

# 50 years experience with a comprehensive alcohol advertising ban – and a recent case study

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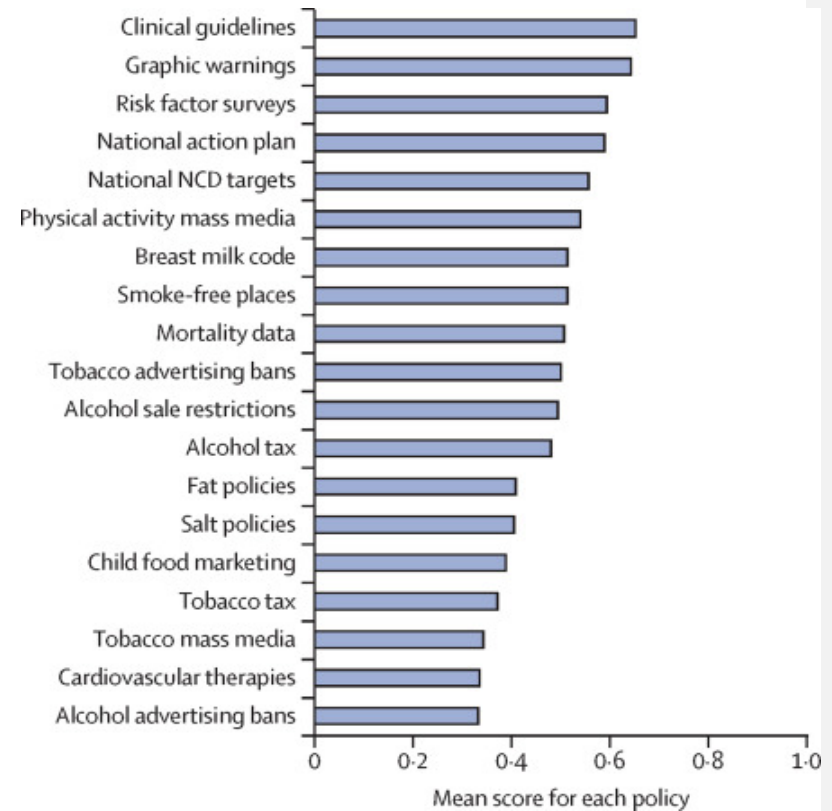
# WHO Best Buys to reduce Alcohol Related harm

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- Increase excise taxes on alcohol beverages
- **Enforce bans or comprehensive restrictions on exposure to alcohol advertising (across multiple types of media)”**
- Restrict the physical availability of retailed alcohol

# Alcohol advertising and alcohol policy

- “There is considerable research showing the impact of both traditional and digital marketing techniques (...) There are plausible mechanisms to explain how marketing impacts drinking behaviour via both simple exposure and building engagement, resulting in adverse impacts on young people and other vulnerable populations” (Babor et al. 2022)
- Restrictions on alcohol marketing is one of the least well-enacted strategies



Source: Allen et al. 2020

# Norwegian advertising ban

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Comprehensive alcohol advertising ban passed in 1973, (implemented 1 April 1975, a few months before the tobacco advertising ban)

- Had been discussed earlier, in 1947, but stopped due to concern over trade agreements w/wine countries
- Some pre-existing restrictions on wine and spirits advertising + self-regulation on beer

Already a comprehensive alcohol control policy in place:

- Alcohol monopoly (wine/spirits), licensing for bars/restaurants, high alcohol taxes, drink driving laws with random sobriety tests, municipal restrictions

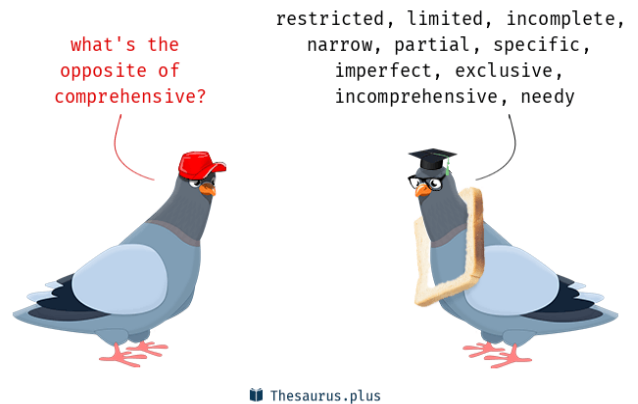
Background: Concern over increasing alcohol advertising and increasing consumption:

«this unwanted development necessitates counter-measures from society»

«The advertising for various types of intoxicating drinks are one of the factors that contribute to the increase in and spread of the consumption and thereby also the misuse, and that [the ban] will have a positive effect on sobriety»

