



**The Distilled Spirits Association of  
New Zealand**

**Submission to the Ministerial Forum on  
Alcohol Advertising and Sponsorship**

April 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, and Pernod Ricard New Zealand. 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 on-going debate about alcohol use in New Zealand. We believe that, although the majority of us enjoy alcohol in moderation, there is still a need for a generational focus on the reduction in harm caused by excessive or inappropriate drinking.

This focus needs to ensure that the behaviours that lead to problem drinking are identified and mitigated through the government-wide development and integration, with appropriate industry involvement, of:

- well-evidenced and properly co-ordinated policy interventions;
- targeted education programmes; and
- appropriate regulation.

With this context in mind we welcome the focus the Ministerial Forum on Advertising and Sponsorship is bringing to issues relating to harmful drinking practices and look forward to its recommendations. We note here that DSANZ was a submitter to the Law Commission's review of alcohol regulation that preceded the development of the Sale and Supply of Alcohol Act 2012.

Please do not hesitate to contact me to discuss anything in this document in more detail.



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## Contextual Comments

1. DSANZ is supportive of the high level intent of government 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.<sup>1</sup>
2. Our belief is that harm minimisation will only be achieved through long term evidence-based programmes. Such programmes would combine good policies and regulations with targeted educational interventions aimed at understanding and then changing harmful drinking behaviours on a cohort by cohort basis.
3. The Forum has been tasked with assessing whether further restrictions on alcohol advertising and sponsorship are needed to reduce alcohol-related harm. Although we understand how this focus has come about as well as its intent, we feel that to look at the impact of a single channel of activity in isolation is not helpful.
4. In our experience this approach can lead to over-emphasis or over-examination of factors which may seem pivotal but are actually not as impactful when viewed against the totality of the issue. 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.
5. To illustrate the complex nature of the tension that exists between drinking for enjoyment and drinking to excess we briefly examine the drivers that underpin youth-related drinking patterns.

## Youth and Drinking

6. Problem drinking among young people is an often cited as being of concern. A variety of regulatory interventions are suggested to impact on youth drinking including increasing the drinking age, restricting access to alcohol through different means and so on.
7. Evidence suggests that an overlapping of poor socio-emotional control<sup>2 3 4</sup> combined with social pressure and changing social structures<sup>5</sup> (such as the impact of peer influence and parents) contribute to increases in problem drinking pattern among youth.

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<sup>1</sup>In support of this DSANZ, New Zealand Winegrowers and the Brewers' Association of Australia and New Zealand have jointly developed a harm minimisation programme called *Cheers!* which 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 Forum to view *Cheers!* online at [www.cheers.org.nz](http://www.cheers.org.nz)

<sup>2</sup> Dahl, R (2004). Adolescent brain development: A period of vulnerabilities and opportunities. *Annals of New York Academy of Science*, 1021, 1-22.

<sup>3</sup> Steinberg, L (2007). Risk taking in adolescence: New perspectives from brain and behavioural science. *Current Directions in Psychological Science*. 16, 55-59.

<sup>4</sup> Steinberg, L (2008). A social neuroscience perspective on adolescent risk-taking. *Developmental Review*, 28, 78-106.

<sup>5</sup> 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. The International Centre for Alcohol Policies<sup>6</sup> (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
10. Additionally the Chief Medical Officers of England, Wales and Northern Ireland<sup>7</sup> have stated that the establishment of family standards, rules and parental monitoring has been shown to be important in delaying early adolescent alcohol consumption. And, importantly, a recent literature review has shown that there seems to be little evidence that early onset of drinking leads to problem drinking in later life<sup>8</sup>.
11. This small snapshot of a heavily researched area illustrates the difficulty of looking at one apparent causal factor (in this case advertising and sponsorship) and assuming that by changing its parameters there will be a lasting generationally sustainable reduction in harmful drinking.
12. We would therefore ask the Forum to acknowledge in its final report to government that in fulfilling its terms of reference it has necessarily had to restrict its view of an issue that will only be truly addressed through long-term, evidenced-based, co-ordinated interventions across government and industry that seek to understand the drivers of excessive alcohol consumption and move to mitigate them.

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6 International Centre for Alcohol Policies (ICAP) Washington D.C. [www.icap.org](http://www.icap.org).

