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The mop-and-bucket of a sick culture

Twenty four hour drinking was the flagship policy imposed by the government to reduce drunken mayhem in our towns and cities. Here Steve Green, Chief Constable of Nottinghamshire and ACPO spokesman on liquor licensing, gives the police view.



At last, the Government is recognising what police officers have known for years. The level of drunkenness and violence which is devastating our town and city centres has become intolerable. It is little short of a scandal.

Recently, the Home Office heralded the success of a national clampdown on alcohol abuse. Responding to widespread public discontent about binge drinking, ministers urged police forces across the country to hit nuisance drinkers with on-the-spot fines, and sting the drinks industry for breaking the rules.

The results were impressive: nearly 6,000 arrests; more than 4,000 fixed penalties; more than 9,000 alcohol

eroding our very civilization. When I arrived in this force four years ago, I was shocked by what I saw in the city centre: the number of people; the level of drunkenness; the sheer volume of licensed premises – 356 in one square mile.

So how did this come about?

I believe it started around fifteen years ago when the Monopolies and Mergers Commission required the separation of the brewers from the pubs. This was a disaster. Whilst it makes perfect sense in a free-market economy, and would be entirely logical were they selling cabbages, carrots or dog meat, it is no way to regulate the selling of what is essentially a dangerous, intoxicating, mind-altering substance.

This devastating policy broke what chain of accountability existed between those who brewed the drinks and those who sold them. It also introduced a third player into an industry previously inhabited by just the brewers and the licensees. Was the industry big enough to generate sufficient profits for a partnership which now included the big pub chains? Whatever the answer, the result has been that the industry has pushed the boundaries of acceptability to the absolute limits. Tenants never stay long enough to take responsibility for the mayhem their pubs and clubs create, and the brewers and the national chains are Teflon coated!

At the same time, something

profound was happening to our young people. They were getting into the 'rave scene' and turning their attention to ecstasy tablets and water. Was it just an amazing coincidence that, at a time when young people with immature palates were shunning alcohol for a different form of intoxication, the drinks industry launched 'alcopops', a new brand of sickly sweet drinks unlikely to appeal to adult taste?

Similarly, as the customers changed, so the drinking environment was transformed. Out went tables and chairs and in came 'vertical drinking' – a cynical ploy by the industry to squeeze the maximum number of drinkers into one premises. Drinking out of bottles was encouraged, and the 'Happy Hour' culture spread across city centres like a sick grin.

I do not suggest that the industry has operated outside the law. What it has done is to sacrifice responsibility for bigger profits. It has displayed an easy disregard for the pernicious impact on society at large. It has maximised profits by hooking young people, who have larger-than-ever disposable incomes, and are least able to deal with the consequences of over-indulgence.

Hardly a surprise then that young people flock to the vertical drinking bars, enticed by half-price drinks and special promotions. Without the traditional older drinker to quell their worst excesses, and without any serious deterrent within the judiciary, these young people do exactly what they are





encouraged to do – they drink to excess. Then they fight, they scream, they smash windows, they urinate in doorways, they punch police officers and then they lapse into unconsciousness. Bobbies and paramedics, desperately needed elsewhere, are obliged to take care of them and make sure they don't choke.

You might think that society has now soaked up enough of this debilitating cocktail – the hang-overs of rubbish, urine, vomit and vandalism. But no – there could be worse to come!

The new Licensing Act offers the possibility of extended drinking hours and even 24-hour drinking – a promised land of happy drinkers, raising their glasses over hours of relaxed chit-chat, full of bonhomie, and parting company peacefully at 4am with quiet 'goodnights' and friendly waves to the local bobby. I believe that elves and leprechauns also exist in this fair land!

I can see no obvious route from where we are now to a civilised 24-hour entertainment industry. If we want a continental café culture – build cafes! If we want 24 hours of hell, let's keep on the way we're going.

We cannot afford to lose more ground. Urban and rural communities cannot afford to lose more police officers to city centres on Thursday, Friday and Saturday nights because of the ever-present risk of violence. We have to say 'enough'.

I am sick of my officers being used as punch bags by drunken thugs. I am sick of my control room staff telling people that we have no one to attend their needs because all the officers are committed in the town centres. I am sick of

hearing the platiitudes of an industry which has enjoyed the ready ear of Government whilst systematically navigating our town and city centres.

I intend to be as aggressive as possible in challenging the state we are in. We need to take back some ground. I intend to be the biggest pain in the backside imaginable until I perceive that the needs of the vast majority of decent, peaceful people are put first, and the informed views of police officers and other services, who are obliged to clean up the mess, are taken seriously.

We must stop pretending the drinks industry is like any other and recognise it for what it is – the purveyor of a dangerous drug. It cannot be allowed more liberal regulation. It has already proved itself unworthy. We must examine ways to penalise irresponsible licensees. At present there is nothing between a brief 24-hour closure and a full licence revocation. What about a yellow card or a 'sin bin' system where the police can close troublesome premises for a week or a month?

The time has come for genuine deterrents – the punishment must hurt. We need to show less understanding to yobs who rampage through our towns. We need to be intolerant – and proud of it. We need to show less trust for an industry which has ruthlessly exploited our youth without regard for the consequences. Perhaps then we'll create an environment in which the next generation can grow up, and the current generations can grow old, as they should – in peace and safety. ■



Total spending on drinks to rise by 10 per cent

TOTAL SPENDING ON DRINKS TO RISE BY 10 PER CENT

A new report* from independent market analyst Datamonitor (DTML) reveals that total spending on drinks by British consumers in bars, cafés, restaurants and hotels is on course to increase by almost 10 per cent in the next five years, from £26.7 billion in 2003 to £29.1 billion in 2008.

France came a close second with sales of £22 billion, while Germany came in a distant third with £18 billion. Growth in spending is driven by the rise in the trend of going out mid-week, female drinking, and affluent mid-life singles with time, money and desire to go out. Datamonitor forecasts that average yearly spend in the on-trade per Briton will reach £625 by 2008.

Mid-weekly drinking increasingly common

Going out during the working week is becoming more popular at the expense of staying at home to drink. The number of mid-week drinking occasions in Europe is forecast to rise by 15 per cent over the next five years. This is due to consumers' desire to maintain a balance between work and leisure, extend the weekend, and avoid the crowds of peak time.

