

Scottish Government Consultation: Restricting alcohol advertising and promotion

IAB UK Response
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About IAB UK

1. The Internet Advertising Bureau (IAB UK) is the industry body for digital advertising, committed to building a sustainable future for digital advertising. We represent and bring together all elements of the digital advertising supply chain through our 1,200 members, including media owners, agencies and advertising technology companies, and through our Board, which comprises 25 leading businesses in the sector.
2. We actively engage our members to develop and promote good practice, ensuring that the UK remains a world leader in the field of digital advertising. We represent the digital advertising industry on the Committee of Advertising Practice (CAP) that sets the rules for advertising online in the UK.

Question 24: Do you think we should restrict paid alcohol advertising online in Scotland?

NO

3. **The IAB strongly opposes the proposal for further restrictions on online alcohol advertising in Scotland.**
4. Advertising revenue makes the provision of free content and services online possible. The ad-funded business model underpins an online ecosystem which offers choice, empowers consumers, and drives business development.
5. The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) is the regulatory framework that governs the content and placement of online alcohol adverts with the express purpose of ensuring that advertisers are targeting key adult audiences, not under-age drinkers.
6. We share the Advertising Association's view that the rules in the existing CAP Code, which covers all online advertising in the UK, and is enforced by the independent ASA, constitute a highly effective mechanism for regulating alcohol marketing online.
7. Available evidence indicates that rates of compliance with the Code across the board are high. This is borne out by the low levels of complaints made to the ASA about alcohol adverts online, and the even lower number of

complaints that have been upheld.

8. More compellingly, a recent study by the World Federation of Advertisers found that children had to spend around 18 hours and 41 minutes online before ever seeing a single alcohol advert.¹ This clearly shows that rules are operating as intended to protect young people from exposure to potentially harmful alcohol-related content.
9. Not only is the CAP Code effective, it also ensures regulatory coherence for companies operating across the UK. Creating a separate regulatory regime for businesses in Scotland would undermine the benefits of a single UK advertising market and increase compliance and financial burdens for the sector.
10. The consultation does not provide any evidence to demonstrate that the impact of such a draconian measure on the online advertising industry, and on the provision of free content and services that depend on advertising revenue, would be offset by a reduction in alcohol-related harms that are supposed to derive from the proposed restrictions. The consultation relies on research and anecdotal evidence to make conjectures about the cumulative impact of *all forms* of alcohol marketing on young people and vulnerable adults. There is no consideration of the role of online alcohol advertising as a driver for alcohol-related harms, or any assessment of the impact of proposals on addressing the harms identified. **Without this evidence-base, there is no clear justification or rationale for introducing restrictions that go above and beyond the existing CAP Code.**
11. It is also clear that the proposed restrictions would be unworkable in practice and do not represent an effective intervention or a meaningful solution. The borderless nature of the internet means that people in Scotland can view content and advertising (which is subject to UK law and the CAP Code) from anywhere in the world. While there is no analysis provided of the potential impact of these proposals, it is likely that the outcome of online ad restrictions would be to massively disadvantage Scottish businesses against other UK and international competitors and potentially diminish the ability of providers of online content and services in Scotland to sustain their businesses via legitimate advertising aimed at adults.

Content and targeting

12. There are several layers of existing restrictions covering the content and targeting of alcohol-related advertising and marketing online, including the

¹ World Federation of Advertisers report ([Independent study shows low ad exposure to alcohol ads online - World Federation of Advertisers \(wfanet.org\)](https://www.wfanet.org))

CAP Code and the Portman Group's Codes of Practice, which regulate all alcohol marketing online that sits outside of the remit of the ASA. Trading standards rules and companies' own brand and marketing guidelines further bolster the existing system of checks and balances. These safeguarding mechanisms ensure that alcohol is marketed in a socially responsible way, only to those aged 18 and over, and in a way that does not appeal particularly to those who are vulnerable.