# A comprehensive ban

- Defines alcoholic beverages as beverages containing more than 2,5 vol % alcohol
  - from 1990: 0,7%
- Defines advertising as “mass communication for marketing purposes”
  - i.e. if the goal of the communication is to promote sales
  - Important who initiates the communication...
- Applies to all media channels (even those that did not exist at the time)
- Cannot use alcoholic beverages or drinking situations to advertise other products
- Covers all advertising targeted at a Norwegian audience
  - exception for intl. magazines etc that are sold in Norway
  - social media like Facebook, Instagram, YouTube etc. block alcohol advertising to Norwegian audiences
- Allows advertising from wholesalers to outlets - but not from wholesalers or outlets to end customers.



# Ban on alibi marketing

- Bans advertising for the brand if «a non-negligible part of the audience will associate it with alcoholic drinks»
  - This interpretation was tried before the courts in 2000
- Cannot market non-alcoholic drinks with the same name as an alcoholic drink
  - i.e. separate brands for non-alcoholic beer
    - No «Heineken 0.0»
    - Ringes → Munkholm
    - Hansa → Clausthaler
- Cannot use «coded» language – e.g. use a familiar catchphrase or slogan and just modify one of the words etc.
  - «After work beer» → «After work cheer»



# Internet and social media

- Media neutral – i.e. applies to all media channels, including online
- Regulations liberalized in 2015:
  - Producers can present their products on their website with neutral pictures and restrained language – ie. channels that customers seek out themselves
  - No sales promoting language
- Social media more difficult
  - Important communication channel
  - Customers get info in their feed without seeking it out
  - A strict reading of the law severely limits activities on social media, since the purpose of their presence will often be to promote their products

«Carlsberg has a light yellow straw colour. The aroma is characterised by a light yeasty fruitiness with notes of hazelnut from the malt. The taste is clean and balanced, with light malt sweetness and bitterness.

Carlsberg is well suited to typical Norwegian everyday food, such as white meat, pasta dishes, pizza and salads»



# Benefits of a comprehensive ban

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- Most comprehensive protection against exposure from alcohol advertising
- Covers all media (even those that do not yet exist)
- Clear rules:
  - Advertising is not permitted except for some narrowly defined exceptions
  - Clear definition of advertising that focuses on the *purpose* of the communication → covers many aspects of marketing
- Fewer loopholes and gray areas (though some still exist)



# Evidence

- Little evidence base when it was introduced (for both alcohol + tobacco)
  - Assumed that when industry paid for advertising to promote the sale of alcohol, it probably did
  - Motivated by concern for young people and people with alcohol problems
- Recent studies support the likely effect of advertising on alcohol and tobacco use (Babor et al. 2022)
- Some recent advertising bans were introduced as a part of a broader alcohol control strategy (cf. Lithuania)
  - Difficult to isolate effect
- In Norway, the advertising ban was added to existing alcohol policies
  - A good case to study the effect
- Methodological challenges - but a modelling study found that alcohol advertising ban reduced alcohol sales by 7 percent, beyond the effects of an already restrictive alcohol policy (Rossow, 2021)

# Critical review

Review > [Addiction](#). 2024 May;119(5):799-811. doi: 10.1111/add.16411. Epub 2024 Jan 4.

## Restricting alcohol marketing to reduce alcohol consumption: A systematic review of the empirical evidence for one of the 'best buys'

Jakob Manthey<sup>1 2</sup>, Britta Jacobsen<sup>1</sup>, Sinja Klinger<sup>1</sup>, Bernd Schulte<sup>1</sup>, Jürgen Rehm<sup>1 3 4 5 6 7</sup>

