in any promotional material or activity.

- **Rule 3.3**: Drinks companies must not sponsor individuals, activities, teams, events, tournaments, competitions, bands or celebrities which have a particular appeal to, or are primarily aimed at, under-18s.

- **Rule 3.4**: Drinks companies must not allow the placement of their brand names, logo or trademark (including the non-alcoholic version of the alcohol brand) on merchandise which has a particular appeal to/intended for use primarily by under-18s.

- **Rule 3.5**: Prior to sponsoring an event, team or activity, drinks companies must use their reasonable endeavours to obtain data.

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7 [http://www.portmangroup.org.uk/complaints/independent-complaints-panel](http://www.portmangroup.org.uk/complaints/independent-complaints-panel)
8 Current member companies: AB InBev; Bacardi Brown-Forman Brands; Beverage Brands; Carlsberg; Diageo; Heineken; Jägermeister; Molson Coors; Pernod Ricard; SAB Miller and Treasury Wine Estates
on the expected participants, audience or spectator profile to ensure that at least the aggregate of 75% are aged over 18.

24. To protect children further, Rule 3.12 of the Code prohibits drinks companies from using images of people who are, or look as if they are, under twenty-five years of age, where there is any suggestion that they are drinking alcohol or they are featured in a significant role. This rule is intended to protect under-18s from being exposed to images in alcohol marketing of people with whom they might identify.

25. The Guidance (Appendix B) issued alongside the Code also clearly states:

   a. *Particular care should be taken if a permanently alcohol-sponsored venue hosts an event at which less than 75% of the audience is aged over-18; every effort should be made to cover alcohol branding for the duration of that event.*

26. Furthermore, the Sponsorship Code, through Rule 3.1, also requires all drinks companies to ensure that there is a recognisable commitment to promoting responsible drinking and/or support diversionary/community activities as an integral part of alcohol sponsorship agreements. The latter could include grass-roots level investments and/or funding to protect public facilities.

27. We believe that the Portman Group’s Code on Alcohol Sponsorship already goes further than the provisions contained in the Bill to protect children from alcohol sponsorship of sports, cultural and music events. The Code also goes further than the Bill in that it binds alcohol companies to other positive responsibility initiatives more broadly, such as promoting responsible drinking or supporting diversionary / community activities.

ALCOHOL MARKETING BANS AND UNDERAGE DRINKING: LOI EVIN (FRANCE)

28. We are concerned that the Bill’s Explanatory Notes cite a study by the Institute of Alcohol Studies on the French alcohol advertising, marketing and sponsorship ban (Loi Evin) and we hope that the Committee will look at the full context of this law’s success in its deliberations.

29. The Loi Evin, introduced in 1991, has failed to reduce underage drinking in France and instead has been accompanied by two decades of increasingly harmful consumption among French children and teenagers.


11 p.32, ref 18.
30. Official French government and WHO statistics show that:
   
a. The proportion of 18-25s who report repeated drunkenness has nearly doubled since 2005, rising from 15% to 29%.

b. The proportion of 15-30 year olds reporting drinking 6 or more drinks on a single occasion in the last month also increased from 20% to 25% between 2005 and 2010.

c. WHO figures show that in the four years after the law was enacted the proportion of 12-18 year olds drinking alcohol increased from 47% to 65%.

31. The lessons from France demonstrate that statutory bans on alcohol marketing and sponsorship have no effect on underage drinking and levels of alcohol harm among children.

32. Furthermore, in the UK official government figures show sustained declines in alcohol-related harms and consumption among under-18s when no statutory bans on alcohol marketing and sponsorship have been in place.

33. We believe that through robust industry self-regulation and by government and drinks companies working in partnership we can go further to protect children than through legislation, whilst also protecting the vital investment in sports, culture and grassroots activities that alcohol sponsorship brings.

Declaration of Interest

We are a not-for-profit organisation funded by eleven member companies who represent every sector of drinks production and collectively account for more than half the UK alcohol market.

Portman Group

Code of Practice on Alcohol Sponsorship
Guidance Note Interpretation of the Portman Group’s Code of Practice on Alcohol Sponsorship

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12 Institut national de prévention et d'éducation pour la santé
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14 Global Status Report on Alcohol 2004, WHO
15 Current member companies: AB InBev; Bacardi Brown-Forman Brands; Beverage Brands; Carlsberg; Diageo; Heineken; Jägermeister; Molson Coors; Pernod Ricard; SAB Miller and Treasury Wine Estates