



# CONSULTATION ON RESTRICTING ALCOHOL ADVERTISING AND PROMOTION MARCH 2023

## ABOUT SIBA

The Society of Independent Brewers (SIBA) was established in 1980 to represent the growing number of independent breweries in the UK. Today SIBA has around 700 brewery members and 60 in Scotland. We act as the voice of independent brewing in the UK and represent our members as well as running an annual trade event, beer festivals and beer competitions.

SIBA's membership encompasses a broad range of brewers from very small nano-breweries to larger firms owning pubs, taprooms and shops. Its members produce approximately 6% of the beer consumed in the UK, while the vast majority of UK beer production is in the hands of four global breweries, which account for around 88% of the entire market. The balance is made up of other internationally owned brands and a number of large, regional 'family' brewers.

Our members are a key part of the hospitality sector responsible for more than 2,000 licensed premises. Around 40% of our members own, lease and rent pubs and 70% run a taproom, shop or visitor centre on the brewery site.

Small breweries in the UK employ about 10,000 full time equivalents and directly contribute around £270 million to GDP each year. The brewing sector as a whole is a major contributor to the Treasury, responsible for approximately 30% of overall alcohol receipts.

Small breweries employ a considerable number of people and generate a disproportionate amount of Treasury revenue through other direct taxes as a result. They also contribute directly to local economies, local communities and are forces for good in the world.

## RESPONDENT INFORMATION FORM

### ARE YOU RESPONDING AS AN INDIVIDUAL OR AN ORGANISATION?

Organisation

### FULL ORGANISATIONS NAME

The Society of Independent Brewers (SIBA)

### PHONE NUMBER

07977837804



THE SOCIETY OF  
**SIBA**  
INDEPENDENT  
BREWERS

## ADDRESS

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## PLEASE INDICATE YOUR PUBLISHING PREFERENCES

Publish responses with name

## ARE YOU CONTENT FOR SCOTTISH GOVERNMENT TO CONTACT YOU AGAIN?

Yes

**SIBA PROUDLY HAS DIRECT AND INDIRECT LINKS TO THE ALCOHOL INDUSTRY AS A RESPONSIBLE TRADE ASSOCIATION REPRESENTING THE UK'S and SCOTLAND'S SMALL AND INDEPENDENT BREWERIES.**

## INTRODUCTION

Scotland's small and independent breweries are renowned in Scotland, across the UK and worldwide for producing some of the most innovative and exciting beers which are enjoyed by thousands of responsible drinkers. The last twenty years has seen a 'craft beer' revolution and led to the establishment of 150 small breweries in Scotland, each at the heart of their local communities and serving beer in local pubs and shops.

They have grown and established themselves despite the 'David and Goliath' struggle they face in a sector dominated by four Global producers that are responsible for 90% of the beer sold and consumed in the UK. To do so these small businesses have had to create a brand and gain access to the market. They have had to work hard to build trust, quality and direct connections with local customers to create a loyal following. This ability for small producers to enter the market, to innovate and create a brand is now under threat with the Scottish Government's latest consultation to restrict alcohol advertising and promotion.

The past three years have been an extremely challenging time for the sector. During the pandemic, Scotland's small independent breweries lost 80% of their sales with the forced closure of licensed premises. Many had to invest in their online webshop and direct sales to survive. This essential route to market is now under threat in this consultation with proposals to restrict alcohol branded websites in Scotland. Coming on the back of the onerous Deposit Return Scheme as well as the cost of living crisis and energy price spike, these restrictions will be ruinous for small independent breweries if implemented.



Fundamentally these proposed policies run counter to the Scottish Government's stated strategy to see "Scotland's food and drink industry to continue growing and bringing benefits to Scotland including jobs, wealth and international renown".<sup>1</sup> Instead these changes, if implemented in full, will stifle small producers in Scotland leading to fewer direct and indirect jobs in the supply chains which support them and harming Scotland's international reputation for quality drinks producers.

Our members offer unique and local products, with hundreds of different beer styles using natural ingredients. These attributes are very much in line with the Scottish Government's Good Food Nation policies so that food and drink "will be a thriving well-known feature of local and national economies, with each part of Scotland rightly proud of its culinary heritage."<sup>2</sup> Scottish small breweries do not believe that their unique, local and varied beers are "essentially variations of the same thing"<sup>3</sup> as stated in the current consultation.

Equally our members are completely behind efforts to reduce the harmful consumption of alcohol across all segments of society. We support measures that target the harmful use of alcohol where there is clear evidence that it does so and actively support measures that encourage the sensible consumption and enjoyment of alcohol, including in the controlled environment of licensed premises.

Key to the Scottish Government's strategy towards the food and drink industry is partnership. It works with Scotland Food and Drink on the Ambition 2030 and the partnership export plan delivered by Scottish Development International. However in this consultation there is a rejection of the partnership through co-regulation that has helped to reduce alcohol harm in Scotland and instead the Scottish Government is considering adopting a legal framework. We believe that there are better approaches that the Government can take to tackle the issues without sacrificing local jobs, local community initiatives and support not harming the viability of Scotland's small and independent breweries and would suggest that the Scottish Government adopts our recommended principles.

## **SIBA'S GUIDING PRINCIPLES TO THIS CONSULTATION**

SIBA and small independent breweries believe that the Scottish Government should adopt the following principles:

1. Co-regulation provides the means through partnership to address alcohol harm
2. There should be a targeted approach to alcohol harm

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<sup>1</sup> <https://www.gov.scot/policies/food-and-drink/supporting-the-food-and-drink-industry/>

<sup>2</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2014/06/recipe-success-scotlands-national-food-drink-policy-becoming-good-food/documents/00453219-pdf/00453219-pdf/govscot%3Adocument/00453219.pdf>

<sup>3</sup> P5, <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2022/11/consultation-restricting-alcohol-advertising-promotion/documents/consultation-restricting-alcohol-advertising-promotion/consultation-restricting-alcohol-advertising-promotion/govscot%3Adocument/consultation-restricting-alcohol-advertising-promotion.pdf>



3. Scottish small breweries make a positive contribution to the Scottish economy and community
4. The viability of small businesses should not be threatened by restrictions on sponsorship and promotion.

## **QUESTION 1 – DO YOU THINK WE SHOULD PROHIBIT ALCOHOL SPORTS SPONSORSHIP IN SCOTLAND?**

### **NO**

The Scottish Government is considering this ban on alcohol sports sponsorship at a time of continued falls in alcohol consumption, especially amongst young people that the consultation has suggested is a specific target for these restrictions. The Scottish Health Survey (November 2022) shows that 77% of adults in Scotland do not drink or remain below the Chief Medical Officers' Guidelines and this increases to 88% of people aged between 16-24 years old.<sup>4</sup> Equally the number of underaged drinkers has declined over the past 15 years with 13% of 13-15 year olds who have drunk in the last week compared to 31% in 2004.<sup>5</sup>

There is also insufficient evidence currently of the relationship between sports sponsorship and consumption nor sufficient research on the direct impact on children and underage drinking. The consultation does not refer to any study on the link between the two. The Scottish Government is, therefore, making proposals that are not evidence driven and it is not clear that banning alcohol sponsorship will have any impact on alcohol consumption. This is similar to other alcohol restrictions introduced over time by the Scottish Government which have not been fully assessed, including the drink driving limit changes and minimum unit pricing. SIBA would like these to be fully assessed before new measures are considered or introduced.