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

8 Maimaris W, et al. J Epidemiol Community Health 2014;68:268–274. doi:10.1136/jech-2013-203402

## Advertising and Sponsorship of Alcohol

13. The Distilled Spirits Association believes there is no need for further restrictions to be placed on alcohol advertising and sponsorship. This is because of a number of factors which we examine in more detail below but which generally relate to relative improvements in consumption and drinking initiation patterns for youth and other cohorts.
14. We believe that if advertising and sponsorship were having a negative impact on consumer drinking behaviour then this would be evidenced in consumption patterns. This is simply not the case however.
15. As we highlight below, consumption of alcohol is falling in New Zealand making any additional restrictions the Forum might propose disproportionate because of this. There is also the risk of any additional restrictions having unintended consequences such as those that would impact a wide range of communities, sporting codes, cultural groups and organisations that obtain support from the alcohol sector on an on-going basis.<sup>9</sup>
16. A 2010 study undertaken by the Foundation for Advertising Research<sup>10</sup>, which updated a similar study it carried out in 2006, found that the total quantum of alcohol sponsorship in New Zealand was in the order of \$20.7 million<sup>11</sup>. The study also found that removing this support would impact 'grass roots' support – particularly for sporting codes – with a slow diminution in both local and elite activity.
17. We also believe that further restrictions would be premature given the proximity of the passage of the Sale and Supply of Alcohol Act 2012 which contains a significant set of regulations directly impacting on the alcohol industry's ability to advertise and promote product. These new regulations are largely untested and their impact unmonitored at this stage.<sup>12</sup>
18. And lastly we believe that the Advertising Codes of Practice developed and administered by the Advertising Standards Authority and the LAPPS pre-vetting system administered by the Association of New Zealand Advertisers are working well and, as voluntary standards, are universally adopted, and adhered to, by DSANZ members. Such voluntary standards are, in our opinion, agile enough to cope with changing advertising and commercial trends such as the move to digital and online marketing but require constant vigilance and industry commitment to do so<sup>13</sup>.

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<sup>9</sup> It is not our intention to give a detailed account of this issue here as we are aware that other submitters, from sporting codes for example, will cover this in some detail.

<sup>10</sup> The Quantum of alcohol Sponsorship in New Zealand, contained in FAR Alert 11/14, April 2014

<sup>11</sup> This figure was not used by the Law Commission in its review Alcohol in our lives: Curbing the Harm which, instead, quoted a much more inflated figure it had been given by from Alcohol Action New Zealand

<sup>12</sup> In fact the Minister of Justice has just announced that government will not be pursuing a minimum price for alcohol – as recommended by the Law Commission – and cited one of the reasons for this was the yet unknown impact of the SSAA 2012.

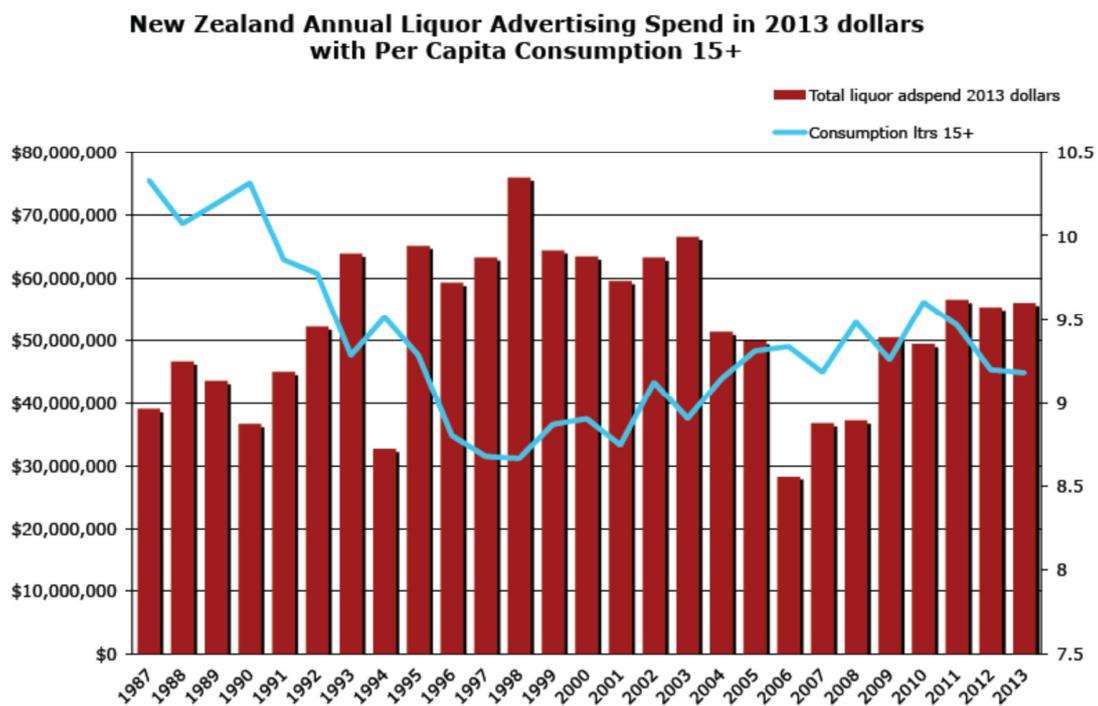
<sup>13</sup> In 2005 and 2006 the time taken for complaints to the Broadcasting Standards Authority for broadcast programme complaints which are not self-regulated was 95 and 72 days respectively, whereas under the Advertising Standards Complaints Board voluntary Code it was 24 and 25 days respectively. (Foundation for Advertising Research 2006)

