

IPH submission to the Broadcasting Authority of Ireland (BAI)  
Draft General Commercial Communications Code

20 September 2016



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## **Introduction**

### **The Institute of Public Health in Ireland**

The remit of the Institute of Public Health in Ireland (IPH) is to promote cooperation for public health between Northern Ireland and the Republic of Ireland in the areas of research and information, capacity building and policy advice. Our approach is to support Departments of Health and their agencies in both jurisdictions and maximise the benefits of all-island cooperation, to achieve practical benefits for people in Northern Ireland and the Republic of Ireland.

IPH welcomes the opportunity to respond to this Draft General Commercial Communications Code from the perspective of regulating the marketing, through Irish television and radio, products and services that have the potential to impact on public health. It is well recognised that while a suite of measures is required to tackle these issues, addressing advertising and promotion is one useful element of a necessary regulatory mix.

IPH has an extensive portfolio of work across a range of areas in which particular rules apply including: alcohol; food, nutrition and health; smoking cessation aids and; gambling. We have previously submitted responses to BAI consultations on the Children's Commercial Communications Code. Further details of our work can be found at [www.publichealth.ie](http://www.publichealth.ie)

## **Section 1: Introduction**

*Q: What are your views on the Introduction to the Code?*

Overall the Introduction is clear and accessible however with regard to compliance it would be helpful to clarify the relationship with the *BAI Compliance and Enforcement Policy 2014*.

## **Section 3: Principles of the Code**

*Q: What are your views on the four principles in the draft Code?*

*Q: Is there anything you disagree with or believe is missing from these principles?*

IPH welcomes the introduction of Protection of Children as a discrete principle in the General Commercial Communications Code, acknowledging that children access and view material that is outside the remit of the *Children's Commercial Communications Code 2013*.

## **Section 7: Sponsorship on Television, including competitions**

*Q: What are your overall views on the rules for sponsorship on television?*

*Q: What are your views on the distinction between sponsorship and product placement?*

*Q: What are your views in relation to allowing reference to more than one product or service in a sponsorship announcement?*

*Q: What are your views in relation to changing the restriction in sponsorship announcements from 'calls to action' to purchase?*

*Q: What are your views on the additional rules in relation to sponsored competitions?*

IPH notes a lack of reference in the text of 7.5 that more than one product or service is allowed in a sponsorship agreement and there is no reference to limits in length of time and/or frequency of sponsorship announcements during a sponsored programme.

With regard to section 7.10, IPH calls for the inclusion of prohibition of sponsorship of sports programmes by sponsors whose principal activity is the manufacture or sale of alcohol in this section in addition to its current location in section 10.4.

## **Section 9: Product Placement**

*Q: What are your views on the rules in relation to product placement?*

In keeping with the added principle of Protection of Children, consideration should be given to extending the restriction of products and services that may not feature in children's programmes to those programmes where it can be reasonably assumed that significant numbers of children view. It has often been shown that children and young people are exposed to media outside of the expected targeted audience, for example with television programming children often watch family programming rather than, or as well as, children's programming (Adams et al, 2012; WHO, 2013).

## **Section 10: Alcohol**

*Q: What are your views on incorporating into the BAI's draft Code the provisions from the Alcohol Marketing, Communications and Sponsorship Code of Practice?*

IPH welcomes the commitment to update the General Commercial Communications Code in line with the *Public Health (Alcohol) Bill 2015*, once enacted. The World Health Organization has strongly endorsed the use of such public health legislation to regulate the availability of alcohol as a means to reduce alcohol related harm (WHO, 2010).

With regard to incorporating provisions from the *ASAI Alcohol Marketing, Communications and Sponsorship Code of Practice*, while the ban on alcohol sponsorship of sports programmes and bulletins as laid out in section 10.4 is welcome, IPH calls for further restrictions regarding advertising of alcohol products in or around sports programmes as such advertising continues to strongly identify alcohol brands with

specific sports, specific teams and sports celebrities of particular relevance to children and young people (Fox et al, 2015).

IPH considers further restrictions are also warranted on alcohol advertising around all programmes aired before the 9pm watershed and supports a recommendation to reduce the threshold from 25% to 10% child audience if children are to be protected from disproportionate levels of exposure (Fox et al, 2015). International evidence supports these regulatory measures in addressing alcohol consumption and related harm. A recent European longitudinal study on the relationship between young people's alcohol marketing exposure (including television advertising) and alcohol use found evidence of a long term effect of exposure on consumption (de Bruijn et al 2016), adding further weight to a significant body of evidence on the topic. In its recently published *Action Plan for the prevention and control of noncommunicable diseases in the WHO European Region* (WHO 2016), the World Health Organization reiterates its commitment to supporting actions to reduce the harmful use of alcohol, calls for the impact of marketing on the use of alcohol, particularly among young people, to be fully recognised and recommends the use of regulatory frameworks to manage alcohol marketing.

## **Section 15: Food, Nutrition and Health**

*Q: What are your views on the Food, Nutrition and Health section of the draft Code?*

While welcoming the inclusion of the broader issues of nutrition and health in this section, IPH cautions against deflecting attention from high fat salt sugar (HFSS) food and drinks given that television and radio advertisements in Ireland are heavily dominated by these products. Consumption of these products is consistent with an unhealthy diet and an increased risk of overweight and obesity, as well as heart disease, stroke, cancer, diabetes and dental caries.

IPH has previously called for a prohibition on advertising of HFSS foods up to the watershed of 9pm and wish to reiterate that call in this submission, while acknowledging that the BAI plans to review the *Children's Commercial Communications Code* in 2017.

## **Section 17: Smoking Cessation Aids**

*Q: What are your views on the Smoking Cessation Aids section of the draft Code?*

IPH suggests the inclusion of explicit reference to the *Tobacco Products Directive (2014/40/EU)* now transposed into Irish law whereby ‘commercial communications with the aim of direct or indirect effect of promoting electronic cigarettes...will be banned.’ While acknowledging its presence within section 22, IPH considers it is of particular relevance to this section and as such should also be highlighted here.

## **Section 19: Gambling**

*Q: What are your views on the Gambling section of the draft Code?*

IPH welcomes the broadening of this section to the more comprehensive term of gambling and calls for reference to be made to forthcoming legislation on *Gambling Control*, in particular Heads 72-74 which refer to advertising and sponsorship.

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