It is however clear that the proposals will have a negative impact on community sports provisions and the ability for local small breweries to support their local teams and threaten their financial viability. Equally it will undermine small breweries ability to support sporting events.

### **Supporting local sports teams**

While not all small breweries are large enough or have the ability to sponsor sports or events<sup>6</sup>, those that do are supporting grassroots sports that would not receive funding from larger national companies. It is also often a way for small and local breweries to get their beers sold in local sports clubs. Market access is a significant barrier for small breweries as the vast

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<sup>4</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2022/11/scottish-health-survey-2021-volume-1-main-report/documents/scottish-health-survey-2021-volume-1-main-report/scottish-health-survey-2021-volume-1-main-report/govscot%3Adocument/scottish-health-survey-2021-volume-1-main-report.pdf>

<sup>5</sup> <https://www.gov.scot/publications/scottish-schools-adolescent-lifestyle-substance-use-survey-salsus-alcohol-report-2018/>

<sup>6</sup> About 12% of SIBA members sponsor sports or events, SIBA members' survey 2023



majority of draught systems are owned or maintained by large and Global breweries which restrict direct access by small producers.

Take for example Loch Lomond Brewery, based in Dumbarton, which is an award winning family owned small brewery which opened in 2011. They support their local rugby and cricket team, Helensburgh Cricket and Rugby Football Club. They are one of only six local businesses that support them and without it the team usually cannot afford to buy new strips. As a responsible business and following existing legislation they do not have any relationship with the under 18 teams but support the adult teams. This is through discounted beer in the club house, meaning that the local club can serve local beer and they can use the profits to provide financial assistance to the team.

Another example of the support provided in the local community is Stewart Brewing established in 2004 and based in Loanhead. They are passionate supporters of the local area and on promoting an active and balanced lifestyle. Their support is not sales driven but about giving back to the local community and they have partnered with Scottish Sailing, Pentland Athletic Football Club and Bonnyrigg Rose Football Club. Banning or restricting these partnerships will impact the service levels of the sports organisations as well as diluting the positive balanced living message that Stewart Brewing is promoting.

Pilot Beer, based in Edinburgh, has recently set up a charity which aims to make beer more inclusive and to support communities. The Hibernian Women football team approached the brewery last year as they wanted to expand their local support and become a more inclusive and community focused club.

### **Supporting local sports events**

Scotland's small breweries also support, host and help organise local sporting events which capture the local imagination and often help to raise much needed funding for charities and local causes. Stewart's Brewing has an active events plan including an annual Hop Run which sees over 250 local runners take part in a 10 km run. The brewery also partners with the Edinburgh Marathon Festival. Both events are an investment in the local community and provide additional opportunities for local people to actively get involved and participate in sport. Similarly Cromarty Brewery support the local E-Tap race, which attracts around 5,000 people, and the Baxters Marathon.

Placing further restrictions on sports sponsorship puts this grassroots and community provisions at risk, stifling the opportunities for local businesses to provide support to sports clubs and eroding further market access for Scottish breweries.

### **QUESTION 2 – IF SPORTS ALCOHOL SPONSORSHIP WERE TO BE PROHIBITED, WHAT TYPES OF MARKETING DO YOU THINK SHOULD BE COVERED BY A PROHIBITION?**

As outlined above, sports alcohol sponsorship should not be further restricted because any such prohibitions would put grassroot clubs at risk, stifle small Scottish producers and further



erode their market access. Equally alcohol consumption is falling and robust evidence has not been provided for the need for further restrictions on sports sponsorship.

All of the illustrative examples highlighted as possible restrictions in the consultation (including brands on clothing, advertising on pitches, in print or online) are practices that other business supporters of sport would be allowed to do in exchange for their sponsorship. It is therefore unfair to penalise alcohol from carrying out these common business practices. Sponsoring clothing, on the pitch and in adverts enables small breweries in Scotland to build a brand, show their support for grassroots teams and help provide needed financial support to local sports clubs. As outlined in the examples in Question 1, Loch Lomond Brewery is one of six businesses on the adult team's shirt sponsors. Without support the team would not be able to afford new kit. For Pilot Beer, the exposure at the game was an emotional moment for the brewery, allowing it to see a small brand lit up on the LED boards at Easter Road for the first time. For the business it has been an extremely challenging time coming out of the pandemic which saw 80% of small breweries' businesses (local pubs) close.

### **QUESTION 3 – WHAT, IF ANY, SPORTING ACTIVITIES OR EVENTS DO YOU THINK SHOULD BE EXEMPTED FROM A PROHIBITION ON ALCOHOL SPORTS SPONSORSHIP?**

As outlined above in answer to Question 1 and Question 2, sports alcohol sponsorship should not be further restricted because any such prohibitions would put grassroot clubs at risk, stifle small Scottish producers and further erode their market access. Equally as the statistics demonstrate alcohol consumption is falling and robust evidence has not been provided for the need for further restrictions on sports sponsorship. While SIBA and small breweries do not believe these restrictions are necessary the Scottish Government should be particularly minded on the impacts any such measures would have on small businesses.

### **QUESTION 4 – DO YOU THINK WE SHOULD PROHIBIT ALCOHOL EVENTS SPONSORSHIP IN SCOTLAND?**

**NO**

The consultation clearly states that “the extent and impact of sponsorship of non-sporting events has not been researched”<sup>7</sup>, therefore there is no clear evidence to support the prohibition of alcohol events sponsorship in Scotland. As above with sports sponsorship there is ample evidence of the contribution that Scottish drinks producers make to local events and that any new restrictions will undermine the ability and viability of events, festivals, beer festivals and the creative sector in Scotland. These are detailed below.

#### **Supporting Scottish charity events**

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<sup>7</sup> P23, <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2022/11/consultation-restricting-alcohol-advertising-promotion/documents/consultation-restricting-alcohol-advertising-promotion/consultation-restricting-alcohol-advertising-promotion/govscot%3Adocument/consultation-restricting-alcohol-advertising-promotion.pdf>



Ninety percent of small breweries say how important their relationship is with their local community.<sup>8</sup> At the heart of operating a local community business is the ability to support local clubs, events and groups. When it comes to charities, the vast majority (80%) of small independent breweries donate financial and practical support with 56% of them being local charities.<sup>9</sup> This includes allowing charities to organise events at the brewery for free but also providing them with beer or merchandise or donating the money from the beer that they sell. This vital local charity support will be put at risk under the Scottish Government's proposals preventing small breweries from sponsoring events.