19. It is our belief that a self-regulatory environment where the industry 'self-polices' is effective. This has been recently demonstrated by DSANZ members who have successfully implemented a voluntary code limiting the alcoholic strength of RTDs. The code is attached for the Forum's attention as Appendix One.

## The Relationship between Alcohol Advertising and Consumption

20. Evidence gathered by the Foundation for Advertising Research suggests there is little if any correlation between alcohol consumption and advertising spend (see Figure 1 below).

Figure 1



Source: Foundation for Advertising Research

21. The figure above clearly shows that while advertising spend was at its peak, alcohol consumption continued to fall from 1987 levels. Consumption did increase but continued to do so as advertising spend reduced to peak in 2010 and begin to fall again to present day levels.

22. As discussed in our contextual comments we believe this supports our position that our drinking culture and patterns are impacted by a complex array of factors and that advertising and sponsorship show little representation in this regard.

## New Zealand-Specific Evidence Relating to Youth

23. The impact of advertising and sponsorship on youth is an obvious focus for discussion. If advertising and sponsorship were having a negative impact on young people's drinking then we would expect to see this evidenced by an increase in consumption.
24. However a review of ALAC and Ministry of Health information shows significant improvements in consumption patterns in key areas including:
- The age of drinking initiation
  - The proportion of young people drinking
  - Binge drinking by youth
  - Hazardous drinking
  - Frequency of drinking

**The age of initiation of drinking by youth 12-17 is increasing.**

Year	Age of Initiation
2003	13.8 years of age
2005/6	13.9 years of age
2006/7	13.8 years of age
2007/8	14.1 years of age
2008/9	14.3 years of age
2009/10	14.6 years of age

Source: ALAC

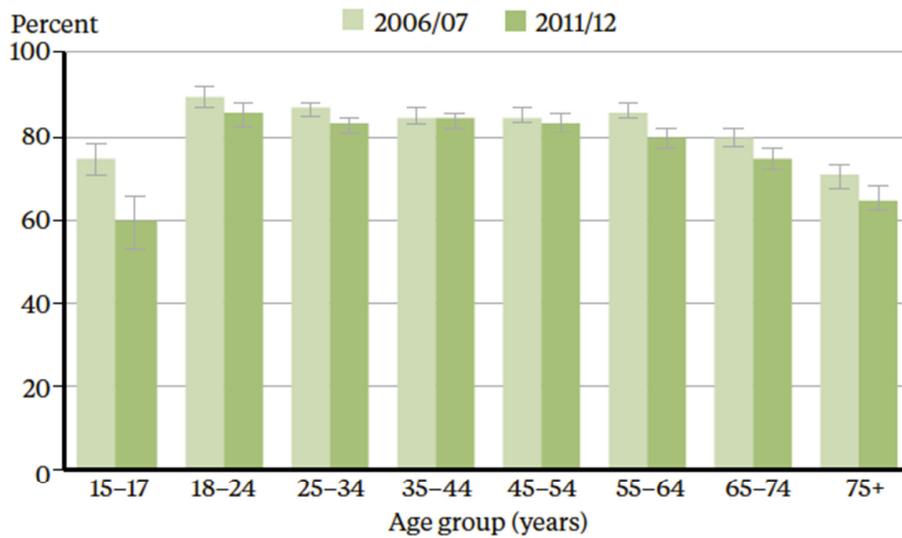
**More young people are choosing not to drink**