The rise in mid-week occasions will lead to people consuming less alcohol and turning to lower quantities of premium beverages. The value of soft drink sales as a percentage of the total on-trade sales in the United Kingdom is set to increase from just over 10 per cent in 2003 to almost 13 per cent in 2008. "People are more

Women drinking still on the increase

Women's drinking habits radically changed in the past decades. Women's per capita consumption of alcoholic drinks in the United Kingdom increased by almost 27 per cent between 1998 and 2003 and shows no sign of slowing down. Young British women aged between 18 and 24 are by far the largest drinkers of alcoholic drinks in Europe, with annual per capita consumption of 203 litres in 2003, compared to only 63 litres among young Italian women. German women are

second only to Britons with annual per capita consumption of 192 litres.

Men follow suit

"The feminization of alcohol has had the single biggest impact on the on-trade made drinking habits," comments Rebebo. Female consumption of alcoholic drinks will increase by almost 27 per cent over the next five years, reaching 152 litres per woman in 2008. The continued rise in female drinking has seen the introduction of feminine beverages such as Archers Aqua and Baileys Glide and the feminisation of traditional male drinks. For example, Young's have introduced the Acclaim Champion beer, which is marketed as a refreshing beer with a flavour of passion fruit to appeal to women's sweeter tastes.

"Altering the format of male-orientated beverages, such as beer, through appropriate brand extensions can appeal to women whilst maintaining the masculine image for the original brand," comments Rebebo. Courage's Kronenberg Blanc, with the taste of grapefruit, melon or lemon, appeals to women and more importantly brings the Kronenbourg brand to the minds of females who can influence men. The growing market for women drinkers has also led to a growth in more diversified drinking establishments such as eateries, bars and Mediterranean style cafés. ■

Disabling the Public Interest: Alcohol Strategies and Policies for England

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In March, 2004, two important documents on alcohol policy were published by the British government. One is an Alcohol Harm Reduction Strategy for England (UK Cabinet Office, 2004). This document has received more attention, but is arguably of little importance. As we shall see, what it offers is a recipe for ineffectiveness at the national level. The second document, the kind which only a lawyer could love, is entitled Draft Guidance issued under Section 182 of the Licensing Act 2003 (UK Ministry of Culture ..., 2004). The consequences of this document are likely to be much more serious for public health and safety, since it is intended to eviscerate any possibility of effective action on alcohol issues at the local level. In the same month, then, the Blair government has managed to accomplish not only a missed chance at the national level but also a thoroughgoing neutralization of local powers to control the alcohol market in the interests of public health and safety.

This deliberate effort to disable the public interest applies directly only to parts of the United Kingdom. But it is of wider significance. As will be discussed, the same government also holds important powers for the whole of the UK, and there is nowhere else to look for policy decisions on such matters. Further, the UK government has an important voice in the European Union, and in this context has generally sided, as in the Strategy, with British alcohol industry interests at the expense of public health and safety. More generally, in an international context the effort is worth holding up to the light for detailed examination, as a textbook case of how industry interests can be brought to bear, through an ideologically friendly central government, to

thwart local efforts to deal with the problems which enthusiastic and unchecked alcohol marketing can bring at the street level.

The new Strategy

In 1998, the government of the United Kingdom stated that it was "preparing a new strategy on alcohol" (UK Department of Health, 1998:§9.14), and the next year added that "we expect to publish our strategy... early in the year 2000" (UK Department of Health, 1999:§2.23). In 2003, a PowerPoint presentation entitled the Interim Analytical Report was published on the web (UK Cabinet office, 2003). As noted, the strategy has now finally been published (UK Cabinet Office, 2004). Prepared by the Prime Minister's Strategy Unit, the strategy carries a foreword signed

Surely you jest, Mr. Blair
Both England and the rest of the UK are in trouble with respect to alcohol. The Interim Analytical Report and the Strategy itself, each document this as best they can, given the spotty nature of available British statistics of alcohol consumption and alcohol-related harms. A further accounting can be found in a recent report from the Academy of Medical Sciences (2004; it should be noted that I was a member of that report's working group).

The Strategy's proposals for how to respond to a bad and worsening situation can best be described as pathetic. If one takes the listing at the back of Alcohol – No Ordinary Commodity (Babor et al., 2003), for instance, where preventive measures are ranked roughly on the evidence of their effectiveness, there is an almost total correspondence between the measures proposed in the Strategy's recommendations and the measures which are ranked in the listing as "ineffective". They are all there in the Strategy: school education, voluntary advertising codes, even a halfhearted discussion of alternative entertainment for youth. Conversely, the Strategy eschews almost all the strategies ranked as "effective". For those from the effective end of the list which it does advocate – for instance, brief interventions in

primary health care — no new resources are provided, and the problem of actually getting health workers to do brief interventions (Roche, 2004) is not addressed.

Concerning drink-driving, the one concrete initiative mentioned is a designated-driver publicity campaign run by an alcohol industry group; again the Strategy chooses a measure for which there is no evidence of effectiveness. The Strategy mentions that the UK's blood alcohol limit of 0.08% is among the highest in Europe, but does not broach the idea of reducing the limit to 0.05%, to match most of the rest of Europe, nor other effective measures such as intensive random breath-testing. Again, the Strategy steers away from any measure with a reasonable track-record of effectiveness.

The Strategy acknowledges that "there is a clear association between price, availability and consumption" (p. 23). However,

it eschews any proposals either on excise taxes or on controls of availability, with the explanation that "our analysis showed that the drivers of consumption are much more complex than merely price and availability". While this statement is true (although no back-up analysis for it is offered), it is irrelevant that the etiology of emphysema is more complicated than just cigarette smoking is not an argument against doing something about the smoking. The Strategy also mentions "evidence [which] suggested that using price as a key lever risked major unintended side-effects". No such evidence is given, but presumably potential rises in cross-channel purchases and smuggling are what is meant. A discussion of these issues would have been a good opportunity to raise the issue of whether the UK should attempt to change EU rules on alcohol in the Single Market which undercut public health. But,



indeed, an indication of the parochial quality of the Strategy is that the EU is mentioned only once (in connection with seeking permission from the EU to require warning labels on alcoholic beverage containers; p. 33).