For example, Cromarty Brewery sponsor several local community teams and events and it does this as the small business is always looking to support local companies and the local community. The brewery tends to do sponsorship in kind including providing beer to the Highland Hospice for various raffles and dinners they put on to raise money for the hospice. Another example is Stewart Brewing who is the charity partner of Bright Sparks which helps its sustainability projects such as the wildflower meadow. Restrictions on breweries' ability to support local charities would impact such community projects organised and run by small organisations.

### **Supporting Scottish creative events**

Many small and independent venues and events rely on support from their local businesses including Scottish breweries. For example, Barney's Beer in Edinburgh sponsors various events at its local independent arts venue in Edinburgh as well as the Imagine Festival. This helps the independent venues survive during these challenging times. The brewery provides beer to the venue as a form of sponsorship, which is aimed at adults over the legal drinking age. If Barney's Beer did not do this then alcohol would still be served in the venues but it would be from a large or Global brewery instead of a local beer.

### **Hosting and supporting independent Scottish beer festivals**

A vital route to market for small breweries are beer festivals. These allow patrons to sample and explore a wide range of beers from Scotland and around the World in a controlled and licenced environment. This introduces responsible drinkers to new and different beer styles and products from small producers and are often either fully or partly funded by small breweries or by consumer organisations such as CAMRA. For example, for the first time ever SIBA organised Indie Beer Scotland last year. This coincided with SIBA's Scottish beer competition – where the best beer in Scotland is judged and awarded. To make use of the beer used for judging a beer festival was organised at Murrayfield Stadium which was successful and well attended and is hoped to be repeated this year.

### **Tap takeovers/ tasting event/ meet the brewer/ brewery tours**

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<sup>8</sup> <https://cask-marque.co.uk/wp-content/uploads/2022/03/SIBA-Craft-Beer-Report-2022.pdf>

<sup>9</sup> SIBA members survey 2023



While it is not clear that this is an area under consideration for prohibition by the Scottish Government it is important to stress how such events in licenced premises are significant to small producers as well as being able to host tours of a local brewery. Having the ability to showcase their products to responsible adults in the supervised environment of the pub, taproom or brewery is an important element for any small producer. Many hold tasting events or 'tap takeovers' where their range of products will be on in a local pub at the same time allowing adults to try and taste a variety of different styles from local Scottish breweries. Equally a core activity for small breweries is having the opportunity for responsibly drinkers to meet with the brewer and hear about how the inspiration behind the beer, how it is made and then experience what it tastes like.

### **QUESTION 5 – IF ALCOHOL EVENTS SPONSORSHIP WERE TO BE PROHIBITED, WHAT TYPES OF MARKETING DO YOU THINK SHOULD BE COVERED BY A PROHIBITION?**

As outlined above in answer to Question 4, alcohol sponsorship of events should not be further restricted because any such prohibitions would negatively impact small breweries' ability to raise funding for local charities, hold beer festivals and events at their premises as well as showcase their range of beers to responsible adults. Equally there is no evidence to support these prohibitions as stated in the consultation. While SIBA and small breweries do not believe these restrictions are necessary the Scottish Government should be particularly minded on the impacts such further measures will have on small businesses.

### **QUESTION 6 – WHAT, IF ANY, EVENTS DO YOU THINK SHOULD BE EXCEPTED FROM A PROHIBITION ON ALCOHOL EVENTS SPONSORSHIP, AND WHY?**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures will have on small businesses.

### **QUESTION 7 – 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?**

#### **DON'T KNOW**

SIBA and small breweries do not believe that there should be further restrictions on alcohol sponsorship for the reasons stated above. Given that no specific detailed policies have been put into the consultation and the Scottish Government is clear that no decisions have been made it is impossible to comment on what lead in time would be needed if any policy was introduced. As the consultation states "it would be a significant undertaking if alcohol sponsorship was prohibited for all events". Each sports club, from the smallest to the largest, will have a different contractual agreement with each business. Some of these will be multi





year agreements. Clubs will also require time to find and source alternative funding if this was even available for them to find.

## **QUESTION 8 – DO YOU THINK WE SHOULD PROHIBIT ALCOHOL MARKETING OUTDOORS, INCLUDING ON VEHICLES, AND IN PUBLIC SPACES IN SCOTLAND?**

### **NO**

The UK beer sector is dominated by four Global producers that are responsible for 90% of the beer sold in the UK. To enter the market, grow and compete in this ‘David and Goliath’ industry, small breweries have to create and establish a successful brand and an important part of this is the ability to advertise their products locally. This includes the advertisement of the visitor centres, taprooms and shops as well as their visitor experiences. Seventy percent run a taproom, shop or visitor centre on the brewery site, which is a vital part of their business. Small breweries also frequently decorate their van with the name of the business and their logos so that it is recognisable. Often they also offer other branded materials such as umbrellas and awnings to hospitality venues. All of these practices would potentially be banned under this consultation.

Such prohibitions would hinder small producers’ ability to grow their business which is counter to the Scottish Government’s own strategy to see the food and drink industry do so and create jobs, wealth and international renown.<sup>10</sup> The Scottish Government’s Good Food Nation focuses on having “thriving and well-known”<sup>11</sup> drinks businesses, but if small producers are unable to advertise they cannot become well-known or thrive. The proposals in the consultation therefore will stifle small producers in Scotland and lead to fewer jobs in small communities. Small breweries are particularly reliant on a local workforce with two thirds of brewery employees living within five miles of the brewery site.<sup>12</sup>

The advertising and marketing of alcoholic products is already covered under strict regulations governed by the Advertising Standards Authority (ASA) and any communication must be responsible.

## **QUESTION 9 – WHAT DO YOU THINK SHOULD BE COVERED BY A PROHIBITION ON ALCOHOL MARKETING OUTDOORS, ON VEHICLES AND IN PUBLIC SPACES?**

### **YOUR ANSWER SHOULD INCLUDE:**

- 1. PLACES WHERE YOU THINK ALCOHOL MARKETING SHOULD BE PROHIBITED (E.G. ON BUS SHELTERS, IN OR NEAR LEISURE CENTRES OR ON TAXIS); AND**

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<sup>10</sup> <https://www.gov.scot/policies/food-and-drink/supporting-the-food-and-drink-industry/>

<sup>11</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2014/06/recipe-success-scotlands-national-food-drink-policy-becoming-good-food/documents/00453219-pdf/00453219-pdf/govscot%3Adocument/00453219.pdf>

<sup>12</sup> Craft Beer report 2022 - <https://cask-marque.co.uk/wp-content/uploads/2022/03/SIBA-Craft-Beer-Report-2022.pdf>



## **2. TYPES OF ALCOHOL MARKETING YOU THINK SHOULD BE PROHIBITED OUTDOORS (E.G. BILLBOARDS OR SIGNAGE)**

SIBA and small breweries do not agree that there should be further restrictions on alcohol marketing outdoors, on vehicles or in public spaces as alcohol advertising is already regulated. This is because, as outlined in the response to question 8, such prohibitions would hinder the ability of small producers to grow their business. Such restrictions are counter to the Scottish Government's food and drink policies and strategies which set out to nurture local drinks manufacturers.

