



The Distilled Spirits Association of New Zealand

Submission to the
Buller District Council on its Draft Local
Alcohol Policy

January 2014



Introduction

The Distilled Spirits Association of New Zealand (DSANZ) is the national trade organisation representing New Zealand's leading producers, distributors, brand owners, importers and exporters of premium spirits and spirit-based drinks.

DSANZ members are Bacardi New Zealand Holdings Ltd, Beam Inc, Brown-Forman, Diageo, Hancocks, Independent Liquor, Lion, Moet-Hennessy, Pernod Ricard New Zealand and The Rum Company (NZ). In addition we have three associate members who are Anchor Ethanol, EuroVintage and Federal*Geo.

Together DSANZ represents over 98% of spirit industry interests in New Zealand.

DSANZ has a direct interest in the development of Local Alcohol Policies (LAPs) as we believe through LAPs, combined with other properly planned and supported interventions, Territorial Authorities have the opportunity to help reduce the harm caused by excessive alcohol consumption.

We would welcome any further discussion the Buller District Council might have about the contents of this document.



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Summary Comments

- 1) DSANZ is supportive of the high level intent of Council to develop measures to reduce the harm caused by excessive or inappropriate consumption of alcohol. As an industry the alcohol sector is also committed to helping reduce such harm.
- 2) Our belief is that harm minimisation will only be achieved through a long term evidence-based programmes. Such programmes must combine good policies and regulations with targeted educational interventions aimed at understanding and then changing harmful drinking behaviours.
- 3) On this latter point we would bring to Council's attention that the alcohol industry represented by DSANZ, New Zealand Winegrowers and the Brewers' Association of Australia and New Zealand have jointly developed a harm minimisation programme called The Tomorrow Project. At the core of this project is a programme called *Cheers!*
- 4) *Cheers!* aims to understand the drivers that lead to excessive drinking and its associated negative outcomes and then address these through a range of activities and programmes. We invite the Councils to view *Cheers!* online at www.cheers.org.nz.
- 5) The Tomorrow Project would be happy to share with Council the research and thinking behind its approach to harm minimisation and to jointly seek ways of working together to promote a moderate drinking culture.
- 6) Although we understand and support Council's intent with regards LAPs we believe that alcohol consumption is caused by a complex array of socio-cultural factors including age, gender, social status, ethnicity, perceptions related to the impact of heavy drinking and so on. Under the weight of these multi-level factors the regulating of outlet density, hours of operation and access to venues, by themselves, will not necessarily have the generational impact needed to change our drinking behaviour.
- 7) This is not to say that the draft LAP will not have some impact but what is not clear is what this impact might be and whether it will reduce harmful drinking (i.e. will reduced opening hours change the behaviour of those who want to drink to excess? Probably only to the extent of how, where and perhaps when they source their drinks to support their behaviour).
- 8) We would ask Council to clarify both the metrics it intends to use to measure 'harm' and how it intends to support behaviour modification for the minority of drinkers who drink to excess on a regular basis.

- 9) DSANZ would also bring to Council's attention the recent development of a voluntary industry code relating to the production and distribution of ready-to-drink spirit-based beverages (RTDs). This code (attached as Appendix 1) limits the strength of RTDs by capping their ABV to a maximum of seven per cent and two standard drinks.¹ The full implementation of the code will impact almost 50 per cent of the RTD market.
- 10) If Council saw value in the code then we would welcome its adoption as a special licencing provision or perhaps as part of guidelines to the District Licensing Committee. It should be noted that all major retail chains have also agreed to abide by the code.
- 11) We note that under proposed discretionary licensing provisions Council has sought to give latitude for the banning of single RTDs. We do not believe there is evidence to support such intent given the complexities of drinking behaviour and neither do we feel this supports the Object of the Sale and Supply of Alcohol Act 2012.
- 12) We believe that to single out one beverage type or product line – no matter what it might be – in this manner is neither evidenced-based nor will it reduce harm by actively promoting a change in drinking behaviour. We would ask that Council remove this condition.
- 13) In our view it is not what we are drinking but the way we are drinking that is the most important consideration. For the latest research on drinking behaviours and trends which gives some insights in this regard we refer Council to the recently published Health Promotion Agency report – *Attitudes and Behaviour Towards Alcohol Survey, 2009-2011*.²
- 14) Additionally we refer Council to the latest Ministry of Health data on hazardous drinking which is a more recent review of relevant data than the 2007/2008 NZ Alcohol and Drug Use Survey results cited in the background information used to inform your draft policy.³ This more recent review, among other things, points out that both youth drinking and hazardous drinking is falling.
- 15) Lastly DSANZ believes that whatever the final outcome of Council's proposed LAP, that its provisions for on and off licences should apply equitably and consistently across all licence types and categories. This equitable treatment not only applies to premises but to alcoholic beverages themselves as it is our belief that the impacts of alcohol are the same whether it comes in the form of wine, beer, cider, spirits or any alcohol product sold for consumption.