	2005/6	2006/7	2007/8	2008/9	2009/10
<b>Non-Drinkers (%)</b>	47	48	48	50	68
<b>Drinkers (%)</b>	53	52	52	50	32

Source: ALAC (Youth defined as 12 – 17 years)

25. The above table is supported by the more recent Ministry of Health research *Hazardous Drinking in 2011/12 – Findings from the New Zealand Health Survey* which found that youth drinkers aged 15-17 fell from 75% in 2006/07 to 59% in 2011/12 (see Figure 2 below).

Figure 2 – Has consumed alcohol in the past 12 months, by age group, 2006/07 and 2011/12<sup>14</sup>



Source: Ministry of Health

#### Binge Drinking by Youth is Falling<sup>15</sup>

Year	Percentage Binge Drinking
2005/6	19.6
2006/7	21.3
2007/8	22.9
2008/9	19.5
2009/10	15.0

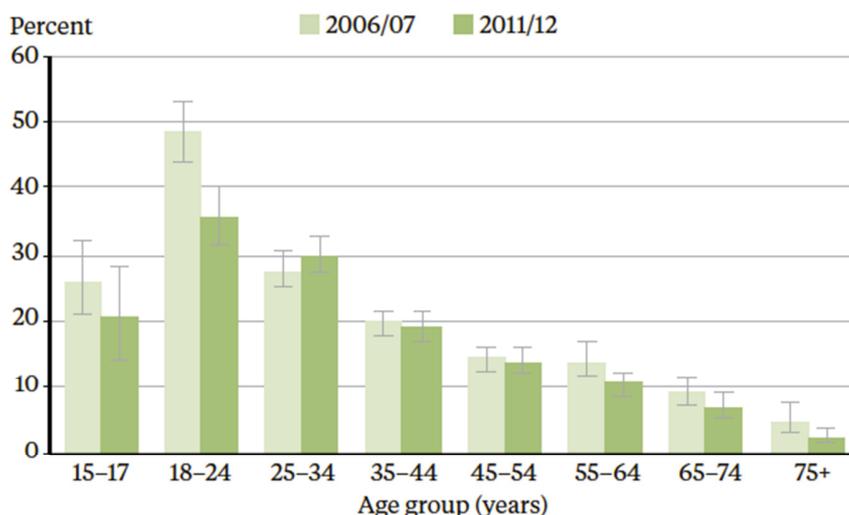
Source: ALAC

26. Again the information above is supported by the Ministry of Health's *Hazardous Drinking in 2011/12 – Findings from the New Zealand Health Survey* (see Figure 3 below). We do note that there was a change in methodology between 2008/9 and 2009/10 but believe there is an established trend in this area.

<sup>14</sup> Note that all cohorts showed some reduction in consumption

<sup>15</sup> ALAC defines binge drinking as having consumed five or more drinks on the last occasion

**Figure 3 – Hazardous drinking, among past year drinkers, by age group, 2006/07 and 2011/12<sup>16</sup>**



Source: Ministry of Health

#### Frequency of Drinking by Youth is Falling

Year	Percentage of all youth (12-17) that drink more than once a week
2005	10
2005/6	6
2006/7	9
2007/8	9
2008/9	7
2009/10	3.5

Source: ALAC

27. In summary, the amount of alcohol being consumed by youth; the frequency of consumption; the amount of hazardous consumption and the onset of consumption are moving in directions that give a lie to the contention that advertising and sponsorship is negatively impacting these trends. And interestingly these consumption patterns are also demonstrated internationally.
28. In April 2014 a study published by Dr Michael Livingston<sup>17</sup> from the National Drug and Alcohol Research Centre (NDARC) at the University of New South Wales found the percentage of Australian adolescents who did not drink<sup>18</sup> increased from 33% in 2001 to just over 50% in 2010.

<sup>16</sup> Note that, except for the 25-34 cohort all other cohorts showed a fall in hazardous consumption for the period analysed.