### **QUESTION 10 – WHAT, IF ANY, EXCEPTIONS DO YOU THINK THERE SHOULD BE TO PROHIBITING ALCOHOL MARKETING OUTDOORS, INCLUDING ON VEHICLES, AND IN PUBLIC SPACES IN SCOTLAND?**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures would have on small businesses.

### **QUESTION 11 – DO YOU THINK THAT WE SHOULD FURTHER RESTRICT THE VISIBILITY OF ALCOHOL IN RETAIL ENVIRONMENT, GIVING REASONS FOR YOUR RESPONSE?**

**NO**

The sale of alcohol including beer is currently heavily regulated under a strict licensing system governed by the Licensing (Scotland) Act 2005. This includes limitations on display which must be agreed by the licensing board and cannot be changed without their agreement. In addition there are restrictions on advertising or promoting alcohol outside of the agreed display areas and outside the premises. Therefore the legal avenue to monitor and restrict retail displays already exist and are subject to local licensing board approval.

Small breweries in Scotland already face significant hurdles to bring their products to market because of the domination of large and Global producers and rely on marketing to differentiate their products. The vast majority own and run taprooms and retail shops on the brewery site which would be significantly impacted by further restrictions on window displays.

Small producers and retailers are already facing a very difficult trading environment with the current energy price increases and a cost of living crisis. Around 80 small breweries closed across the UK last year and more are on the brink of survival. They are already having to spend significant amounts of money on complying with the Deposit Return Scheme (DRS) which is placing substantial financial burdens on them and is likely to result in further business failures.



New restrictions as outlined in the consultation will add further burdens and pressure on small breweries, making it more difficult for them to successfully trade.

**QUESTION 12 – DO YOU THINK WE SHOULD CONSIDER STRUCTURAL SEPERATION OF ALCOHOL IN SCOTLAND TO REDUCE THE VISIBILITY OF ALCOHOL IN OFF-TRADE SETTINGS (E.G. SUPERMARKETS)?**

**NO**

Under the 2005 Licensing (Scotland) Act there are already limitations on display and advertising in-store. The display is restricted to a particular area of the store which is agreed by the licensing board and cannot be changed without permission. The consultation document refers to an example in Ireland but this has not been evaluated and therefore it is not known what impact, if any, these changes have had in Ireland or have if they could be applied in Scotland.

It is clear that further restrictions will have a negative impact on small producers including independent breweries that will make it more difficult if not impossible to market their products to customers.

**QUESTION 13 – HOW DO YOU THINK STRUCTURAL SEPARATION OF ALCOHOL IN SCOTLAND COULD OPERATE? (E.G. WITH BARRIERS, CLOSED DISPLAY CASES)**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures will have on small businesses.

**QUESTION 14 – DO YOU THINK THAT WE SHOULD PROHIBIT THE SALE OF ALCOHOL-BRANDED MERCHANDISE IN SCOTLAND?**

**NO**

Consumers are increasingly seeking experiences and quality<sup>13</sup> and small independent breweries have responded to this by creating visitor experiences at the brewery, along with shops and taprooms. Today around 70% of small breweries have these facilities on their sites offering a unique experience where visitors can sample various beers and learn about the traditional process of brewing, providing them with a closer connection to the production process. Consumers expect as part of this experience to be able to take away gifts and mementoes of their visits which include T-shirts, glass wear and other branded merchandise. These also provide an important revenue stream for small breweries and support local community jobs.

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<sup>13</sup> Carlsberg on trend market update, July 2019



Small breweries particularly struggle to establish a brand for their products and to build their businesses given the nature of the market and rely on merchandise to create awareness of their brands. Beers from small independent breweries are often also used in other products such as pies and stews but also chutneys and Christmas puddings amongst many examples. This supports other local and small producers as well as restaurants and shops where these items are sold as unique and local products. It would be unfair if breweries could not refer to their products containing their beers if marketing is banned.

It is a condition of membership of SIBA that members adhere to regulations on the promotion and sale of alcohol and follow the Portman Group's Code of Practice which is clear about not associating drinks brands with merchandise which particularly appeals to under-18s. Small breweries promote their merchandise to responsible drinkers who visit their breweries.

## **QUESTION 15 – DO YOU THINK THAT WE SHOULD PROHIBIT THE FREE DISTRIBUTION OF ALCOHOL-BRANDED MERCHANDISE IN SCOTLAND?**

### **NO**

Merchandise is a key element of small independent breweries' businesses as described in answer to Question 14 as it directly supports the business and provides jobs but also enables them to build a greater awareness of their brands.

Breweries understand that any use of this merchandise should be done in a responsible way and this is achieved through existing codes of regulations. Most small breweries support their local charities and for 65% of them it is through providing beer or merchandise for free.<sup>14</sup> A ban on giving away brewery merchandise for free would also impact important fundraising for charities.

Pubs and other hospitality venues increasingly like to serve the beer in the most appropriate glassware chosen and designed for that particular beer style. In many cases, breweries will provide free glassware and other branded items to ensure that the beer is served at its best for the consumer.

## **QUESTION 16 – WHAT, IF ANY, EXCEPTIONS DO YOU THINK SHOULD THERE BE TO PROHIBITING THE SALE OR DISTRIBUTION OF ALCOHOL-BRANDED MERCHANDISE?**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures would have on small businesses.

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<sup>14</sup> SIBA members' survey 2022



## **QUESTION 17 – WHAT, IF ANY, OTHER RESTRICTIONS DO YOU THINK SHOULD BE CONSIDERED ON THE USE OF ALCOHOL BRANDS ON NON-ALCOHOL PRODUCTS?**

Beers from small independent breweries are often also used in other products such as pies and stews but also chutneys and Christmas puddings amongst many examples. This supports other local and small producers as well as restaurants and shops where these items are sold as unique and local products. It would be unfair if breweries could not refer to their products containing their beers if marketing is banned. This would disincentivise non-alcoholic producers from making these new and innovative products and penalise other small businesses in Scotland.

## **QUESTION 18 – DO YOU THINK THAT ANY POTENTIAL ALCOHOL MARKETING RESTRICTIONS SHOULD ALSO APPLY TO NO-OR LOW DRINKS PRODUCTS BETWEEN 0% AND 1.2% ABV, WHERE THESE CARRY THE SAME BRAND NAME, OR IDENTIFIABLE BRAND MARKINGS, AS ALCOHOL DRINKS OVER 1.25 ABV?**

**NO**

The no and low sector has seen substantial increases in recent years in response to growing consumer trends. Despite this the sector is still in its infancy and additional restrictions are likely to hinder its growth in Scotland and reduce consumer awareness of these products.