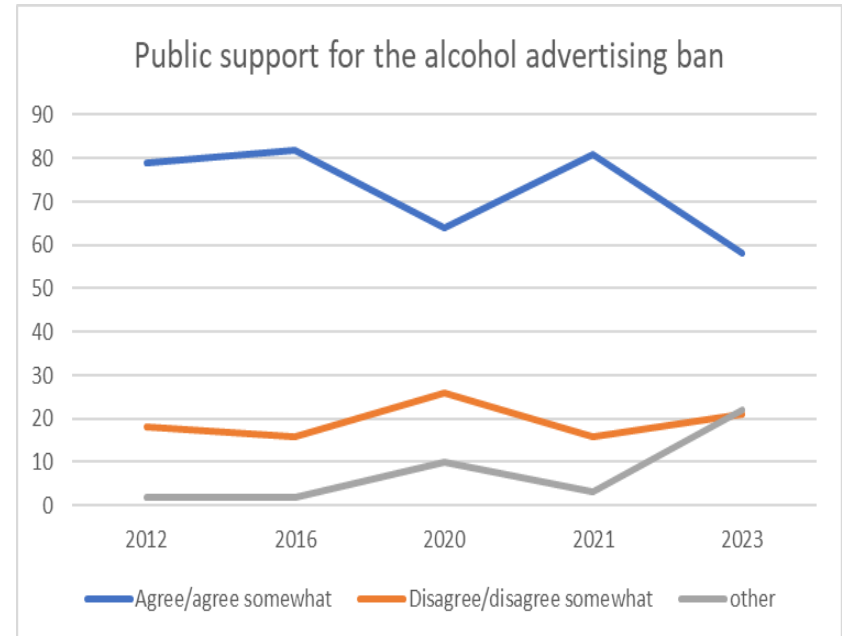
- «insufficient evidence to conclude that alcohol marketing bans reduce alcohol consumption»
- «evidence does not support the claim that alcohol marketing bans constitute a best buy for reducing alcohol consumption»

BUT read the fine print:

- “a large body of indirect evidence [that] exposure to marketing bans is linked to increased likelihood of drinking”
- agree “that the association between exposure to alcohol marketing and underage drinking is causal”
- marketing restrictions can be evaded: “a ban needs to be comprehensive and cover all types of beverages and media to avoid substitution effects and be effective.”

# Public opinion

- Broad public support for the advertising ban
  - perhaps more importantly – not much support for alcohol advertising
- The «grey areas» are a challenge
  - Difficult to explain to the public (e.g. emoji use, Use of pictures)
- Alcohol industry supports the advertising ban
  - they want to promote their products
  - ...but they are primarily concerned about a level playing field
  - they want clear rules
  - they want «modernization» – to allow the use of social media, to present their products and advertise for 0% beer



Source: TNS/Sentio/Opinion for Actis

# Challenges to the ban

- Challenged by a wine magazine in 2003 – claimed to be a barrier to trade
  - Norwegian courts consulted the EU Court, but upheld the ban (unlike Sweden)
- Regular calls to «modernize» (i.e. loosen) the regulations
  - e.g. with regard to producers' websites and social media
- Lack of monitoring and enforcement in social media
  - informal norms have evolved
  - many violations, though mostly relatively minor
  - some unclarity w/regard to customer generated content
  - some grey zones that can be controversial
- Influencer advertising
  - Many influencers publish content that violates the law – important with monitoring and quick sanctions
- Broad support - an integral part of the comprehensive alcohol control policy in Norway

# Recent change



From a predetermined fine to an infringement fee

Previously: If a violation occurred, the authorities would inform the offender that the content violates the law and that it needs to be rectified. If the violation is repeated, the authorities will impose a predetermined fine.

However, advertising moves fast, particularly in social media. By the time the authorities react, the campaign may be over.

In order to address this, Stortinget decided to introduce immediate sanctions in case of violations

In September 2024 the predetermined fine was replaced by an infringement fee, which means that the Directorate of Health can impose fines immediately if a violation has taken place, not just if the violation is repeated in the future

# Case study

## – alcohol marketing in social media

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## Meet Ballinciaga

- Successful Norwegian band
- Dance/party music
- Famous for their trademark pink balaclavas
- Young audience
- Enjoy controversy – drugs, sex, materialism, women etc...

# Ballinciaga joins the drinks industry



- 2023: Launched the hard seltzer KALD
- Launched the energy drink BOKS
- 2024: Launched a beer under the KALD label
- Own 49 % of the brand



# Immediately some problems

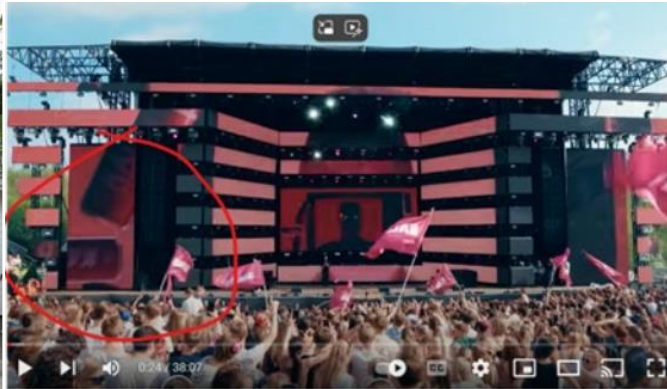
**BALLIN<sup>TM</sup>**



- Clear similarities in design language, fonts and colours between the band/band logo and the alcoholic drink
- Cannot market an alcoholic product with the same brand or characteristics as a non-alcoholic product

