

# **Response from Balance, the North East Alcohol Office to the DCMS Consultation on Product Placement on Television: November 2009-12-22**

## **Introduction**

Balance, the North East Alcohol Office was launched on 11<sup>th</sup> February 2009. The aim of the office is to deliver a coherent and authoritative focus on alcohol issues across the North East Region. It is the first office of its kind in the UK and it was developed to take a cross-cutting approach to the alcohol agenda. The Balance response to this consultation takes into account the views of a wide range of organisations and individuals represented on the Alcohol Regional Advisory Group, including the Government Office for the North East, the National Offender Management Service, local authorities, the Strategic Health Authority, the National Treatment Agency, academics and the voluntary sector.

## **Executive summary**

While as an organisation we have reservations about the use of product placement per se as what is essentially a form of subliminal advertising, we have restricted our comments to those questions directly relating to our alcohol remit. We have also refrained from commenting on questions which we believe require a level of expertise about the TV industry which we do not possess.

While not wishing to reiterate the public health and social problems caused by alcohol misuse, we believe this consultation must take into account the significant and growing impact it is having in England as a whole and in the North East of England in particular. Our region suffers from the highest level of alcohol-related hospital admissions in the country and we know from the recent North East Big Drink Debate, which analysed 11,000 questionnaires from around the region, that people are particularly worried about alcohol-related violence and more general crime and disorder. There is a particular concern about young people and alcohol, one which the evidence suggests could be exacerbated should the placement of alcohol products be sanctioned.

Allowing alcohol product placement would simply further normalise the unhealthy relationship we have with alcohol at a time when we need to turn the tide of alcohol misuse. Academic research in the areas of both alcohol and tobacco suggests that not only does product placement influence brand choice but it is also an indicator of the initiation of that particular behaviour. Young people are already extensively exposed to alcohol use everywhere and that is reflected – and sometimes exaggerated – on TV. For example, many of the key scenes in our most popular soaps take place in bars and pubs.

In conclusion, we strongly believe that alcohol product placement should not be allowed. Furthermore, that should be made clear in law as voluntary agreements do not work.

## Questions

**1. What, if any, viewer and other safeguards there should be additional to those required by the AVMS Directive?**

**Balance view**

No comment

**2 How should those additional safeguards be imposed - by law, or by means of the Ofcom Code?**

**Balance view**

Safeguards against alcohol product placement should be enshrined in law. Voluntary agreements do not work and the alcohol industry has a record of finding ways to circumvent them. There is also evidence from the tobacco industry that, where commercial considerations are strong, rules will be bent and broken. Using law (with appropriate and meaningful penalties for contravention) to enforce additional safeguards would also send a message that the problem of alcohol misuse is being taken seriously.

**Commercial advantages**

**3. Is the range of figures for the potential financial benefit of introducing television product placement set out a Part 3 of this document (between £25m and £140m p.a.) still broadly applicable?**

**Balance view**

No comment

**4 Is it possible to narrow this wide range of estimates?**

**Balance view**

No comment

**5 Are there grounds for thinking that the potential benefits have increased or decreased since last year?**

**Balance view**

No comment

**6 Has any new evidence emerged about the possible benefits since the earlier consultation?**

**Balance view**

No comment

**Programme genres**

**7. If product placement is allowed in programmes made by or for UK television, should any of the programme genres permitted by the AVMS Directive be excluded?**

**Balance view**

We need to send a strong, clear message about the dangers of alcohol misuse and therefore alcohol product placement should not be allowed in any programme genres regardless of the intended audience.