For small breweries, many have invested in bringing new low and no products to market, which often require different brewing techniques. Lower alcohol products have grown from 2% of their products in 2016 to 9% in 2022 with non-alcoholic beer making up 6% of their range.<sup>15</sup> This fledgling sector of the market needs greater support from the Government not additional restrictions. This has been recognised by the UK Government which has developed the new alcohol duty system (introduced from 1 August 2023) to align with public health goals.<sup>16</sup> As part of this the lower alcohol band is being increased to below 3.5% ABV. The Scottish Government may find that the UK's changes to the alcohol duty system provide a better way to target alcohol harm by encouraging the production and consumption of lower alcohol products.

## **QUESTION 19 – DO YOU THINK THAT WE SHOULD PROHIBIT ADVERTISING OF ALCOHOL IN NEWSPAPERS AND MAGAZINES PRODUCED IN SCOTLAND?**

**NO**

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<sup>15</sup> SIBA members' survey 2022

<sup>16</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1105972/20220624\\_Alcohol\\_Duty\\_Review\\_Consultation\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1105972/20220624_Alcohol_Duty_Review_Consultation_response.pdf)



Newspapers and magazines provide an important community service giving access to local news and information. In recent years, this service has come under enormous pressure with the growth of digital publications and the switch to online. This has seen substantial reductions in newspapers including those that have existed for more than a century.<sup>17</sup> The existing publications rely heavily on advertising, including from the alcohol sector, to survive and imposing restrictions would undermine their viability.

Equally national publications are sold across the UK and, as the consultation clearly indicates, “any regulation is unlikely to be able to extend to publications printed outside of Scotland and distributed in Scotland.”<sup>18</sup> Therefore this is likely to only harm the viability of Scottish businesses, placing them at a disadvantage and make the restrictions unenforceable in Scotland.

### **QUESTION 20 – WHAT, IF ANY, EXCEPTIONS DO YOU THINK THERE SHOULD BE TO PROHIBITING ALCOHOL ADVERTISING IN NEWSPAPERS AND MAGAZINES PRODUCED IN SCOTLAND?**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures would have on small businesses.

### **QUESTION 21 – DO YOU THINK WE SHOULD RESTRICT ALCOHOL BRANDED SOCIAL MEDIA CHANNELS AND WEBSITES IN SCOTLAND?**

#### **NO**

For Scotland’s small independent breweries websites and social media are important communication channels. First of all they allow them to provide additional information on the products that cannot necessarily be displayed on the packaging given the regulatory labelling requirements and the pressures of space. This includes details on its specific hops and malts, what inspired it and tasting notes. Secondly they provide an opportunity for people to learn more about the small brewery – where it is, what it produces – as well as its other products.

It also allows small breweries to provide updates on new releases, events at the brewery site or in other licenced premises. The public now expect that any company would have a website to provide this type of information – in fact they are now wary of any business that does not have an online presence. Restricting alcohol branded websites would therefore prevent Scotland’s small breweries from communicating with their customers using the latest means available.

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<sup>17</sup> For example the Buteman existed for 165 years, <https://www.heraldscotland.com/news/17683819.scots-newspaper-shut-165-years-serving-island-community/>

<sup>18</sup> P37, <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2022/11/consultation-restricting-alcohol-advertising-promotion/documents/consultation-restricting-alcohol-advertising-promotion/consultation-restricting-alcohol-advertising-promotion/govscot%3Adocument/consultation-restricting-alcohol-advertising-promotion.pdf>



During the Covid-19 pandemic, when Scotland's small breweries lost 80% of their sales with the mandated closure of licenced premises, webshops and the ability to sell directly to responsible drinkers became vital to the survival of these businesses. Now 80% of small breweries have a webshop which on average counts for 10% or more of their sales.<sup>19</sup> Prohibiting alcohol branded websites would prevent small breweries from selling their products directly to consumers and undermine their ability to compete. It is also not clear how this could apply to businesses outside of Scotland and therefore is likely to result in only undermining Scottish small breweries. This comes on top of the recent Deposit Return Scheme which places onerous conditions on small producers including their webshop sales and is likely to result in fewer sales online.

Social media has become a powerful tool to carry out two way communications between businesses and their customers. Small breweries can use these to effectively communicate in real time with responsible drinkers to keep them updated and informed. Again it is an expectation amongst the public that a legitimate business would have a presence on social media to do so. Equally much of the content on social media is generated by the public and it would be difficult to enforce a ban on members of the public from sharing images and views or holding small businesses responsible for such comments.

In recent years online rating websites have been launched by third parties that allow consumers to upload pictures and reviews of the beers they are drinking and compare their experience to others. Sites such as Untapped and Ratebeer are not controlled or influenced by small breweries and are managed by third parties and therefore the small brewery cannot be held responsible for their content. It is not clear how such sites could be restricted under the Scottish Government's proposals.

Marketing online is already subject to regulations under the Advertising Standards Authority and Scotland's small independent breweries act responsibly and do not seek to advertise to those below the legal drinking age.

## **QUESTION 22 – WHAT, IF ANY, EXCEPTIONS DO YOU THINK THERE SHOULD BE TO PROHIBITING ALCOHOL BRANDED SOCIAL MEDIA CHANNELS AND WEBSITES IN SCOTLAND?**

Social media and websites are important communication tools for Scotland's small independent breweries. SIBA, and the small businesses it represents, do not believe that further restrictions are needed as advertising online is already governed by the Advertising Standards Authority but the Scottish Government should be particularly minded on the impact such measures would have on small businesses.

To introduce further restrictions would prevent small businesses from growing a brand, communicating with responsible drinkers or providing them with updates and information. It

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<sup>19</sup> Craft Beer Report 2022 - <https://cask-marque.co.uk/wp-content/uploads/2022/03/SIBA-Craft-Beer-Report-2022.pdf>



would severely harm Scottish businesses that would no longer be able to sell their products online, restricting their ability to compete against those outside of Scotland.

### **QUESTION 23 – DO YOU THINK WE SHOULD RESTRICT PAID ALCOHOL ADVERTISING ONLINE IN SCOTLAND?**

**EXAMPLES INCLUDE ADVERTS APPEARING ON WEBSITES, VIA POP UPS, ON SOCIAL MEDIA PLATFORMS, ON SEARCH ENGINES, OR INFLUENCER ADVERTISING**

**NO**

Paid for online adverts are a useful tool for businesses. They allow small producers to inform responsible drinkers in a targeted way based on their interests and location. For example a small brewery could advertise a tap takeover at a licenced premises to those who live nearby. This technology allows alcohol producers to target adverts at only people of legal drinking age and online advertising is subject to regulations under existing codes and the Advertising Standards Authority.

### **QUESTION 24 – WHAT TYPES OF PAID ALCOHOL ADVERTISING DO YOU THINK SHOULD BE COVERED BY ANY RESTRICTIONS?**

SIBA does not believe that further restrictions are needed for paid alcohol advertising as these are useful tools for businesses which use them in responsible ways which comply with strong existing regulations.

