

Appendix A – Consultation Questions

This template can be used to respond to the consultation. You can choose to **answer as many questions as you want** and can provide a simple ‘yes’/‘no’ response or more detailed comments.

DECLARATION OF DIRECT OR INDIRECT LINKS TO THE ALCOHOL INDUSTRY				
Question 1	Please indicate any direct or indirect links to the alcohol industry			
Choose one	No links	Direct	Indirect	Don't know
Comments	INTA is a not-for-profit association of brand owners and professionals dedicated to supporting trademarks and related intellectual property rights, in order to foster consumer protection, economic growth and innovation. INTA's members consist of more than 6,500 organizations from 185 countries. The Association's member organizations represent more than 34,000 members and, among them, there are alcohol producers and those who trade in alcoholic beverages. Accordingly, we have indirect links to the alcohol industry.			

SPORT AND EVENTS SPONSORSHIP			
Question 2	Do you think we should prohibit alcohol sports sponsorship in Scotland?		
Choose one	Yes	No	Don't know
Comments			
Question 3	If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?		
Comments	Not applicable per our response to question 2.		
Question 4	What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship?		
Comments	Not applicable per our response to question 2.		
Question 5	Do you think we should prohibit alcohol events sponsorship in Scotland?		
Choose one	Yes	No	Don't know
Comments	Not applicable per our response to question 2.		
Question 6	If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?		
Comments	Not applicable per our response to questions 2 and 5.		
Question 7	What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?		
Comments	Not applicable per our response to question 2.		
Question 8	If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these? How long might this be and how would it work?		
Choose one	Yes	No	Don't know
Comments	Our organization is committed to promoting the protection of trademark rights, but naturally also understands the need to protect community health. In line with this, we strongly endorse further research into effective solutions to enhance the health of the community, to determining whether prohibitions on the use of trademarks will improve community health and whether there are alternatives that do not interfere with private property rights. We hold the belief that limiting the usage of trademarks is not an appropriate means to attain these objectives and further research is needed to determine what effective alternatives might		

	exist, such as education. According to the results of the impact study that INTA conducted in 2021 “Brand restrictions study – a view from Gen Zers and Millennials”, most of the concerned consumers felt that brand restrictions are not effective to reach the goal of decreasing healthy related issues, as it is the perception that they are the most responsible for making healthy choices, not brands or government. Instead, measures such as education campaigns and nutritional information on packaging are more effective to help them in make healthy choices.
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OUTDOOR AND PUBLIC SPACES MARKETING			
Question 9	Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?		
Choose one	Yes	No	Don't know
Comments	Not applicable per our response to question 2.		
Question 10	What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces?		
Comments	Not applicable per our response to question 9.		
Question 11	What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors and in public spaces in Scotland?		
Comments	Not applicable per our response to question 9.		

IN-STORE ALCOHOL MARKETING			
Question 12	Do you think that we should further restrict the visibility of alcohol in retail environment?		
Choose one	Yes	No	Don't know
Comments	We consider this restriction not justified by any evidence. Such product display is not advertising, it is merely allowing consumers to exercise their freedom of choice in selecting the product they wish to purchase.		
Question 13	Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)?		
Choose one	Yes	No	Don't know
Comments	See our response to question 12.		
Question 14	How do you think structural separation of alcohol in Scotland could operate? (e.g., with barriers, closed display cases)		
Comments	See our response to question 12.		

BRAND-SHARING AND MERCHANDISE			
Question 15	Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?		
Choose one	Yes	No	Don't know
Comments	It is a disproportionate restriction on the use of trademarks by their owners. Trademark owners have the right to license the trademark to third parties for different products or services. Such licensing arrangements raises revenue for		

	<p>teams, athletes, and in some cases, for aiding a charitable, community, or social cause. Further, trademarks also serve a simultaneous consumer protection and law enforcement function, as trademarks play a key role in combatting counterfeiting, while helping consumers to identify authentic product. Counterfeit products can have significant health risks that arise from the use of the counterfeit products (e.g., adulterated food and beverage, fabrics used in alcohol branded counterfeit apparel merchandise that do not meet local regulations for flammability), as well as broader social risks due to the illegal activities of the organized crime syndicates that produce and/or smuggle the counterfeit products. Such syndicates are usually involved in human trafficking and slave labour, as seen in the recent BBC report that local police found children missing from asylum seeker hotels found working in Manchester's counterfeiting district, as well as sexual coercion, all of which are activities detrimental to community health on a local and global scale. Therefore, such a disproportionate restriction would in fact contribute to consequences that are contrary to the intended objective.</p>		
Question 16	Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland?		
Choose one	Yes	No	Don't know
Comments	In accordance with the previous answer, we consider that, regardless of whether the merchandise is sold or given away, the prohibition is disproportionate and imposes an unjustified restriction on the use of trademarks by their owners.		
Question 17	What, if any, exceptions do you think should there be to prohibiting the sale or distribution of alcohol-branded merchandise?		
Comments	Not applicable given our response to questions 15 and 16.		
Question 18	What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?		
Comments	Not applicable given our response to questions 15 and 16.		