13. To support compliance with the CAP Code, CAP also produces dedicated guidance² for marketers on targeting age-restricted ads online.
14. The consultation raises concerns that targeting of ads may be driven by inaccurate or incomplete data, resulting in alcohol ads being served to inappropriate audiences, including young people and vulnerable adults.
15. This ignores the crucial role that humans play in planning and managing online advertising campaigns, and the human-led safeguards that are built in at every step of the process to protect users.
16. Individuals are responsible for decisions about where an advertising campaign should run (i.e. where ads should appear). Put simply, for each campaign, advertisers set their campaign objectives and determine who they wish their advertising to reach. They are also responsible for specifying any restrictions that should be applied, such as appropriate or inappropriate environments for their ads. This includes, for example, identifying alcohol products as age-restricted and applying appropriate restrictions to ensure that they are complying with the CAP Code.
17. Per the Code, the overarching principle that marketers should always abide by when setting up campaigns is that age-restricted ads should not be targeted at the protected age category. Additionally, age-restricted ads should not be placed in locations or contexts where over 25% of the audience are under the protected age threshold.
18. The majority of brands appoint a media agency whose responsibility is to plan and buy media to deliver against the advertiser's objectives in accordance with the parameters they have set. The agency will agree a campaign plan with their advertiser clients before those campaigns are subsequently run. As part of this, the agency team will make decisions about what media to buy based both on what is appropriate, and what is permitted under any relevant legislation and the advertising Codes, as well as what will best meet the objectives of the campaign in terms of reaching the right audiences online. A basic overview of how the ad buying process operates can be found in Plum's

² CAP Age-restricted Ads Online Guidance ([Age-restricted-ads-online-2021-guidance.pdf](https://asa.org.uk/age-restricted-ads-online-2021-guidance.pdf) (asa.org.uk))

Online advertising in the UK report³, commissioned by DCMS and published January 2019.

19. What this means in practice is that humans are making conscious decisions about when and where adverts are shown online – which is particularly relevant for ads that are restricted in terms of where they can appear or to whom they can be targeted. Humans also control the buying process itself, executing the media buys and providing instructions to the technology that they use. This includes specifying how ads should be targeted and selecting or deselecting different criteria in the advertising tools they are using to meet the campaign requirements. Once a campaign is running, the person responsible for the campaign will review where the ads are appearing to check that they are meeting the intended aims and are within the specified parameters, and if necessary can make adjustments in real time. Where the advertiser has engaged a media agency to manage the campaign, the agency will also receive post-campaign reports of where and when the ads actually ran. There are, therefore, numerous checkpoints in the process where regulatory compliance is managed and checked before, during and after a campaign running.
20. To be clear, the CAP Code *explicitly* requires marketers to take into account the requirements of the relevant media placement restriction for each part of their campaign and act accordingly through placement and targeting decisions to limit the exposure of a protected age group. Marketers should also carefully consider the media channels being utilized for a given campaign and be able to demonstrate to the ASA⁴ that these are appropriate for the content being served.
21. Marketers should never target ads based exclusively on a users' stated age, but should instead take account of a variety of data points, including a users' interests and behaviour. CAP's *Age-restricted Ads Online* guidance⁴ makes clear that a campaign that does not consider and apply relevant targeting tools is likely to be in breach of the Code. In the event of an ASA investigation into a campaign, marketers will need to be able to justify their approach to targeting.
22. CAP's *Age-restricted Ads Online* guidance also advises marketers to exercise particular caution when targeting a group close to the protected age, e.g. 18-24 year olds. The ASA's *Alcohol in Social Media* report⁵ found that several alcohol campaigns that were studied specifically targeted consumers over the age of 25, which minimised the risk of inadvertently reaching an under-18

³ Plum Report – Online Advertising in the UK ([Online advertising in the UK - Plum Consulting](#))

⁴ CAP Age-restricted Ads Online Guidance ([Age-restricted-ads-online-2021-guidance.pdf \(asa.org.uk\)](#))

⁵ ASA's Alcohol in Social Media report ([Alcohol ads in social media - report - ASA | CAP](#))

audience. The report notes that this approach should be considered best practice.

23. The ASA's *Alcohol in Social Media* report does indicate that a very small number of alcohol-related campaigns running on social media that were surveyed did not utilise targeting tools appropriately. However, these extremely limited examples of bad practice should not be viewed as evidence of a widespread lack of use of targeting capabilities provided by platforms. The ASA's proactive work in this space is evidence of effective regulation in practice – there are strict rules in place and the ASA is ensuring that they are met.

Conclusion

24. In summary, the CAP Code provides a clear framework for responsible marketing of alcohol-related content online.
25. The consultation does not put forward any compelling evidence to indicate that the Code is not operating as intended, or that further online advertising restrictions would be proportionate or directly result in a reduction in alcohol-related harms. **There is therefore no case for statutory intervention.**