### **QUESTION 25 – WHAT, IF ANY, EXCEPTIONS DO YOU THINK SHOULD THERE BE TO RESTRICTING PAID ALCOHOL ADVERTISING ONLINE?**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures will have on small businesses.

### **QUESTION 26 – 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?**

**NO**

Social media provide a platform for small breweries to communicate in real time with their customers. To maintain and increase the number of followers on social media that a company has it needs to provide regular content that these responsible consumers wish to see. This





includes videos and posts which could be created by the producer or by consumers themselves. This allows small breweries to grow their brand and inform customers about their beers. It would be unfair if a company could not provide any comment on content that is not produced directly by them or held responsible for consumer produced content which is out of their hands. As already mentioned there are already third party rating sites which depends on consumer driven content of which small producers have no control.

The content on alcohol producers' social media sites are already subject to strict regulation under the Advertising Standards Authority codes and small breweries operate in a responsible way and do not seek to advertise their content to those under the age of lawful drinking.

**QUESTION 27 - 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?**

SIBA and small breweries do not believe that these restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures would have on small businesses.

**QUESTION 28 – DO YOU THINK WE SHOULD EXPLORE PROHIBITING ALCOHOL ADVERTISING ON TELEVISION AND RADIO COMPLETELY (E.G. LIKE NORWAY OR SWEDEN)?**

**NO**

Figures from the ASA show that children's exposure to alcohol TV ads has continued to fall and has fallen at a faster rate than all TV ads and that between 2008 and 2020 children's exposure decreased by just over two thirds.<sup>20</sup> This suggests that the current restrictions in place are working to ensure there are sufficient safeguards for children and that alcohol advertising is targeted at responsible adults.

As the consultation makes clear, the Scottish Government does not have the powers to restrict advertising on TV or radio in Scotland and therefore the Scottish Government should continue to work with the ASA and other regulators to ensure that the current system continues to safeguard children.

**QUESTION 29 – DO YOU THINK WE SHOULD INTRODUCE A WATERSHED FOR ALCOHOL ADVERTISING ON TV AND RADIO (E.G LIKE IRELAND), AND IF SO HOW WOULD THIS WORK?**

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<sup>20</sup> <https://www.asa.org.uk/news/children-s-exposure-to-tv-ads-for-alcohol-and-gambling-2020-update.html>



**NO**

As stated in response to Question 28, Figures from the ASA show that children's exposure to alcohol TV ads has continued to fall and has fallen at a faster rate than all TV ads and that between 2008 and 2020 children's exposure decreased by just over two thirds.<sup>21</sup> This suggests that the current restrictions in place are working to ensure there are sufficient safeguards for children and that alcohol advertising is targeted at responsible adults.

As the consultation makes clear, the Scottish Government does not have the powers to restrict advertising on TV or radio in Scotland and therefore the Scottish Government should continue to work with the ASA and other regulators to ensure that the current system continues to safeguard children.

**QUESTION 30 – DO YOU THINK ALCOHOL ADVERTISING SHOULD BE RESTRICTED IN CINEMAS?**

**NO**

Advertising alcohol in cinemas is already regulated by the Advertising Standards Authority and the Cinema Advertising Association with clear rules in place and further restrictions are not required.

**QUESTION 31 – IF ALCOHOL ADVERTISING WAS RESTRICTED IN CINEMAS, WHAT, IF ANY EXCEPTIONS (E.G. PRODUCTS IN SCOPE, TIMES OF DAY OR SPECIFIC MOVIE RATINGS) DO YOU THINK SHOULD BE CONSIDERED?**

SIBA and small breweries do not believe that these further restrictions are necessary however the Scottish Government should be particularly minded on the impact such measures will have on small businesses.

**QUESTION 32 – DO YOU THINK THAT THE CONTENT ON ALCOHOL MARKETING SHOULD BE RESTRICTED TO MORE FACTUAL ELEMENTS?**

**NO**

Restricting alcohol marketing to only factual elements would severely restrict Scotland's small and independent breweries. Every brewery has a unique reason for setting up and producing its beers and to prevent the small business from making any reference to these would prevent them using a legitimate marketing route to advertise their products. Many have incorporated characters or other elements into their labelling and marketing to enable them to stand out and establish a brand and ultimately grow their business in a market dominated by large and

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<sup>21</sup> <https://www.asa.org.uk/news/children-s-exposure-to-tv-ads-for-alcohol-and-gambling-2020-update.html>



Global producers. The restrictions suggested in the consultation would leave them with little room for creativity and the individual identification of beer brands. Alcohol marketing is already heavily regulated under existing codes.

**QUESTION 33 – DO YOU THINK WE SHOULD 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.**

**NO**

Restricting alcohol marketing to only elements on a list would severely restrict Scotland's small and independent breweries. Every brewery has a unique reason for setting up and producing its beers and to prevent the small business from making any reference to these would prevent them using a legitimate marketing route to advertise their products. Many have incorporated characters or other elements into their labelling and marketing to enable them to stand out and establish a brand and ultimately grow their business in a market dominated by large and Global producers. The restrictions suggested in the consultation would leave them with little room for creatively and the individual identification of beer brands. Alcohol marketing is already heavily regulated under existing codes.

**QUESTION 34 – DO YOU THINK THAT CONTENT RESTRICTIONS LIKE THE ESTONIAN MODEL SHOULD BE APPLIES TO ALL TYPES OF ALCOHOL MARKETING?**

**NO**

These restrictions should not be applied to any type of alcohol marketing including those carried out legitimately by Scotland's small and independent breweries. As stated above, these restrictions would leave little room for creativity and undermine small producers' ability to market their beers, establish their brand and grow their businesses.

**QUESTION 35 – HOW DO YOU THINK THAT ANY FUTURE ALCOHOL MARKETING RESTRICTIONS IN SCOTLAND SHOULD BE MONITORED AND ENFORCED?**

SIBA and small breweries do not believe that there should be further restrictions on alcohol marketing for the reasons stated above. Given that no specific detailed policies have been put into the consultation and the Scottish Government is clear that no decisions have been made it is impossible to comment on how hypothetical restrictions should be monitored or enforced. Throughout the consultation there are clear references to the restrictions on the Scottish Government to introduce policies in many of the areas under existing devolved arrangements and that they would either require similar policies to be introduced across the UK (or indeed the World) or further devolved powers. It is not clear that such changes would be forthcoming and therefore this would restrict the Scottish Government's ability to monitor their effectiveness or enforce their use. We have seen in other areas, such as the Deposit



Return Scheme, that there are significant issues of creating restrictions in one part of the UK which are not mirrored elsewhere. It is also apparent with the Deposit Return Scheme that the Scottish Government is unlikely to be able to enforce the policy across the thousands of small producers trading across the UK and from abroad.

Instead of seeking new ways to restrict, monitor and enforce, the Scottish Government should work with existing regulators to provide an effective system to address alcohol harms and responsible advertising.