After implying that price and availability policies would be unpopular, the Strategy offers its capping argument for looking away from price and availability: “measures to control price and availability are already built into the system” (p. 23). The idea the Strategy can thus ignore a whole arena of action because it is “already built into the system” is a breathtaking contradiction with the Strategy’s general thrust, which points out how fragmented alcohol issues are between government departments, with “no clear focus for policymaking” (p. 82). A document cannot be seriously accepted as taking “a strategic approach to addressing alcohol issues” (p. 82) if it rules out of consideration some of the most effective available strategies.

The Strategy’s picture of English society

Having offered its arguments for steering away from price and availability, the Strategy continues: “So we believe that a more effective strategy would be to provide the industry with further opportunities to work in partnership with the government to reduce alcohol-related harm” (p. 23). No evidence is offered of why this would be “a more effective strategy”; again, the evaluation research literature would not support the belief. My reading of the sentence is that it must have been written with a wink, essentially as a statement that



sentence were insisted on by industry interests.) In between the individual and family and the government is another actor: “Alcoholic drinks industry”, which is giving accurate information and warning about consequences of drinking, for “supplying its products in a way which minimizes harm”, and for working with national agencies and local partners.

No much for civil society. No other intermediate actor is mentioned in the chart, whether professions, institutions, voluntary associations or – notably – local governments. There is just the individual drinker or family, the government, and the alcoholic beverage industry. It’s a telling picture, and an utterly inadequate representation of reality in a complex society like the UK.

Meanwhile, in another part of the forest...

As noted, in the same month another major British alcohol policy document was released, the Draft Guidance issued under Section 182 of the Licensing Act 2003 (UK Ministry of Culture ..., 2004). This document was also the result of

a long process of consideration. In May 2001, the Home Office published its proposals on alcohol licensing “reform” (UK Home Office, 2001), the culmination of a review and consultation process dating back to 1998. A notable feature was a provision to eliminate any national closing hours for pubs and night clubs. After an intervening election, legislation based on the proposals was finally passed in 2003. The Draft Guidance, which must be passed by Parliament, begins the process of actually implementing the new legislation.

After the election, licensing matters for alcohol assigned responsibilities for the Ministry of Culture, Media and Sport. This transfer, which of course further fragmented government responsibility for alcohol matters, has tended to provide the industry with a more reliable governmental ally (alcohol licensing falls under the “tourism” section of the ministry’s portfolio). A 2002 speech by the Culture Secretary to an alcohol trade group, for instance, essentially promised that the reforms would increase alcohol sales: “the reforms would be good for the economy, opening the way to new and more diverse markets, providing new investment opportunities” and creating new employment” (UK Ministry of Culture ..., 2002).

A major change in the new licensing law is the abolition of the centuries-old system of “licensing justices”, and their replacement by a licensing committee drawn from the local elected council. This can be seen as a positive change in terms of governance and

accountability, making the licensing authorities responsible to the community which elects them. But this is precisely what has greatly worried alcohol industry interests, which fear that such local authorities may be less cooptable: “They have a vested interest in the people that vote for them”; a board member of the Restaurant Association complained (Restaurant industry speaks out..., 2002). As troubles with drinking in the core city area have increased, a number of British municipal governments have become quite activist in their licensing policies, and some have been looking to charge the trade for the extra policing, street-cleaning and late-night transport that later closing hours would require (BSL hits out..., 2002). The trade became worried that the shift in structure might mean a more restrictive rather than a weakened licence regime, including in some places a reduction rather than an increase in opening hours.

The task for industry interests, thus, has been to lobby the central government to impose severe constraints on what actions local licensing boards can take, in the form of “guidance” from the central government on how the boards can act. The March 23 document gives evidence of the trade’s very considerable success in this effort. From the perspective of an outsider, the result is astonishing. The instructions on what may and may not be done are, after all, directed at local councillors who have presumably been elected to their positions as persons of experience and judgement. It is hard to imagine such an

audience anywhere taking kindly to the tone of the guidance, which in its admonitions sometimes reads as if directed at fractious kindergarteners. As for the substance, the consistent intent is to tie the hands of any local regulation. First of all, the document is firm on the limits of the legitimate uses of the licensing power, which are limited to “the prevention of crime and disorder; public safety; the prevention of public nuisance; and the prevention of children from harm” (p. 15). “There is no power for the licensing authority to attach a condition [to the licence] which is merely aspirational: it must be necessary. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety” (p. 65). “The public safety objective [of licensing] is concerned with the physical safety of the people using the relevant premises and not with the public health, with is dealt with in other legislation” (p. 92).

Second, licensing authorities are enjoined to look no further than the door of the premises in question in terms of causal chains which might result in conditions on the licence.



“Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents” (p. 90). “Conditions [on licences] relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder ... cannot be justified.... Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law” (p. 95). Thus, also, “noise from customers in the street beyond the premises cannot be taken into account” by police in considering a temporary closure of premises (p. 123).

Third, licensing authorities may not impose conditions which affect the prerogatives of licensees as employers. “No conditions relating to the management competency of designated premises supervisors should normally be attached to premises licences.... It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that managers appointed at the premises are competent and appropriately trained and licensing authorities must ensure that they do not stray outside their powers and duties” (p. 91). Fourth, existing licences are to be treated essentially as an inalienable property right, which must be protected from “frivolous or vexatious” complaints (p. 66) or even regular compliance checks — characterized dismissively in terms of a “culture of annual inspections” (p. 35). This applies even to provisional licences



issued prior to construction or alteration of premises, even though “a great deal of time may pass” (p. 70) before the premises are opened. “It will be important for investment and employment opportunities” that no new complaints are considered when the premises actually open (p. 70). While licensing authorities are allowed to adopt “special policies relative to cumulative impact” which restrict the granting of new on-premises licences in a designated area, “cumulative impact” may only be taken into account when a new licence or change in an existing one is being considered; it cannot be taken into account even in a review of an existing licence (p. 66). Such policies “should never be used as a ground for revoking an existing licence [even] when relevant representations are received about problems with those premises” (p. 26). Fifth, licensing authorities should not interfere with the free operation of the market. “The old criterion of “need” used by the licensing justices is no longer a legitimate consideration. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the licensing authority.... “Need” is a matter for planning

residents within their own wards” (p. 67). Seventh and above all, the document’s language is tilted firmly towards maximum permissiveness in licensing. For instance, on “hours of trading”, it recommends in general that shops, stores and supermarkets be allowed to sell alcohol at any time which they choose to open. The document persists, without offering evidence, in the official British government position that “fixed and artificially early closing times” are “a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously”.