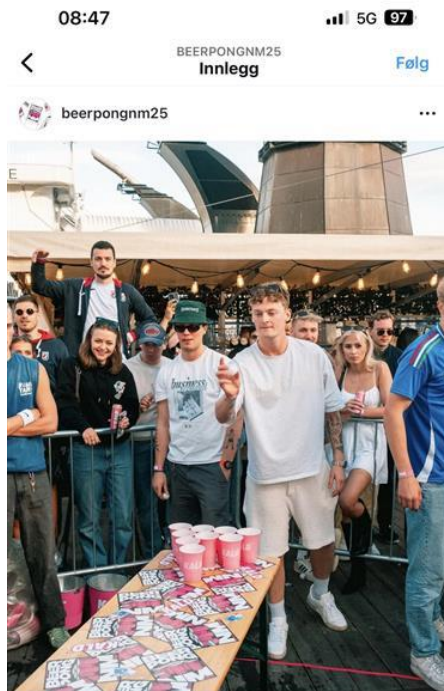


# Alcohol advertising at concerts



# Branded events – promoted in social media

- Norwegian Beer pong championship



336 likes, 5 comments, 3 shares

Likt av henrik\_viken og andre

beerpongnm25 Tusen takk til alle som var med å gjøre lørdagens Beer Pong NM til en stor suksess! Gratulerer «Rett I Koppen» med førsteplass og tittel, vi sees igjen neste år! La oss gjøre dette til tradisjon, og doblet alt hvert år 🍻



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# Ecosystem of celebrities and influencers

- Part of a larger group of influencers and «content creators»
- Under the radar of adults
  - Some of my younger colleagues picked this up in their social media
- Here today, gone tomorrow
  - Snapchat stories, tiktok
- Often only reaches followers
- Reach young audiences
  - Ex. One of them launched a chocolate bun that became wildly popular, - but according to The Consumer Authority: illicit marketing targeted at children
- Promote each other

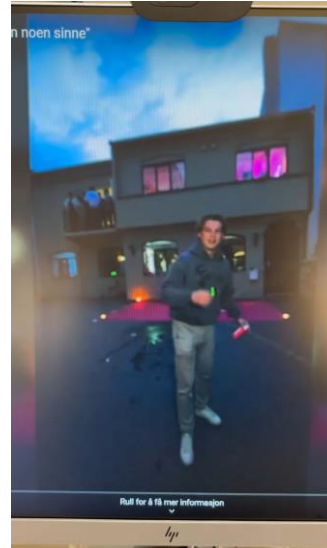
BUT:

- can they be said to be promoting the product for «marketing purposes»???



# Grey zone of content creation

- Freedom of speech
  - I can promote an alcoholic drink as much as I like as long as I don't have an interest in the sales
- Content creators depend on content
  - Events may not be paid, but still an economic interest
- Cannot mix alcohol into the promotion of other products/services
  - e.g. the band???



# Music videos as alcohol promotion

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- Lyrics reference KALD:  
«Hun er real, hun er helt ayt  
Phonecall er du klar? Jeg er klar ayt  
Big dog med no kald, den er kald ayt  
Baby girl er du klar - Get yo freak on»
- Product shown throughout
- Product is part of the narrative – character drinks the product and becomes a superhero

# Launch of new music video

- Video launch at Oslo's biggest cinema
- KALD products on tables
- Guests: influencers and celebs
  - Plenty of exposure in social media
- Song/video references KALD



# Complaints

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- Actis sent in a complaint to the Directorate of Health in July '24
  - The band's signature colour and logo bear striking similarity to the alcohol products
  - They use their concerts and events to market their products
  - They mix promotion of the band and promotion of the alcohol products
- Violates the Alcohol Act's ban on
  - Marketing products with the same brand or characteristics as alcoholic drinks
  - Direct marketing of alcoholic products
  - Making alcoholic products part of the marketing of other goods and services
- The Band/management promised to obey the laws
  - We have seen that they since have blurred logos etc in *some* pictures
- Verdict from the Directorate of Health still pending

# Complaints II

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- New complaint from Actis in October 24
  - Specifically about the new song, music video and launch of the video
  - The lyrics reference Kald
  - The video shows Kald, logo blurred, but easily recognizable
  - One of the characters in the video gets superpowers after drinking Kald
  - At the launch party, Kald was served to influencer guests, which generated significant marketing effect
- At this point the law had changed, and the Directorate can issue fines directly for violations of the Alcohol Act
- Verdict from the Directorate of Health still pending





**actis**