**QUESTION 36 – DO YOU THINK THAT SCOTTISH GOVERNMENT SHOULD REQUIRE THE ALCOHOL INDUSTRY TO PROVIDE INFORMATION AND DATA ON ALCOHOL MARKETING CAMPAIGNS IN SCOTLAND?**

**NO**

This would create additional bureaucracy and onerous requirements on small breweries that do not have the resources to provide such information and data. Many small and independent breweries are small businesses with only a couple of employees that have to do a multitude of tasks from brewing, packaging and distribution to selling and marketing. Such requirements would be costly and time consuming for small breweries to complete.

**QUESTION 37 – DO YOU THINK THAT SCOTTISH GOVERNMENT SHOULD REQUIRE THE ALCOHOL INDUSTRY TO PROVIDE LOCAL ALCOHOL SALES DATA IN SCOTLAND?**

**NO**

As we have seen under the Deposit Return Scheme, small breweries do not necessarily know where their beers are ultimately sold and providing accurate data is extremely complex and challenging. Many will sell to wholesalers who may sell across the border into England to bottle shops that may sell the beer back into the Scottish market using their online webshop. It is extremely difficult if not impossible for small producers to collect this information and wholesalers do not have to provide it or if they do there is a cost.

Such a requirement would create additional bureaucracy and place onerous requirements on small breweries that do not have the resources to provide such information and data.

**QUESTION 38 – 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?**

**NO**



For small breweries in Scotland marketing is an important tool to grow a successful business and introducing a comprehensive package of new restrictions across a number of marketing channels will undermine successful small businesses in Scotland, restrict new entrants into the market and prevent small breweries from continuing to grow. They will also undermine the Scottish Government's own food and drink strategies.

There is little evidence that further restrictions are necessary and there are already comprehensive measures that the Scottish Government should support including the existing regulatory framework.

**QUESTION 39 – WHAT, IF ANY, ADDITIONAL ALCOHOL MARKETING METHODS OR CHANNELS NOT COVERED IN THE CONSULTATION WOULD YOU LIKE SCOTTISH GOVERNMENT TO CONSIDER RESTRICTING AND WHY?**

For small breweries in Scotland marketing is an important tool to grow a successful business. Introducing even further restrictions not covered in the consultation will undermine successful small businesses in Scotland, restrict new entrants into the market and prevent small breweries from continuing to grow. They will also undermine the Scottish Government's own food and drink strategies.

There is little evidence that further restrictions are necessary and there are already comprehensive measures that the Scottish Government should support including the existing regulatory framework.

**QUESTION 40 – WHAT FURTHER EVIDENCE OF ALCOHOL MARKETING WOULD YOU LIKE THE SCOTTISH GOVERNMENT TO CONSIDER?**

SIBA has highlighted areas in the consultation where evidence has not been provided and should be carried out before any restrictions are considered. For example the Irish examples and the impact of events sponsorship.

The Scottish Government should also consider how any further restrictions fit within its wider strategy to support Scottish Food and Drink and their impact on small producers. A full impact assessment should be carried out including how small independent breweries and their supply chain would be negatively affected.

**QUESTION 41 – 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?**



The proposals in the consultation would negatively impact all small independent breweries in Scotland, preventing them from entering the market, competing against the dominant players in the sector and expanding their business. This would result in job losses and reduced business activity in Scotland. Small breweries will be unable to compete with breweries outside of Scotland nor advertise their products to responsible drinkers.

To assist with its impact we have listed the areas that would be prohibited or severely restricted in the table below.

<b>Areas of consultation</b>	<b>Possible prohibition or restriction</b>	<b>Impact on Scottish small breweries</b>	<b>Impact on others (charities, consumers, businesses, jobs)</b>
Alcohol Sports Sponsorship	<ul style="list-style-type: none"> <li>Ban small brewery logos on grassroots sports club kit</li> <li>Ban small brewery support on grassroots sports club pitches/magazines and websites</li> </ul>	<ul style="list-style-type: none"> <li>End of grassroots/local sports club support by Scottish small breweries</li> <li>Small breweries cannot help local sports clubs</li> <li>Reduced market access for Scottish small breweries</li> </ul>	<ul style="list-style-type: none"> <li>End of vital financial support for local sports clubs puts them at risk</li> <li>Players have reduced access to new kit/support</li> <li>Reduced consumer choice on the bar as no Scottish small brewery beer</li> </ul>
Sports Events Support	<ul style="list-style-type: none"> <li>Ban on small breweries supporting local sports events including those that raise money for charity</li> </ul>	<ul style="list-style-type: none"> <li>End of small brewery support for local sports events</li> <li>Small breweries cannot help local community charities or events</li> </ul>	<ul style="list-style-type: none"> <li>End of vital financial support for local sports events puts events at risk</li> <li>Charities deprived of an important source of local support and revenue</li> </ul>
Alcohol Events Sponsorship	<ul style="list-style-type: none"> <li>Ban on small breweries supporting local charity events</li> </ul>	<ul style="list-style-type: none"> <li>Small breweries cannot offer free premises for charity events</li> <li>Small breweries cannot give beer/merchandise</li> </ul>	<ul style="list-style-type: none"> <li>Local charities denied free space to hold events</li> <li>Local charities deprived important support and revenue</li> </ul>



		<p>to support charities</p> <ul style="list-style-type: none"> <li>• Small breweries cannot donate money from beer sales to charity</li> </ul>	
	<ul style="list-style-type: none"> <li>• Ban on small breweries supporting creative events including festivals</li> </ul>	<ul style="list-style-type: none"> <li>• End of small brewery support for local creative events</li> <li>• Small breweries cannot provide support or beer to local creative events</li> <li>• Reduced market access for Scottish small breweries</li> </ul>	<ul style="list-style-type: none"> <li>• Viability of local events placed at risk</li> <li>• Reduced consumer choice on the bar as no Scottish small brewery beer</li> </ul>
Alcohol Events Sponsorship	<ul style="list-style-type: none"> <li>• Ban on small breweries holding or supporting beer festivals</li> </ul>	<ul style="list-style-type: none"> <li>• End of important marketing and revenue stream for small breweries</li> <li>• Small breweries reduce jobs and go out of business</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting organisations (music/food) lose important revenue</li> <li>• Reduced consumer choice</li> <li>• Consumers no longer explore different beers</li> </ul>
	<ul style="list-style-type: none"> <li>• Possible ban on tap takeovers/tasting events/meet the brewer sessions and tours</li> </ul>	<ul style="list-style-type: none"> <li>• End of important marketing and revenue stream for small breweries</li> <li>• Small breweries can no longer promote their beers/ meet consumers</li> <li>• Tours at breweries restricted so brewery facilities close</li> <li>• Small breweries reduce jobs and go out of business</li> </ul>	<ul style="list-style-type: none"> <li>• Pubs and other licenced venues have reduced revenue/choice/ potentially out of business</li> <li>• Reduced jobs in hospitality sector</li> <li>• Tourism negatively impacted</li> <li>• Reduced consumer choice</li> <li>• Consumers no longer explore different beers</li> </ul>
Outdoor alcohol marketing	<ul style="list-style-type: none"> <li>• Ban on advertising brewery</li> </ul>	<ul style="list-style-type: none"> <li>• Impact on important revenue</li> </ul>	<ul style="list-style-type: none"> <li>• Tourism industry hit by reduction in tours</li> </ul>