This position flies in the face of the research literature (Barbor et al., 2004:122-123) and experience (“UK fears...”, 2002). Around the clock opening in Reykjavik, for instance, produced net increases in police work, in emergency room admissions, and in drunk driving cases. The police work was spread more evenly through the night, but this necessitated a change in police shift to accommodate the new work at 6 a.m. (Ragnarsdóttir et al., 2002).

One answer to the problem of disorder when the pubs close at the same time, it would seem, might be staggered closing

times. But no.

Licensing authorities should also not seek to engineer “staggered closing times” by setting quotas for particular closing times.... In the Government’s view, this would only serve to replace the current peaks of disorder and disturbance ... with a series of smaller peaks, ... and would not be necessary to promote the licensing objectives. The general principle should be to support later opening so that customers leave for natural reasons slowly over a longer period. (p. 82)

I found myself pondering for a moment the possible meanings of “for natural reasons”. “Above all,” the document enjoins, “licensing authorities should not fix predetermined closing times for particular areas” (p. 81); this would “directly undermine a key purpose of the 2003 Act” (p. 26). Neither are licensing authorities allowed to reduce permitted opening hours in the transition to the new licensing regime, even in the case of premises with permission to open for extended hours. Here the language becomes even more directive: “a licensing authority is prohibited from attaching conditions ... which would have the effect of restricting opening hours to



more limited hours than the current ‘permitted hours’” (p. 142).

On the other hand, any idea of the public house having responsibilities as a place of public accommodation seems to be gone: “there is no obligation ... to remain open for the entire period permitted.... If, for example, a public house has no trade on a particular evening, the licence holder is entitled to close the premises” (p. 83).

And further afield...

The end result of the Guidance, if it goes into effect, will be a frustrating charade: the new local licensing authorities will be charged with issuing and renewing liquor licences, but will be almost powerless to use the licensing power to influence the number, character, or mode of operation of the alcohol sales outlets in their jurisdiction. Unfortunately, for local jurisdictions to have little power to influence alcohol licensing is not uncommon. For instance, the brewer-dominated legislature in California (Morgan, 1980) made sure that there was little local input when the California liquor licensing system was set up. In such cases, communities in exercising some local control over alcohol sales outlets has been through their planning and land-use controls. In California, for instance, cities have made good use of Conditionally Use Permits, which essentially impose controls on hours and conditions of sale through the planning permit system (Wirtman & Shane, 1988).

The UK Guidance recognizes that the local planning process is also involved

in local control of alcohol sales outlets. In fact, it makes the remarkable argument that local authorities should provide "that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency" (p. 33) – though it is hard to see how separating functions is supposed to avoid inefficiency. However, the leader of the Westminster City Council has recently put forward cogent arguments that the limited local planning powers in England cannot work as a satisfactory substitute for licensing powers (Milton, 2003). A study done for the Deputy Prime Minister's Office of the functioning of "Use Classes Order", a deregulatory measure adopted by the Thatcher government in 1987 to constrain local planning, gives support to this argument, reporting that "the survey amongst local authorities highlighted the extent of concern" about shifting uses within planning use categories.

"The greatest concern (reported by 85% of the respondents)", is about shifts within the category for on-premise eating and drinking places, in particular "the concentration of public houses that has taken place in many different centres. This phenomenon reflects a market trend that has been facilitated" by the central constraints on local planning. "It is reported by planning authorities to have significantly changed the character of many [town] centres and to have given rise to difficulties because of the number of people gathered in one area and affected by alcohol, particularly in the late evening". (UK Office 2001:§§5.20-21)

As the report on the Use



discussion within the government along the way.

What is going on? Several things, I think. Westminster itself is a very wet environment, and is thereby congenial to alcohol industry interests. In recent years, some media reports have taken notice of the situation. The supply of beer to Westminster was reported to have doubled between October 2001 and June, 2002. A member of parliament noted "a rather dramatic change in the Westminster lifestyle. The common chamber remains empty most of the time, while the multitrade of drinking dens are crammed full... I have noticed there are now more people than before who find difficulty in walking along the corridors in a straight line" (Wainwright, 2002). Media commentaries have also referred obliquely to drinking habits among ministry staffs. Thus a newspaper commentary on Home Office proposals to abolish trial by jury wondered, "is it just the booze talking?" and suggested that the Home Secretary was "surrounded by the rakes of the Home Office" (Cohen, 2002).

Alcohol industry interests are extremely strong in Parliament and in the government. The Parliamentary Beer Group is the

Classes Order recognizes, there is a problem in British towns and cities with alcohol and the "night-time economy" (Chatterton & Hollands, 2003; Hobbs et al., 2003). The planning powers of English local governments have been constrained so they cannot easily provide a solution. The Guidance on the new Licensing Law attempts to ensure that liquor licensing cannot provide a solution, either. And there is certainly nothing in the Strategy which is likely to have much effect in reducing these problems.

Behind the debacle

The consistent picture which emerges is of a central government which is determined to be toothless with respect to alcohol policy, and which furthermore bends substantial effort to defanging any attempts by local government to adopt effective alcohol policies. This is a debacle which England has come to at the end of six years of efforts on the Strategy and on the Licensing Bill. The one redeeming feature of the situation, indeed, is that the processes took so long, since this gives some credence to the occasional press reports that there has been substantial

biggest "industry group" at Westminster, with 275 Members of Parliament (Wainwright, 2002), and industry interests appear to have as strong an influence on the government as they did on the Conservative governments which preceded it.