<sup>17</sup> Livingston M. Trends in non-drinking amongst Australian adolescents. *Addiction*, 109: doi: 10.1111/add.12524

<sup>18</sup> Defined as not drinking alcohol over the past 12 months

29. The study also found that in recent years there has been a sharp decline in teenage drinking in many other countries. In the United States, for example, the prevalence of alcohol use among 8th graders (typically aged 13 – 14 years) fell from 54% in 1991 to 24% in 2012. In England the proportion of 10 – 15-year-olds who had consumed alcohol at least once had fallen from 61% in 2003 to 45% in 2010.

## **Advertising and Sponsorship in a Mature Market**

30. The preceding discussion shows that the amount of alcohol being consumed, per capita, in New Zealand is currently falling. This is consistent with other markets around the world which like New Zealand, are described as being ‘mature’. In fact, New Zealand is not a high consumer of alcohol by relative standards – it ranks 24<sup>th</sup> in the world in its consumption of alcohol and 33<sup>rd</sup> in the world in its consumption of spirits (Statistics New Zealand).
31. In this type of market the aim of advertising, sponsorship and promotional programmes is not to increase total consumption per se but to increase relative market share across brands. More than this, marketing programmes are also sometimes designed to try and shift consumer preference from ‘lower’ brand points to so-called premium brands which generally accrue a higher margin on sale.
32. Once again this is not about increasing the total consumption within the market – something which is not possible given current trends – but rather to promote brands in such a way that consumers will change their buying preference.
33. We believe this is an important distinction Forum members need to be aware of as it is often stated that advertising and sponsorship programmes are specifically designed to increase total consumption rather than market share.

## **The Current Regulatory Environment**

34. Forum members will be aware of the recent passage of the Sale and Supply of Alcohol Act 2012. The Act contains a large number sections dealing directly with advertising and promotion of alcohol.
35. These are significant changes, the impact of which have yet to be properly evidenced.
36. In parallel to new advertising and promotion regulations the Act also introduced regulations allowing local bodies to develop Local Alcohol Policies. The intention was to vest the management of licencing and relicensing of on and off-licences back into the communities where their presence had the most ‘impact’.
37. Although the intention was to restrict local authority powers only to licencing provisions and nothing more, experience is showing that, through the application of discretionary provisions, some local authorities are attempting to restrict other business behaviours – including product disposition and advertising and promotion. Where such discretionary

provisions are deemed anti-competitive or unlawful industry members will appeal them to the newly formed Alcohol Regulatory Licencing Authority.

38. It is our contention that within such an uncertain, unproven environment it would be premature for the Forum to recommend further restrictions without, at the very, a caveat drawing government's attention to the lack of case law and proven outcomes from the new Act.

## Evidence

39. We are aware the Forum will be presented research data designed to show empirical evidence supporting a ban on alcohol advertising and sponsorship. We believe that for the most part the plethora of research in this area remains inconclusive.
40. In its July 2009 issues paper on the reform of New Zealand's liquor laws<sup>19</sup>, the Law Commission drew extensively on the 2003 book *Alcohol: No Ordinary Commodity*.<sup>20</sup> At the time the Law Commission noted that the precise link between alcohol promotion and consumption was complex.
41. Their issues paper also observed Babor and others had noted that the results of studies examining the link between exposure to alcohol promotion messages and individual levels of consumption were mixed.<sup>21</sup> *Alcohol: No Ordinary Commodity* was updated and republished in 2010. Again, the authors observed that studies found that advertising bans had no substantial effect on total consumption.<sup>22</sup>
42. We would contend that since this time international research findings provide little consistent support for a relationship between aggregate alcohol advertising expenditures or advertising restrictions and aggregate alcohol sales, consumption, or problems. The most recent study we have found that aggregates and discusses the evidence associated with the link between consumption, harm and advertising was carried out last year by the Industry Association for Responsible Alcohol Use in South Africa.<sup>23</sup> We direct the Forum to Chapter 5 of this report which finds that there is no conclusive evidence from the literature to suggest that alcohol advertising contributes to harmful consumption.
43. The Foundation for Advertising research has studied 20 instances where advertising and promotion of alcohol was banned or partially banned.<sup>24</sup> They note that although the theoretical analyses that accompanied these bans predicted that consumption would fall the on-the-ground evidence showed that none of the bans lowered consumption.