**8. Should UK controls on product placement be more specific as to what is meant by ‘films and series’ in which product placement can appear?**

**Balance view**

No comment

**9. Are there definable types of ‘films and series’ in which product placement either should or should not be permitted?**

**Balance view**

No comment

**10. Should UK controls on product placement be more specific as to what is meant by ‘sports programmes’ in which product placement can appear?**

**Balance view**

No comment

**11. Is there any reason to restrict product placement in particular types of sports programming?**

**Balance view**

No comment

**12. Should UK controls on product placement be more specific as to what is meant by ‘light entertainment’ programmes in which product placement can appear?**

**Balance view**

No comment

**13. Is there any reason to restrict product placement in particular types of ‘light entertainment’ programme?**

**Balance view**

No comment

**14. Should there be a specific prohibition of product placement in**

- religious programmes
  
- news programmes;
  
- current affairs programmes;
  
- consumer programmes; or
  
- any other specific type of television programme?

**Balance view**

No comment

**Children**

**15. Should any or all product placement be restricted or prohibited in programmes with a disproportionately high child audience?**

**Balance view**

According to the BMA's recent report on alcohol advertising and its influence on young people (*Under the Influence – the damaging effect of alcohol marketing on young people; September 2009*), 'alcohol marketing communications have a powerful effect on young people and are independently linked with the onset, amount and continuance of their drinking. These come in many forms, from traditional advertisements on television through ubiquitous ambient advertising to new media .... The cumulative effect of this promotion is to reinforce and exaggerate strong pro-alcohol social norms.'

Other studies have demonstrated that pre-teen children are able to recognise alcohol brands and that 10-15 year olds are already regularly exposed to alcohol-related scenes on television, at a rate equivalent to 12 viewings per hour (*Cumberbatch and Gauntlett, 2005*).

When this evidence is viewed in light of the Chief Medical Officer's advice that children should be alcohol-free up to the age of 15, and that 16-18 year olds should only drink infrequently and under parental supervision, if at all, it is clear that strong measures are needed to protect young people. We believe there should be a complete prohibition of alcohol product placement.

**16. If so, how should that assessment be made in advance of a programme being broadcast?**

**Balance view**

Not relevant – we believe that all alcohol product placement should be prohibited

**17. How could a 'disproportionately high child audience' be defined?**

**Balance view**

See above

**18. Should there be restrictions on placing certain types of products (e.g. HFSS foods or alcohol) in programmes with a disproportionately high child audience?; and if so**

**Balance view**

For the reasons outlined in the answer to question 15, we believe alcohol product placement should be prohibited in all programmes, not just those with a high child audience.

The problems of alcohol misuse in this country are not restricted to young people. Around one-third of adults admit to drinking over recommended limits. If we are to address the unhealthy alcohol-related social norm currently existing in this country we need to protect everyone from the impact of alcohol product placement, particularly as we know that young people are greatly influenced by adult behaviour.

**19. Should those restrictions be the same as or greater than those which are currently in place for the scheduling of spot advertising of those products?**

**Balance view**

We strongly believe that the only way young people can be adequately protected is through a complete ban on alcohol product placement.

**Editorial independence; undue prominence**

**20. How could 'undue prominence' be avoided, given the commercial imperative for audiences to recognize the products and services that have been placed?**

**Balance view**

No comment

**21. At what point should the Government, or Ofcom, draw the line between legitimate paid placement of goods or services and illegitimate 'direct encouragement' to purchase or hire them?**

**Balance view**

No comment

**22. Are rules – in addition to those that prevent 'undue prominence' and the promotion of placed products – needed to safeguard editorial integrity? If so, what should these be?**

**Balance view**

No comment

**Tobacco, alcohol, HFSS foods, gambling**

**23. Should television placement of smoking accessories such as cigarette papers and pipes be prohibited?**

**Balance view**

No comment

**24. Should television placement of alcohol, HFSS foods or gambling be subject to an outright prohibition; or, if not prohibited, should it be subject to restrictions of some kind?**

**Balance view**

We are strongly of the opinion that alcohol product placement should be prohibited. At a time when, according to HMRC, there is enough alcohol sold in England to allow the whole population to drink up to and above the recommended adult male limit of 21 units per week, it would be perverse to further loosen restrictions on advertising. Indeed many, including the BMA, would go further and call for a ban on all alcohol advertising.