In March 2002, for instance, the government announced that it was retreating on its proposal dating from 1998 to reduce the blood-alcohol limit (BAL) for drinking-driving from 0.08% (80mg/100ml) to the general level of the European Union, the Road Safety Minister "had several meetings with the Portman Group, which is funded by the drinks industry and strongly opposes reducing the limit". The Department of Transport "drew on research commissioned by the Portman Group". A House of Lords Committee noted that "the department's position coincides with that of the alcohol industry but is opposed by local authorities, the police, the British Medical Association, the Automobile Association, the Royal Society for the Prevention of Accidents, the Transport Research Laboratory, and the Parliamentary Advisory Committee for Transport Safety" (Select Committee ..., 2002). The chair of the House of Lords Committee, a Labour peer, noted he "was surprised by the apparent influence of the drinks industry" (Webster, 2002).

The factors involved also include general ideological affinities of the Blair government. New Labour has a strong tendency to define social problems in individual terms, without attention to the social context. Violence in pubs and

outside them on the street tends to be seen as a matter of "drunken yobs", and the solutions are primarily individualistic: banning orders forbidding individual "troublemakers and drunks" from entering pubs, or a law for the police to "levy on the spot fines for drunken, loutish and anti-social behaviour" (Blair, 2000). This last idea, from the Prime Minister, met with police opposition, but shows up again in the Strategy as a raft of individual-oriented solutions to be enforced by the criminal justice system – Fixed Penalty Notices, Acceptable Behaviour Contracts, and Anti-Social Behaviour Orders (p. 57). Trouble in the "night-time economy" is thus defined solely in terms of "bad apples", steering attention away from the social and commercial contexts in which the trouble arises.

Also, as Anthony Sampson (2004) notes, New Labour "has proved more sympathetic to big business than any postwar government except Margaret Thatcher's... It remains ironic that it has been left to New Labour to embrace the business world more warmly than any of its predecessors". It would be hard to think of a more cogent illustration of Sampson's point than the performance of the Blair government on alcohol issues.

Near the end of the Strategy, under the rubric "ensuring the scheme is working", there is an attempt to bare the government's teeth: We are keen to allow the industry to demonstrate its willingness to abide by best practice. We propose that participation in the [collaborative] scheme should

initially be voluntary.... [After the next election,] if industry actions are not beginning to make an impact in reducing harms, Government will assess the case for additional steps, including possibly legislation.

But in the light of the last 6 years, it is hard to give much credence to this threat.

An alternative strategy

There was a time, not so long ago, when Labour was capable of better on alcohol policy. It is instructive to compare the new Strategy with the report on Alcohol Policies produced in 1979, in the final months of the last Labour government, by the government's Central Policy Review Staff. The report was typeset but never published in Britain, finding publication eventually in Sweden, beyond the reach of the Official Secrets Act (Bruun, 1982).

Like the Strategy, the CPRS review noted the fragmentation of alcohol issues across government – 16 UK government departments, by the CPRS' count for the late 1970s – and called for mechanisms for better coordination. However, the similarities of the reports do not extend much further than that. The CPRS review drew on the then-emerging scientific literature showing a relation of alcohol consumption levels to levels of harm in the population, and did not evade the implications. It proposed that "the Government should announce a positive commitment on countering the rise in consumption levels and on the reduction of alcohol-related disabilities" (p. viii). It saw the use of alcohol taxes as an explicit instrument of alcohol policy, with the levels at a



minimum being kept level with changes in the retail price index. "Liquor licensing should not be further relaxed", it stated; "its purpose should be clarified and in respect to under-age drinking its enforcement improved". Furthermore, "the momentum on drinking and driving should be renewed and legislation prepared" (p.18). A quarter-century onward, the CPRS review still provides a better foundation than the 2004 document for a British strategy on alcohol. ■

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More than a dozen companies based in the United Kingdom are offering children ID cards, which have the appearance of being authentic, as false proof that they are eighteen. The plastic cards, in the same format as recently issued driving licences, are so realistic that they are unable to tell the difference between genuine cards and fakes.

Richard Caborn, the government minister with responsibility in this field, denounced the behaviour of the companies as despicable and promised an investigation. Publicans are angry and want to see the firms concerned prosecuted for encouraging under-age drinking.

This all follows hard on the heels of an announcement by David Blunkett, the Home Secretary, that more than half the pubs and a third of the off-licences investigated during the summer had sold alcohol to under-eighteens. Teenage drinkers are seen as the cause of much of the drunken violence in town centres.

John Grogan MP, chairman of the All-Party Parliamentary Beer Group, said: "It makes the Government's alcohol strategy a bit of a joke. If you want a proof-of-age card you can get one very quickly."

One of the companies peddling the fakes, phidentity.com, said that it was not its fault if a pub or bar let someone in with one of its cards. Jon Buchan, a spokesman for phidentity.com, said: "They are not replicas of genuine cards and have been made up from scratch. They are totally fake and, and do not attempt to resemble any existing cards. Any licensee accepting these cards is not doing their job."

However, on Mr Buchan's website, customers can buy a "European Identity Card" - a piece of plastic, costing £10 which bearing both the European Union flag and the union flag, the cardholder's photograph, date of birth, and signature. On the back of the card it states that this is an "identity card for travelling Europeans". The website also says that the card has a "genuine/secure holographic overlay".

The website does say that "none of the statements on Phidentity cards are true." Such disclaimers have anticipated action from trading standards officers and police who concede that the companies are not breaking any law. The head of North Yorkshire Trading Standards Special Investigations team, Ruth Taylor, who led an investigation into fake ID cards

earlier this year, said: "It's difficult to prosecute companies when they make it clear they are selling them for novelty purposes."

Licenses called on the Government to take action and enact legislation to put these companies out of business. Tony Payne, the chief executive of the Federation of Licensed Victuallers Association, said: "These companies should be prosecuted. They are helping and encouraging people to break the law ... it's not our fault."

The Government supports industry plans to introduce a proof-of-age standards scheme (Pass) to help licensees prevent under-18s being served. The scheme would place the onus of proving that they have thorough checks in place on any company offering proof-of-age cards.

Card companies which pass the audit would have the Pass hologram logo on their card. Licensees hope to see the scheme in force by the end of next year.

In the period before that happens, pub, club and off-licence managers believe that the problem of fake ID cards will continue. James Lowman, a spokesman for the Association of Convenience Stores, which represents off-licences, said: "These cards undermine the faith retailers have in proof-of-age. They don't know if it is valid or not."