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<sup>19</sup> Law Commission, *Alcohol in our lives – an issues paper on the reform of New Zealand's liquor laws*, pub. July 2009

<sup>20</sup> Thomas Babor *et al* *Alcohol: No Ordinary Commodity*, OUP, New York 2003.

<sup>21</sup> Law Commission, *Alcohol in our lives – an issues paper on the reform of New Zealand's liquor laws*, pub. July 2009, p179

<sup>22</sup> T. Babor and others *Alcohol: No ordinary Commodity*, OUP, New York, pub. 2010, p194.

<sup>23</sup> *Liquor and Advertising – Would a Ban Help Reduce Abuse? And are there any unintended consequences?* Report can be found at <http://ara.co.za/eei/>

<sup>24</sup> FAR Alert 12/14, April 11 2014

## Economic Impact

44. DSANZ believes that restricting advertising and, therefore the amount spent on advertising, can have negative economic impacts. In our view this impact would occur on two different levels – within the advertising industry per se (loss of jobs etc) and within the wider community and economy.
45. We have already suggested that an unintended consequence of a reduction in sponsorship revenue among community, cultural and sporting groups would impact their ability to continue to operate and are happy that such groups will be making submissions in their own right in this regard. There is some evidence showing that reduced advertising spend can have direct economic impacts.
46. We would draw the Forum's attention to a recent study completed by Econometrix in South Africa<sup>25</sup> which found that a reduction in advertising spend would result in loss of jobs, a reduction in tax revenue and a reduction in GDP (among other things).
47. The link between advertising spend and GDP growth is well understood. In 2013 the Foundation for Advertising Research updated previous work in this area and included a 2012 McKinsey and Company study (*Advertising as an Economic-Growth Engine*). According to FAR this study concluded *"Our investigation provides robust statistical evidence that advertising can contribute to a country's GDP and that digital media can boost advertising's typical contribution to performance for both individual companies and the economy as a whole."*
48. The study analysed G20 countries. It found that on average 15.7% of growth in GDP over the past decade was due to advertising. The lowest country recorded 5% and the highest 24.6%.

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<sup>25</sup> Econometrix (PTY) LTD, *Economic impact of an advertising ban on alcoholic beverages*. March 2013

## **Fringe Interventions**

49. We are aware that the Forum will be considering a wide variety of proposals suggesting a range of 'interventions' to reduce the perceived impact of advertising and sponsorship on alcohol consumption. We believe we have demonstrated there is no such link between spend and consumption so do not support, in principle, what we call 'fringe' interventions.
50. For example we would expect that some submitters will call for alcohol advertising on television to be made later than the current voluntary time of 8:30pm. If this is the case we would point out that DSANZ members are constantly aware of the need to limit alcohol advertising exposure to younger audiences and ensure that not only the 8:30pm timeline is adhered to, but so is the 70% adult audience measure that exists, and impact, on all forms of advertising (for example on-line advertising is not necessarily time-based so websites must be chosen that meet the 70% adult guide).
51. We would also point out that artificial timeframes around broadcast advertising are less and less relevant given how modern viewers now access programming. DSANZ members therefore instruct their advertising agencies to not only take time into account but also audience appeal to ensure the 70% adult viewership guideline remains intact.

## **Summary**

52. DSANZ is fully supportive of government measures to reduce the impact of harmful or inappropriate drinking but believes these measures must be evidenced-based and used to develop targeted, co-ordinated interventions to properly address the underlying drivers of poor drinking behaviours.
53. We do not believe advertising and sponsorship, as carried out responsibly by DSANZ members, has an undue negative impact on consumer drinking behaviour and, as a result, do not believe additional restrictions are necessary at this time. In fact, in spite of advertising and sponsorship activity alcohol consumption is falling across almost every measured cohort – and particularly amongst youth.
54. We believe that the current voluntary regime that exists to control advertising and sponsorship behaviour is robust and sufficiently agile to cope with changing advertising and commercial practices but needs constant vigilance and industry commitment to do so.
55. The Sale and Supply of Alcohol Act 2012 should be allowed to be properly enacted before any additional restrictions are considered.
56. There is little evidence to suggest that the banning of advertising and sponsorship will have any lasting impact on consumption patterns.

## Appendix One



### 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](http://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)