1 The combination of these two factors reduces the ABV below 7% depending on vessel size for e.g. a 440ml RTD will have an ABV of around 6%.

2 This report can be found at <http://www.hpa.org.nz/sites/default/files/ABAS%202009-2011%20Report%201%201%20Adults%20drinking%20behaviour%20report.pdf>

3 See *Hazardous drinking in 2011/12: Findings from the New Zealand Health Survey* - <http://www.health.govt.nz/publication/hazardous-drinking-2011-12-findings-new-zealand-health-survey>

Drinking Moderately for Enjoyment and Drinking to Excess – The Critical Tension

- 16) We note that in developing its draft LAP, Council has discussed the need to support the Object of the Sale and Supply of Alcohol Act 2012. In so doing Council has implicitly acknowledged the tension that exists within communities attempting to address concerns with excessive or inappropriate drinking.
- 17) To support a vibrant community environment Council understands the need to encourage and promote accessible, appropriate and enjoyable entertainment options which will include making alcohol available through on and off-premise outlets. The tension exists when access to alcohol is abused and the amenity value of a community and the health and safety of the public is compromised.
- 18) Council is seeking to better address this tension through the development of an LAP which, under the provisions of the Sale and Supply of Alcohol Act, gives it the ability to alter licence arrangements to, in this case, manage the perceived harm caused by excessive or inappropriate drinking behaviour.
- 19) DSANZ would firstly point out that the vast majority of drinkers do so enjoyably, safely and in moderation and that any regulatory intervention must take this into account.
- 20) Secondly we believe that regulating through means such as an LAP will not, by itself, necessarily reduce harmful drinking. We strongly believe that an integrated approach which links well thought out and introduced regulatory interventions with targeted educative/behaviour modifying programmes is necessary to properly address drinking issues.
- 21) This is because excessive drinking is caused by a complex array of factors that intermingle into a socio-cultural set of drivers including age, gender, social status, ethnicity, perceptions related to the impact of heavy drinking and so on. DSANZ urges Council to take these factors into account when developing policies designed to reduce or manage harmful drinking.
- 22) To better understand the impact of 'culture', age, ethnicity and other factors on drinking choices we refer Council to the Health promotion Agency document – *Attitudes and Behaviour towards Alcohol Survey 2009 – 2011, September 2013*. This document clearly illustrates changes in socio-cultural factors and expectations of drinkers towards alcohol – some good and some bad – but which all help inform how to develop effective harm minimisation programmes.
- 23) To better illustrate the complex nature of the tension that exists between drinking for enjoyment and drinking to excess we examine briefly the drivers that underpin youth-related drinking patterns.

Youth and Drinking

- 24) Internationally, the prevalence of problem drinking among young people is an acknowledged concern.
- 25) Evidence suggests that an overlapping of poor socio-emotional control^{4 5 6} combined with social pressure and changing social structures⁷ (such as the impact of peer influence and parents) contribute to increases in problem drinking pattern among youth.
- 26) The International Centre for Alcohol Policies⁸ (ICAP) has identified that one of the strongest single factors in predicting negative drinking patterns and consequences in youth is having unrealistic personal expectancies of drinking (e.g. thinking that only positive consequences will come from heavy drinking). In this same review ICAP also identified factors that provided some protection against negative drinking patterns including:
- a) **Family** – good communication with parents and positive family support structures
 - b) **Religion/spirituality** – appears to serve as a protective factor against problem drinking in high school and university
 - c) **Strong social network** – is a positive factor against heavy drinking and drinking problems, especially in stressful situations
 - d) **Accurate perception of peer norms** – young people's perception of how their peers drink appears influential on their own drinking patterns
 - e) **Responsible drinking skills** – evidence suggests that learning to moderate drinking behaviour through early intervention or through programmes of activities (e.g. have a designated driver) changes overall behaviour over time
- 27) Additionally the Chief Medical Officers of England, Wales and Northern Ireland⁹ have also outlined some issues to be considered in relation to alcohol consumption by youth. These include:
- a) Early onset of drinking is shown to be linked to the development of alcohol abuse and dependence
 - b) The establishment of family standards, rules and parental monitoring has been shown to be important in delaying early adolescent alcohol consumption
 - c) Children who begin consuming alcohol below the age of 13 drink more frequently and are more likely to drink to intoxication and to develop alcohol dependence in later life

⁴ Dahl, R (2004). Adolescent brain development: A period of vulnerabilities and opportunities. *Annals of New York Academy of Science*, 1021, 1-22.