Alcohol marketing and advertising in its many forms has resulted in an excessive pro-alcohol social norm in this country, with the result that recent media reports have estimated that dealing with the resulting problems is costing the NHS something like £2.7 billion a year. Allowing alcohol product would further exacerbate the problem by '*communicating a legitimacy and status to alcohol that belies the harms associated with its use*' (*Under the Influence – the damaging effect of alcohol marketing on young people; September 2009*). As stated in the same document, it would also further limit the effectiveness of public health and crime reduction messages.

**25. If it is not practicable to apply the detail of the BCAP Code rules on alcohol advertising to alcohol product placement, would the simple AVMS Directive rules that alcohol advertising must not be aimed specifically at minors and must not encourage immoderate consumption provide adequate safeguards?**

**Balance view**

We believe any kind of voluntary code would not be adequate to protect young people from the problems associated with alcohol misuse. Even after the existing voluntary code regulating the content of alcohol advertisements was tightened it was reported that '*there has been no change in how much young people say they like the adverts and there has been an increase in those saying the adverts make the drink look appealing and would encourage people to drink it.*' (*Ofcom and Advertising Standards Authority 2007*).

**26. Are there any alternative forms of safeguard that may be appropriate?**

**Balance view**

Given the CMOs call for an alcohol free childhood up to the age of 15 we believe the only way to underline that message is by prohibiting alcohol product placement.

**Monitoring**

**27. What methods of assessment and monitoring would be most effective in ensuring that there was accurate and reliable information about the actual effects of any introduction of product placement in these areas?**

**Balance view**

We believe it would be incredibly difficult to isolate the effect of alcohol product placement on consumption as it would be adding to an increasingly complex marketing mix. It would,

however, further underline the pro-alcohol social norm which is leading to increasing health and social problems.

**28. Would it be possible or desirable to levy a charge on product placements to enable monitoring and/or research to take place?**

**Balance view**

No comment

**Other types of product**

**29. Are there any other product or service categories whose placement should be subject to prohibition or restriction?**

**Balance view**

No comment

**30. If so, what, and why?**

**Balance view**

No comment

**Terms of trade**

**31. If television product placement is allowed, what models might there be for revenue sharing between broadcaster and producer?**

**Balance view**

No comment

**32. Does the industry anticipate that the commercial negotiation of product placement arrangements would form part of the terms of trade between broadcasters and producers?**

**Balance view**

No comment

**Prop placement market**

**33. What impact would allowing television product placement have on the existing prop placement market, and on the ability of broadcasters to source props and services in this way?**

**Balance view**

No comment

**Signalling product placement to viewers**

**34. How should television product placement be notified to viewers?**

**Balance view**

Product placement is a particularly invidious form of advertising. Its power is greater than traditional forms of advertising and marketing because there is no obvious sales pitch and it gains by association with the programmes and celebrities using the product being promoted. More than that, the viewer does not have the option to avoid the messages targeted at them by switching channels.

While by far the best solution is not to allow alcohol product placement, we believe at the very minimum it should be made clear before, after and during programming that the viewer is being targeted by what would otherwise amount to subliminal advertising.

**35. When should it be notified to viewers – should we go beyond the EU requirement for notification before and after the programme and after any ad breaks?**

**Balance view**

See above

**36. Should notifications to viewers mention the product(s) which has or have been placed?**

**Balance view**

No

**37. Do you have any other views about alerting viewers to the presence of product placement in a television programme?**

**Balance view**

No comment

**Thematic placement**

**38. Should the prohibition of ‘thematic placement’ extend to placements which feature only generic products and services or types of product and service rather than branded ones?**

**Balance view**

No comment

**39. Should the prohibition of ‘thematic placement’ extend to the placement in a programme of references to the beliefs, policies, aims or objectives of the placer?**

**Balance view**

No comment

**Negative and simulated placements**

**40. If television product placement is to be allowed, should there be rules which prevent negative placements?**

**Balance view**

No comment

**41. Should the regulation of television product placement, if it is to be allowed, contain specific controls on the use of simulated products**

**Balance view**

No comment