NO AND LOW ALCOHOL			
Question 19	Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks?		
Choose one	Yes	No	Don't know
Comments	These measures will result in a wide range of restrictions in the ability of trademark owners to use their trademarks to promote their products. These restrictions are not justified and maybe deemed disproportionate		

PRINT ADVERTISING			
Question 20	Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?		
Choose one	Yes	No	Don't know
Comments	Not applicable given our previous responses.		

Question 21	What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?
Comments	Not applicable given our response to question 20.

ONLINE MARKETING			
Question 22	Do you think we should restrict alcohol branded social media channels and websites in Scotland?		
Choose one	Yes	No	Don't know
Comments	These measures may result in a wide range of restrictions on the ability of trademark owners to use their trademarks to promote their products. These restrictions are not justified.		
Question 23	What, if any, exceptions do you think there should be to prohibiting alcohol branded social media channels and websites in Scotland?		
Comments	Not applicable given our response to question 22.		
Question 24	Do you think we should restrict paid alcohol advertising online in Scotland? <i>Examples include adverts appearing on websites, via pop ups, on social media platforms, on search engines, or influencer advertising.</i>		
Choose one	Yes	No	Don't know
Comments	Not applicable given our previous responses.		
Question 25	What types of paid alcohol advertising do you think should be covered by any restrictions?		
Comments	Not applicable given our response to question 24.		
Question 26	What, if any, exceptions do you think should there be to restricting paid alcohol advertising online?		
Comments	Not applicable given our response to question 24.		
Question 27	Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g., filters, videos, or posts) – whether this is produced by them or by consumers?		
Choose one	Yes	No	Don't know
Comments	<p>These measures may result in a wide range of restrictions on the ability of trademark owners to use their trademarks to promote their products. These restrictions are disproportionate. The regulation of consumer produced content is particularly problematic, due to potential free speech issues especially if the promotion of the alcoholic beverage is incidental to the social media post.</p> <p>Freedom of expression is a fundamental element of democracy and development, it is a universal right that every person must enjoy, this includes the right to maintain an opinion without interference and seek to receive and disseminate information through any means of dissemination. The right of every person to express their thoughts, ideas, and opinions, by the means they wish, as well as to have access to information by any lawful, means it is a right also granted to consumers.</p>		

Question 28	What, if any, exceptions do you think there should be from restricting alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) - whether this is produced by them or by consumers?
Comments	Not applicable given our response to question 27.

TELEVISION AND RADIO ADVERTISING			
Question 29	Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g., like Norway or Sweden)?		
Choose one	Yes	No	Don't know
Comments	Not applicable per our previous responses.		
Question 30	Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland)?		
Choose one	Yes	No	Don't know
Comments	Not applicable per our previous responses.		

CINEMA ADVERTISING			
Question 31	Do you think alcohol advertising should be restricted in cinemas?		
Choose one	Yes	No	Don't know
Comments	Not applicable per our previous responses.		
Question 32	If alcohol advertising was restricted in cinemas, what, if any exceptions (e.g., times of day or specific movie ratings) do you think should be considered?		
Comments	Not applicable given our response to question 31.		

RESTRICTIONS ON CONTENT OF ADVERTISEMENTS			
Question 33	Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements?		
Choose one	Yes	No	Don't know
Comments	No comment.		
Question 34	Do you think we should only allow alcohol marketing to include elements set out in a list, like in Estonia? This would mean all other elements not on the list would be banned from adverts.		
Choose one	Yes	No	Don't know
Comments	INTA is of the opinion that any measure should be issued based on compelling data and/or scientific evidence showing the direct impact between the given measure and the specific goal to be achieved.		
Question 35	Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?		
Choose one	Yes	No	Don't know
Comments	No comment.		

ENFORCEMENT AND EVALUATION			
Question 36	How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?		
Comments	Not applicable.		
Question 37	Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?		
Choose one	Yes	No	Don't know
Comments	Not applicable.		
Question 38	Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?		
Choose one	Yes	No	Don't know
Comments	Not applicable.		

END QUESTIONS			
Question 39	Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this package should include?		
Choose one	Yes	No	Don't know
Comments	INTA does not support any restrictions prohibiting trademark use in the alcohol beverage or other industries. Trademarks serve a simultaneous consumer protection and law enforcement function, as trademarks help consumers to differentiate one product from another and play a key role in combatting counterfeiting, helping consumers to identify authentic products.		
Question 40	What, if any, additional alcohol marketing methods or channels not covered in the consultation would you like Scottish Government to consider restricting?		
Comments	Not applicable.		
Question 41	What further evidence on alcohol marketing would you like the Scottish Government to consider?		
Comments	INTA supports further research and careful analysis of alternative means to achieve the health of the community and deal with alcohol consumption that do not restrict the use by trademark owners of their trademarks. Rather than imposing restrictions on the legitimate use of trademarks and brand indicia, the Scottish government could consider and carefully study alternative approaches to reducing alcohol-related harm, such as education campaigns, which may be more effective and less restrictive given the below outlined decrease in underage Scottish youth's consumption of beverage alcohol, the impacts on Scottish employment including but not limited to tourism, local sport, consumer protection and law enforcement, and ultimately the Scottish economy.		

Question 42	If you sell, distribute, advertise or manufacture alcohol, or represent those who do, how do you think the potential restrictions in this consultation paper would impact you, and the wider alcohol sector?
Comments	Not applicable.
Question 43	Are there any relevant equality issues that Scottish Government should be considering at this stage in the policy development?
Comments	No comment.