Fake ID cards fuel under-age drinking boom

A growing trade in fake ID cards is undermining the Government's attempt to deal with under-age drinking, it was recently revealed by investigative journalists working for the Independent on Sunday.



FAKE ID CARDS FUEL UNDER-AGE DRINKING BOOM

Insight into young drinking

Wine is the favoured tippie of girls aged between 10 and 15 and beer and lager that of boys of the same age. More than 24 per cent of Year 8 pupils (12 year olds) and up to 44 per cent of Year 10 pupils have consumed at least one of these drinks

These are among the findings of the Schools Health Education Unit in their report *Young People in 2003**. The report is based on *The Health Behaviour Questionnaire* involving 15,526 young people.

One of the most worrying trends observed in the report is that the "inclusion of figures from Year 6 suggests that alcohol careers are established at an early age". In addition to the widespread use of wines and beer, pre-mixed-spirits, such as Bacardi Breezer, become increasing popular over the early

comparison is drawn between what was drunk in 1991 and 2003. In 1991 4 per cent of year 10 boys (and 12 per cent of those who had drunk at least one drink) had consumed at least five pints during the seven day period covered by the questionnaire. In 2003 this had risen to 9 per cent and 33 per cent.

Quoting its own director, Professor John Balding on a study he conducted into alcoholops, the report comments "we concluded that the consumers of alcoholic soft drinks tended also to consume a wider variety of other alcoholic drinks". The greater likelihood of "alcoholops" drinking away from home was also noted.

As far as spirits are

concerned, the Year 10 females "overtook the males as spirit drinkers in 1996, although the females have always been behind the males in Year 8. Clearly they develop a taste for strong beverages around the age of 14".

Researchers suspect that the growth of spirit-based drinks included in the amorphous term alcoholop have enhanced the trend. Whereas in 1991 3 per cent of 14-15 year old females (and 23 per cent of the who had consumed at least one drink) had at least five units of spirits over the seven days covered by the questionnaire, in 2003 the comparable figures were 5 per cent and twenty six per cent.

The report published a table indicating alcohol units consumed (Table 2).

likely to feature binge drinking. "For young people there is evidence to suggest that for some 13-16 year olds the figure of at least five alcoholic drinks in one session is not uncommon."

In other words it might well be the case that this report is recording the early formation of the binge drinking habit (Table 3).

From the evidence supplied to researchers by the young people, it is clear that, despite the law, off-licences are the most important source of purchased alcoholic drink, especially in the case of the 14-15 year olds. The pub is the next source. The report claims that "alcohol purchased by young people is more likely to be connected to alcohol abuse and public

As far as frequency of consumption is concerned, there is an unsurprising increase as the children get older. In both Year 8 and Year 10 male drinkers outnumbered the females and in addition drank more frequently. Whilst "on average more than half the drinkers drank on only one day during the past week", 10 per cent of Year 10 males and 8 per cent of Year 10 females drank on three days or more. The report comments: "We see that by Year 8 at least half the potential Year 10 drinkers have already acquired some taste for alcohol."

The researchers also observe that, whilst the drinking habits of adults in general are quite regular, those of young adults in the 18-25 age range is more

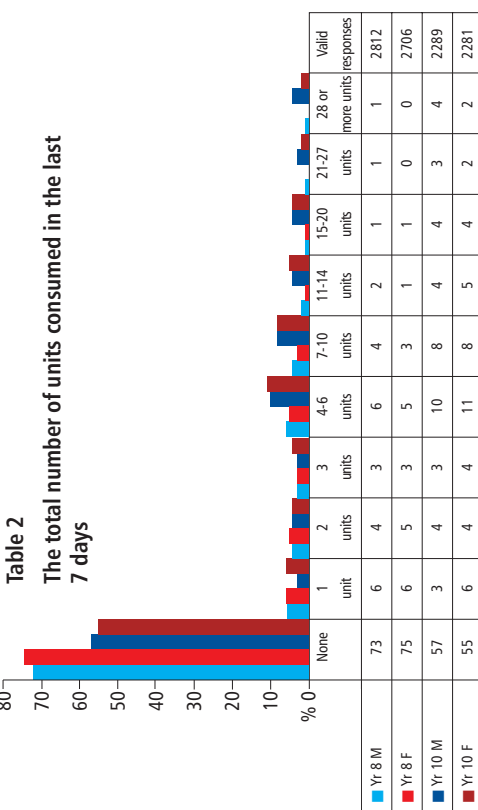
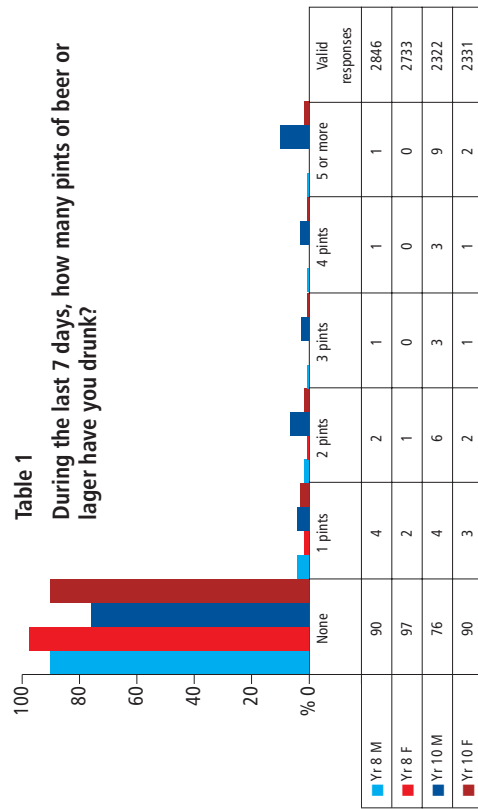
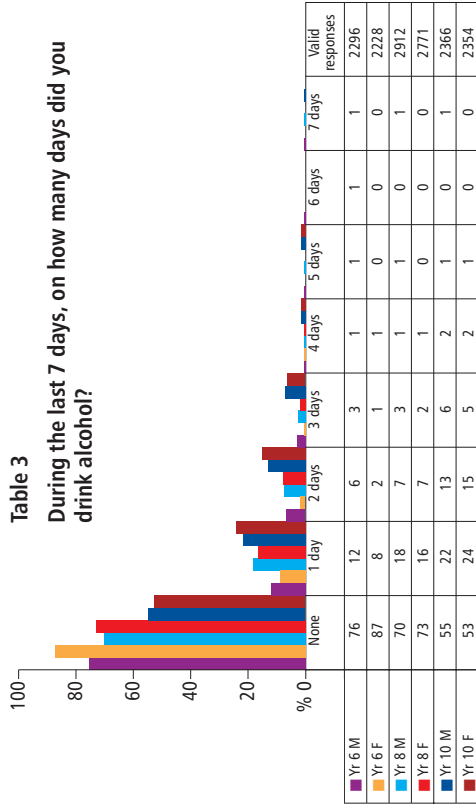