⁵ Steinberg, L (2007). Risk taking in adolescence: New perspectives from brain and behavioural science. *Current Directions in Psychological Science*. 16, 55-59.

⁶ Steinberg, L (2008). A social neuroscience perspective on adolescent risk-taking. *Developmental Review*, 28, 78-106.

⁷ Roche, A.M., Bywood, P.T., Borlagdan, J., Lunnay, B., Freeman, T., Lawton, L., Tovell, A. & Nicholas, R. (2007). *Young People and Alcohol: The Role of Cultural Influences*. National Centre for Education and Training on Addiction. Adelaide.

⁸ International Centre for Alcohol Policies (ICAP) Washington D.C. www.icap.org.

⁹ Guidance on the consumption of alcohol by children and young people, 2009. A report by the Chief Medical officer UK Government.

- 28) This snapshot of information illustrates some of the difficulties associated with achieving changes in drinking behaviour – and how regulatory intervention alone will fall short of achieving sustainable reductions in drinking harm. As we have already stated above, however, we believe an integrated approach across a continuum of regulatory and educational interventions would have positive impacts on drinking culture.
- 29) We further believe that to develop effective programmes that change drinking behaviour all key participants in the sector including importers, manufacturers, distributors, retailers, central government agencies and local government need to be involved.
- 30) The discussion above also serves to highlight that applying strictures on drinkers by limiting access and supply (through LAPs, pricing, taxation, reducing advertising and promotion and so on) will not impact alcohol consumption as desired in those groups that are at risk because the such interventions do not impact the behaviours that underpin problem drinking in the first place.
- 31) This also holds true when consider types of alcohol currently available. Ready-to-drink spirit-based beverages (RTDs) are often cited as being the root cause of our so-called binge drinking culture when there is no evidence to support this. In fact the *ALAC Alcohol Monitor – Adults and Youth 2009-10 Drinking Behaviours Report, January 2011*¹⁰ finds that although for some sub-groups RTDs are a drink of choice for others they are not.
- 32) Evidence suggests that drinkers under the age of 35 purchase product based on two key determinants – alcoholic strength and price¹¹ not on alcohol type and that they substitute their choice of alcohol actively to meet these two requirements. Based on this DSANZ has recently developed and promulgated a voluntary code for RTDs to limit the alcoholic strength of the product.
- 33) Among other things the code limits the alcoholic strength of RTDs to a maximum ABV of 7% AND two standard drinks. These two factors combine to impact almost half the RTDs currently on the market.
- 34) As an example of how the code will work consider that at the time of writing there are RTDs sold in 440ml containers at an ABV of 8%. Under the code, to stay on the market at 440ml, the ABV would need to drop to under 6% ($ABV = 2 \text{ std drinks} / (0.440\text{l} \times 0.789^{12}) = 5.76\%$).
- 35) We attach a copy of the code as Appendix 1 for Council's attention and would welcome its inclusion, as appropriate, in any debate about licencing provisions – special or otherwise. It should be noted that all major liquor retail chains have agreed to abide by the code but that we, as an industry, have no way of controlling either the parallel importing or straight substitution of different brands of product that fall outside the lower ABV/two standard drink rules as detailed in the code.

10 This report can be found at http://www.hpa.org.nz/sites/default/files/imported/field_research_publication_file/2009-10-Annual-Summary-Report-FINAL.pdf

11 Curia Market Research Limited, 2010

12 0.789 is the specific gravity of ethanol at standard temperature and pressure. This conversion is necessary because a standard drink is measured as 10 grams of alcohol whereas ABV is measured as a percentage of volume).

Discretionary Provision to Ban the Sale of Single RTDs

- 36) We note that, under its proposed discretionary licencing provisions for off-licences, Council is proposing that single RTDs may be banned from sale through off-licences. We assume that Council has included this provision because it believes that this will, in some way, support the Object of the Sale and Supply of Alcohol Act 2012.
- 37) If this is the case we would ask that Council explain how it thinks the application of such a provision will reduce the harm caused by the inappropriate consumption of alcohol. We can find no reference to RTDs or their impact in statements from the Police or Medical Officer of Health appended to your draft policy statement and would ask on what basis this provision was suggested.
- 38) In our opinion banning single RTD sales will not achieve desired behaviour change and is analogous to, say, removing all red Toyota's from the road in an attempt to reduce the road toll.
- 39) Research suggests that because of current drinking attitudes among at-risk drinkers¹³¹⁴ that the only impact of banning single RTD sales will be that drinkers will substitute to other forms of alcohol. Or such a ban might actually mean packs of RTDs are bought where only one might have been previously.
- 40) As we have stated above, the drivers underpinning excessive or inappropriate drinking are complex and not related to any one product but to a range of factors which need to be addressed in an integrated fashion. With this as context listing one specific product type is inappropriate.
- 41) Based on the above we would therefore ask Council to remove specific reference to RTDs from its proposed discretionary licence provision for off-licences. As an alternative approach we would welcome your adoption of the key elements of our voluntary code as discussed.