	<p>site/taproom/shop/visitor centre</p> <ul style="list-style-type: none"> <li>• Ban on advertising tours</li> <li>• Ban on advertising on vans</li> </ul>	<p>stream for small breweries</p> <ul style="list-style-type: none"> <li>• Restrictions on building a brand</li> <li>• Small breweries reduce jobs and go out of business</li> </ul>	<ul style="list-style-type: none"> <li>• Fewer jobs in local communities</li> </ul>
Retail restrictions	<ul style="list-style-type: none"> <li>• Shops cannot display small brewery beer in window displays</li> <li>• Shops cannot have aisle end displays</li> <li>• Beer covered behind tills similar to tobacco</li> </ul>	<ul style="list-style-type: none"> <li>• Small breweries cannot market their beers and large and Global producers continue to dominate on the shop shelves</li> <li>• Inability to display beer in brewery shops and taprooms</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer choice reduced and dominated by products by large and Global producers instead of Scottish producers</li> </ul>
Alcohol Merchandise Ban	<ul style="list-style-type: none"> <li>• Ban on selling merchandise including T-shirts, jackets, hats, glasses and mugs</li> </ul>	<ul style="list-style-type: none"> <li>• Important source of revenue removed</li> <li>• Local small brewery shops forced to close putting jobs and business viability at risk</li> </ul>	<ul style="list-style-type: none"> <li>• Knock-on impact on companies providing merchandise</li> <li>• Local jobs and businesses negatively impacted</li> <li>• Tourism reduced</li> </ul>
	<ul style="list-style-type: none"> <li>• Ban on free merchandise including glassware, T-shirts, mugs, jackets and hats</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced awareness of small breweries in Scotland as banned from free merchandise to pubs</li> <li>• Ban on small breweries giving merchandise to charities</li> </ul>	<ul style="list-style-type: none"> <li>• Vital support for charities from free brewery items</li> <li>• Reduced consumer awareness and choice</li> </ul>
	<ul style="list-style-type: none"> <li>• Ban on non-alcoholic products such as chutneys, pies, stews, puddings etc</li> </ul>	<ul style="list-style-type: none"> <li>• Small breweries no longer able to partner with local businesses to produce food products</li> </ul>	<ul style="list-style-type: none"> <li>• Local food producers no longer partner with breweries</li> <li>• Impact on local producers and jobs</li> </ul>





		<ul style="list-style-type: none"> <li>• Innovation, income and jobs impacted</li> </ul>	
No and low restrictions	<ul style="list-style-type: none"> <li>• Marketing restrictions also apply to no and low</li> </ul>	<ul style="list-style-type: none"> <li>• Small breweries stop producing no and low as consumer demand falls</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer choice reduced as investment and growth in no and low stalls</li> </ul>
Advertising in newspapers and magazines	<ul style="list-style-type: none"> <li>• Ban on advertising in Scottish newspapers and magazines</li> </ul>	<ul style="list-style-type: none"> <li>• Breweries cannot advertise in Scottish newspapers and magazines</li> </ul>	<ul style="list-style-type: none"> <li>• Local newspapers impacted by reduced revenue that does not apply to national newspapers</li> </ul>
Social Media/Website Ban	<ul style="list-style-type: none"> <li>• Alcohol branded websites banned</li> </ul>	<ul style="list-style-type: none"> <li>• End of small brewery webshop and sales</li> <li>• Restricts information sharing and news updates</li> <li>• Cannot advertise events to consumers</li> <li>• Jobs lost and business negatively impacted</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer choice restricted by lack of web sales</li> <li>• Consumers not aware of local producers</li> </ul>
	<ul style="list-style-type: none"> <li>• Alcohol branded social media channels banned</li> </ul>	<ul style="list-style-type: none"> <li>• Small breweries not use social media to communicate with consumers, providing news and information</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer choice restricted</li> <li>• Consumers not aware of local producers</li> </ul>
	<ul style="list-style-type: none"> <li>• Paid adverts by alcohol producers banned including on websites, popups and social media, search engines or influencers</li> </ul>	<ul style="list-style-type: none"> <li>• Small breweries are banned from advertising online or using targeted paid adverts to provide information or news on events</li> <li>• Reduced knowledge of local breweries, reducing their</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced consumer knowledge of small brands</li> <li>• Reduced consumer choice</li> </ul>



		ability to compete, trade and expand	
	<ul style="list-style-type: none"> <li>Ban on sharing content produced by producers and consumers including photos and videos</li> </ul>	<ul style="list-style-type: none"> <li>Small breweries unable to advertise online and share information they or consumers have produced</li> </ul>	<ul style="list-style-type: none"> <li>Consumer interaction with small breweries reduced, reducing consumer knowledge and choice</li> </ul>
TV/Radio Advertising Ban	<ul style="list-style-type: none"> <li>Ban on advertising on TV, radio and cinema</li> </ul>	<ul style="list-style-type: none"> <li>Breweries banned from advertising on TV and radio</li> </ul>	<ul style="list-style-type: none"> <li>Consumer choice reduced</li> </ul>
Marketing Restricted to Factual Elements	<ul style="list-style-type: none"> <li>Alcohol producers restricted to only promoting factual elements potentially limited to an approved list</li> </ul>	<ul style="list-style-type: none"> <li>Small breweries no longer can make reference to unique brand elements, reducing their ability to create and build a brand</li> </ul>	<ul style="list-style-type: none"> <li>Consumer interaction with small breweries reduced, reducing consumer knowledge and choice</li> </ul>
Monitoring and enforcement	<ul style="list-style-type: none"> <li>Alcohol industry has to provide information on alcohol marketing campaigns</li> <li>Alcohol industry has to provide details on local sales</li> </ul>	<ul style="list-style-type: none"> <li>Small breweries face additional bureaucracy, burdens and costs to provide information</li> </ul>	<ul style="list-style-type: none"> <li>Reduced consumer knowledge and choice</li> </ul>

**QUESTION 42 – ARE THERE ANY RELEVANT EQUALITY ISSUES THAT SCOTTISH GOVERNMENT SHOULD BE CONSIDERING AT THIS STAGE IN THE POLICY DEVELOPMENT?**

The Scottish Government should carefully consider how this consultation and proposed restrictions fit within its existing food and drink strategy which aim to see the Scottish sectors grow. It should also consider how treating small alcoholic producers differently to other local and small producers will represent an equality issue in Scotland. It is also likely that these policies will have a significant impact on small, especially rural, Scottish communities. In addition, the Scottish Government should consider whether these measures are compatible with the UK Internal Market Act.