Table 3
During the last 7 days, on how many days did you drink alcohol?



nuisance than alcohol supplied in the home" (Table 4).
The report reveals that the largest proportion of these school children drink at home and that substantial numbers of Year 10 drinkers use all the listed venues (Table 5).
The reports comments that, whereas it is often stated that "the home may be a safe and supportive environment in which to explore the use of alcohol", if we follow this course "we are effectively teaching young people to drink".
*** Young People in 2003, SHEU, 2004.**

Table 4
Have you bought an alcoholic drink at any of these places during the last 7 days?

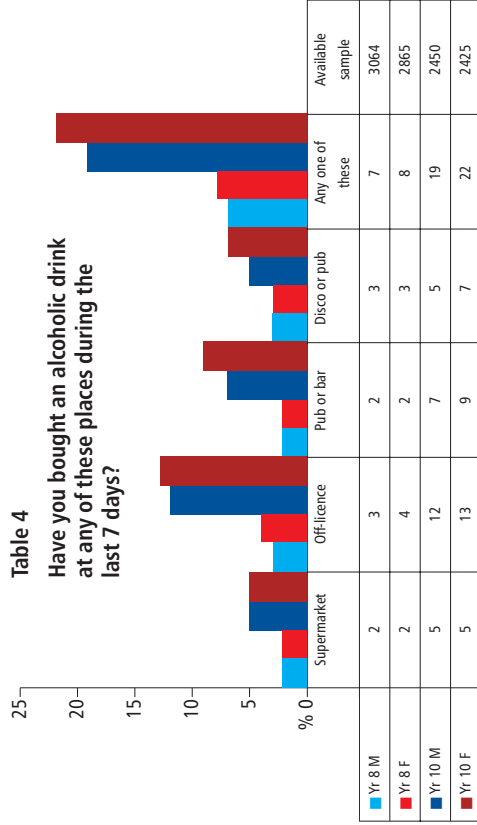
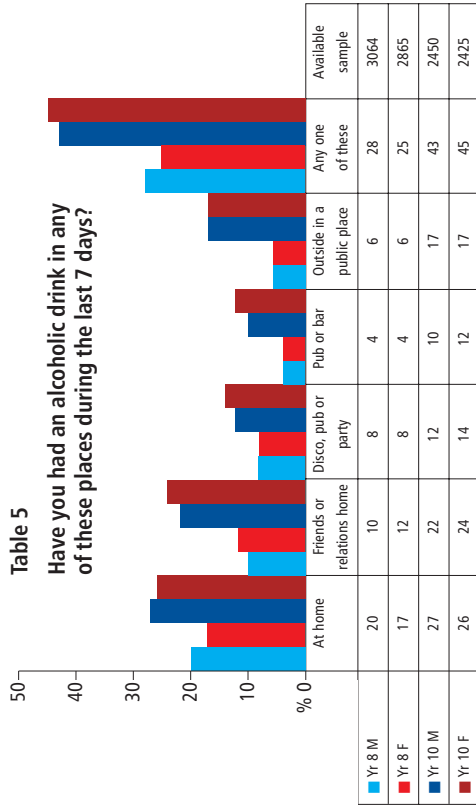


Table 5
Have you had an alcoholic drink in any of these places during the last 7 days?



Watchdog fails to satisfy



watch and then began to drink a pint of beer. A voice-over and text on the screen both stated "Greene King IPA. Could you say no to another?" The complainant objected that the commercial was offensive, degrading to women and unsuitable to appear before a certificate 12A film.
Codes Section: 5.1, 47.2 (Ed 11)

This is the judgement made by the Advertising Standards Authority, on which sits Jean Coussins, the director of the Alcohol Industry's Portman Group on a complaint against a cinema advertisement for the Suffolk brewer Greene King. It speaks for itself:

Date: 29th September 2004
Media: Cinema
Sector: Alcohol
Public Complaint From: Kent

Complaint:
Objection to a cinema commercial, for beer, that appeared before a certificate 12A film. The commercial began with a woman on a bed reading a book. As the door of the bedroom opened, the woman turned on a bedside lamp, put on a blindfold, wrapped her wrists in scarves attached to the bed posts and said "surprise". A dog then appeared; it looked at the woman then at the camera. As the dog licked the woman's feet, the woman giggled and sighed. The scene then cut to a man in a pub; he looked at his



Adjudication: Complaint not upheld

The advertisers said they relied on the Cinema Advertising Association (CAA) to apply a suitable age limit to the commercial; they believed the 12A



without being sexually explicit. It stated that children of 12 years of age and upwards were aware that adults played sexual games and believed, in a society increasingly at risk of sexually transmitted diseases, a commercial that depicted an alternative to penetrative sex was not irresponsible.

The Authority noted the situation depicted in the commercial was a parody of sexual foreplay. It considered, however, that because the tone of the commercial was lighthearted, most people would understand the humour of the situation. The Authority noted the woman was tied up but considered that, because it was obvious she had placed herself in that position intentionally and was in control of the situation, the commercial was unlikely to cause serious or widespread offence or be seen to demean women. It also considered that, because children aged 12 years of age and over were likely to be aware adults played sexual games, the commercial was unlikely to cause mental or moral harm to children. The Authority concluded that the commercial was acceptable.

Comment

In its eminently sensible response to Ofcom's consultation on alcohol advertising, written before the publication of this extraordinary judgement, IAS makes the point that it would be best were all advertisements based on life-style were avoided. In the case of Greene King's lubricious material this would avoid the ancient defence that the effort was intended to be amusing. Without a life-style ban, this defence is often effective. Firstly,

it puts any complainant on the back foot, defending himself against the implication of being a fool who cannot understand the joke, rather like the bishop who wrote a tract against Jonathan Swift's Gulliver's Travels on the ground that the book was clearly a pack of lies. But the defence also assumes that a nod in the direction of humour cleanses the item in question of any offensiveness.