¹³ Curia Market Research Limited, 2010

¹⁴ Attitudes and Behaviour towards Alcohol Survey 2009-2011, Health Promotion Agency, September 2013

Measuring Success

- 42) It is unclear from Council's published documents how the success or otherwise of the proposed LAP will be measured.
- 43) DSANZ urges Council to develop and communicate such measures and, in doing so, recommends 'harmful drinking' is properly defined so that a direct understanding can be gained (and measured) as to the impact of the proposed LAP.

Harmonisation and Equity Arrangements

- 44) As a principle DSANZ believes that LAPs across Territorial Authority boundaries need to be properly harmonised to prevent confusion or issues with geographical substitution. We would like to better understand how Council will achieve such harmonisation.
- 45) We also believe, that whatever the final outcome of Council's proposed LAP, that its provisions for on and off licences should apply equitably and consistently across all licence types and categories.

Appendix 1



Voluntary Industry Code for RTDs

We, the members of the Distilled Spirits Association of New Zealand, have developed the following Voluntary Industry Code for ready to drink beverages and have committed to abide by the details hereunder.

Ready to drink beverages (commonly referred to as “RTDs”) have been part of the New Zealand beverage landscape for many decades. They offer a convenient beverage format providing consistent pre-measured amounts of alcohol, as measured by standard drinks. This, together with clear labelling information about alcohol content, can assist consumers to more accurately measure their alcohol intake.

New Zealand’s leading producers and marketers of ready to drink beverages recognise that RTDs can be a beverage popular with younger consumers. Therefore, extra special attention is required in the product development and marketing. Furthermore, New Zealand’s leading producers and marketers of ready to drink beverages are united in implementing a voluntary set of steps to better ensure these beverages are enjoyed within the ‘norm’ of responsible alcohol consumption in New Zealand.

Definition:

For the purposes of this VIC, an RTD is defined as:

- i. *a spirit-based alcoholic beverage mixed/diluted to an Alcohol by Volume (abv) range of 4% up to 14% (above which products become liqueurs as per S73,75 of the Customs & Excise Act 1996); and*
- ii. *sold in a primary package intended for single serve (i.e. in a vessel with contents of 500mls or less).*

The members of the DSANZ commit to do the following:

1. Limit the production and/or distribution of RTDs to a maximum alcohol strength of 7% ABV and a maximum of two standard drinks per single serve container to all licensed premises in New Zealand.
2. Not produce RTDs containing energy supplements with greater caffeine-equivalence than cola products as set out in Standard 1.3.1 “Food Additives” of

the Australia New Zealand Food Standards Code, which limits the amount of added caffeine in these products to a maximum of 145 mg/L. Nor, will we market/promote the effects of caffeine in any products that meet this commitment.

3. Ensure that the number of standard drinks in each container is clearly visible and displayed on both primary and secondary packaging.
4. Ensure that RTDs are marketed in accordance with the *Code for the Advertising & Promotion of Alcohol* and *Section 237 of the Sale & Supply of Alcohol Act 2012* so they do not have specific appeal to, nor are targeted at, those below legal purchasing age (LPA).
5. Advertise only in media channels or engage in sponsorship where the audience is at least 75% LPA and above.
6. Pro-actively work to improve the drinking culture in New Zealand and help minimise harmful consumption, through industry funded initiatives, such as *The Tomorrow Project* (www.cheers.org.nz).
7. Work with our retail customers to encourage compliance with this code taking due note of all relevant legal constraints (such as those defined by the Commerce Act 1986).

RTDs which do not comply with the above commitments will be progressively removed from the manufacturing and distribution process from March 2013 with the intention that they no longer be supplied into the retail network from the end of September 2013 onwards.

DSANZ Members:

Bacardi New Zealand Holdings Ltd
Beam Inc
Brown-Forman
Diageo
Hancocks
Independent Liquor
Lion
Moet-Hennessy
Pernod Ricard New Zealand
The Rum Company (NZ)