The judgement is a gem of its kind, enormously and unintentionally funny. We are commercial "made fun of the scenario of sex without being sexually explicit". The implication of the advertisement was that the woman had prepared herself for light bondage sex and got the dog instead of her husband. We see the dog, she is merely aware of having her feet licked. The funniest idea in the judgement is that, in a world where children are aware of the sexual games adults play and "in a society increasingly at risk of sexually transmitted diseases", it was "not irresponsible" to depict "an alternative to penetrative sex".

As anyone watching the commercial is aware, the husband is not about to fulfil his wife's mildly kinky fantasy because he alternative on offer is a sexual service provided by the retriever.

The judgement is exceptional in its stupidity, no more so when it concludes that it is no way demeaning women. It may be that the female character in the advertisement initiates the bondage game but it is reasonable to assume that she expected the attentions of her husband rather than the family pet. ■

IAS response to OFCOM

We do not object to the changes proposed in regard to linking alcohol with anti-social or self-destructive behaviour; sexual content; irresponsible handling/serving of alcohol, and youth appeal. However, we believe that these changes should go further and be part of a broader package. We do not support the proposal to drop the rule prohibiting advertisements from showing people drinking in the workplace.

The nature of the argument
IAS supports an evidence-led wider marketing strategies of which the advertising forms an integral part.

Clearly, it is the whole marketing mix that matters and there is growing international evidence that marketing strategies do affect attitudes and levels and patterns, and expectancies, consumption and patterns, and harm.¹ In the UK, a large part of the harm is generated by the widespread practice and social acceptance of 'binge drinking' that has become entrenched in youth culture, and which, as is well known, goes along with various forms of anti-social behaviour and risk-taking, including unsafe sexual activity.

This culture of binge drinking starts young and constitutes an important part of the environment in which alcohol consumption or alcohol-related harm.

Our view, however, is that while there is at present no scientific proof that controls on the content of TV advertisements alone are likely directly to bring about reductions in either consumption or harm, there is a great deal of evidence to suggest that they might. This is a prime example of a case where an absence of proof should not be interpreted as proof of an absence of any adverse effect. As is noted in the consultation document, there are well known reasons why the effects of advertising are notoriously difficult to measure, and why, in particular, it is difficult if not impossible to isolate the effects of TV advertising from the effects of the

alcohol marketers have to operate and which they seek to influence. It is, presumably, part cause and part effect of the transformation of the UK alcohol market that has occurred over recent years, prompted in part by the social acceptability of recreational drug use which has necessitated a re-positioning of the alcohol industry in relation to the youth market. In this context, four important trends have been observed: the development of new 'designer drinks'; an increase in the strength of alcohol products in direct competition with the illicit psychoactive drug market; the use of sophisticated advertising and branding techniques to establish alcohol products that find expression in youth culture and lifestyles; and the opening of new drinking outlets designed specifically for the youth sector.ⁱⁱ

Given these developments, the precautionary principle should apply to controls on the content of TV advertisements. There may not be conclusive proof, but there is clearly a real danger that inappropriate advertising could exacerbate an already serious problem, and it is reasonable therefore to demand that the needs of public health, in its broadest sense, be given the benefit of the doubt. Given the scale of the problem,ⁱⁱⁱ to the extent that there is an issue of evidence, then the onus of proof

Feeling very drunk in last year^{iv}

Age	Males	Females
12-13 years	8	7
14-15 years	38	35
16-17 years	68	57
18-21 years	80	75

should be on the alcohol producers and advertisers to establish that advertising which condones anti-social behaviour, which links alcohol with sexual activity, which condones irresponsible handling or serving of alcohol, and which appeals to young audiences will not make a bad situation even worse.

This is especially so as it is recognised that effective alcohol advertising increasingly operates at the symbolic, intuitive level of consciousness mainly by means of the manipulation of images⁵¹, and image advertising elicits an especially positive response from younger teenagers.⁵² Attractive young adults are shown enjoying the lifestyles to which teenagers aspire.⁵³ Confirmation of the appeal of image advertising, whether or not it features images specifically related to under 18s is provided by the Herfordshire review.⁵⁴ An additional finding also casts doubt on how effective the proposed changes are likely to be. This is that excessive drinking or drunkenness do not actually have to be depicted for them to be assumed by young viewers to be occurring.⁵⁵

The Proposals

For these reasons, we believe it would be simpler and more effective for Ofcom to take the approach of outlawing lifestyle alcohol advertising in general rather than seeking merely to alter the wording of the rules to identified above. This sort of tampering inevitably leaves wide scope for differing interpretations and provides both incentive and opportunity for advertisers to find ingenious ways of pushing the rules to the limits or circumventing them.

In relation to the changes proposed, what clear and uncontested meaning can be given to, for example, the terms 'moderate drinking'; 'healthy drinking'; 'excessive consumption', or 'mature, adult pleasure'?

We would also urge Ofcom to consider the volume of alcohol advertising as well as its content. Arguably, the attitudes and behaviour of both children and adults are likely to be affected by the sheer number and repetition of alcohol advertisements as well as their content. In view of the historically high and still rising alcohol-related casualty rate, this is an appropriate time to begin reducing the exposure of children and adolescents to alcohol advertising and promotion. This is, after all, an objective of both the WHO European Alcohol Action Plan and the Recommendation of the EU Council of Ministers, to both of which the UK is by virtue of its membership already theoretically committed.

In regard to advertisements depicting people drinking in the workplace, the disappearance of lifestyle advertising would presumably put an end to such advertising. Even with the present arrangements, however, it is difficult to see any convincing rationale for the change proposed.

Prompted by concerns over productivity as well as a number of disastrous accidents, the trend of recent years has been to discourage drinking during working hours and to remove alcohol from work environments, in a substantial number of which it is an offence to consume or to be under the influence of alcohol during working hours. Dropping

this rule would clearly be a retrograde step for which it is difficult to see any justification at all. ■

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