

**DISTILLED SPIRITS ASSOCIATION
OF NEW ZEALAND**

SUBMISSION TO THE

**JUSTICE AND ELECTORAL SELECT
COMMITTEE**

CONSIDERING THE

**SALE AND SUPPLY OF LIQUOR AND LIQUOR
ENFORCEMENT BILL**

April 2009

DISTILLED SPIRITS ASSOCIATION SUBMISSION ON THE SALE AND SUPPLY OF LIQUOR AND LIQUOR ENFORCEMENT BILL

I write on behalf of the Distilled Spirits Association Inc in response to the Law and Order Select Committee's call for submissions on **Sale and Supply of Liquor and Liquor Enforcement Bill**.

THE ASSOCIATION

The Distilled Spirits Association is the national trade organisation representing New Zealand's leading producers and marketers of premium quality spirits (e.g. Brandy, Whisky, Rum, Gin, Vodka) and liqueurs.

The Association's members include: Anchor Ethanol Limited, Bacardi Martini Asia Pacific Ltd, Beam Global (NZ) Ltd, Brown Forman Beverages Worldwide, Diageo (New Zealand) Ltd, Lion Nathan Wines and Spirits Ltd, Pernod Ricard New Zealand Limited, The Rum Company (New Zealand) Ltd, and Vintage Wines and Spirits Ltd.

An important part of the Association's remit is to seek and maintain a fair, equitable and appropriate regime for the advertising and promotion of distilled spirits.

The Association is happy to provide the Justice and Electoral Select Committee with any further information it may require and wishes to be heard in person in support of this submission.

INTRODUCTION

1. In general, the Association supports the Bill's broad objective to "address the drinking behaviours of minors".
2. In particular, the Association is supportive of the emphasis in raising the important principle of personal responsibility amongst young people.
3. The proposed interventions around the supply of alcohol and clarification around blood alcohol limits will weigh on minors and hold them directly responsible for their own actions.
4. Whilst the above proposed interventions are sound, the Association believes that the Bill's proposal for a new system of enforced self-regulation of alcohol advertising (seemingly politically expedient and over-developed by the previous Labour Government) will have limited benefit, if any, on the stated objective of minimising alcohol abuse and will add unnecessarily to compliance.
5. The concept of enforced self-regulation, working against a background of successful industry self-regulation, is misplaced and is not sufficient reason to proceed with it.

6. The focus of the Association's submission concerns Clause 39 which proposes to insert a new **Part 6A "Advertising and promotion"** to the Sale of Liquor Act 1989 and institute an enforced self-regulatory system.

SUBMISSION

7. As an important starting point, the Association does not favour a change to the current alcohol advertising self-regulatory settings.
8. The Association is of the view that the Bill's proposed new and more complex "enforced self-regulation" provisions are unwarranted. It has not been demonstrated by its proponents that these provisions will stop the irresponsible behaviour or the abuse of alcohol by a small minority of individuals. It is important to note that the majority of New Zealanders drink responsibly most of the time and do not have or cause problems with their drinking.
9. We urge the Select Committee in its deliberations to keep in mind that current industry self-regulation works well and is effective in mitigating the risk of non-compliant alcohol advertising and promotions. Industry self-regulation provides appropriate redress for consumers, a level playing field for advertisers, and is consistent with Government policy. A new enforced self-regulatory system by way of legislation is therefore unnecessary.
10. In terms of international best practice and precedence, we are not aware of any jurisdiction, especially in those countries which New Zealand often compares itself to (including Australia, Ireland, the United Kingdom, Canada and the United States) mandating an enforced self-regulatory regime. In all these respective markets the industry self-regulates successfully and without any legislative involvement.
11. In the following discussion, the Association will address these and other arguments and show why the proposed new legislative framework of enforced self-regulation for alcohol advertising is flawed and unnecessary.
12. Accordingly, we recommend that *Clause 39* which inserts a *new Part 6A* into the principal Act be omitted.

DISCUSSION

Clause 2 Commencement

13. Sub-clause 2(3) states that the amended Act will come into force on the day after the date on which it receives the Royal assent.
14. The Association submits that in the event Clause 39 proceeds as drafted, sufficient time be allowed to contract any appropriate new agency, to establish any new administrative structures and to detail any financial implications to implement the proposals. Therefore we recommend that Part 6A commence six months after the date of the Royal assent.

Part 1

Clause 5 Interpretation

15. The clause provides a definition of “liquor advertisement”. The Association notes that at sub-clause (a)(i) the definition includes “*encourage the use*” and “*notify the availability*” of liquor. Our interpretation of the definition means that it intrudes into and includes such things as newspaper product reviews and food and cooking programming.
16. At sub-clause (b)(ii) the definition includes “*the depiction, in a film, video recording, telecast or other visual medium*”. The Association submits that this could mean that current TV shows such as Coronation Street, Taste New Zealand, Hunger for the Wild and the recent James Bond movie would potentially all be in breach of the law therefore requiring a “cease and desist” order.
17. The Association submits that the proposed definitions are too broad and most New Zealanders would view the definition as an unwarranted interference by the out of touch “nanny state”.
18. The Association recommends that if Clause 39 of the Bill proceeds; that the above definition of “liquor advertisement” be reworked to exempt the above “non-advertising” scenarios.

Part 6A Advertising and Promotions

Clause 39

19. The Association submits that there is a major misconception that enforced self-regulation of liquor advertising would result in a reduction in the consumption and abuse of alcohol.
20. In fact, the Government initiated Steering Group review¹ in 2007 (and others) have not found any causality between advertising and alcohol consumption or presented any unequivocal scientific evidence showing advertising causes minors or non-drinkers to drink or that advertising causes the misuse or excessive use of alcohol.
21. Unsatisfactorily, the policy recommendation for enforced self-regulation appears to be provided by an Otago University report on nine weak and low quality studies² supplied by the Ministry of Health (all of which have major methodological and data limitations) in which its author simplistically suggests a “*small but statistically significant association between the level of alcohol advertising and alcohol consumption*”. [See Annex 1]

¹ Report of the Steering Group for the Review of the Regulation of Alcohol Advertising, May 2007

² “Review of selected papers examining alcohol advertising”, Dr Robert Weir, NZ Health Technology Assessment [only one study was NZ based]

22. Aside from the fact that the Otago research unit was commissioned and funded by the Ministry of Health and that the author recorded numerous cautions with the supplied studies, which seem to have been ignored, our view is that the word “*association*” does not imply or constitute *causation*. The two words do not have the same meaning. A big gap exists between the suggestion and explicit evidence justifying the need for change and the establishment of the proposed enforced self-regulation regime. The Steering Group unfortunately chose to rely on the unconvincing and relatively weak qualifying term “*association*” [which actually means the probability of a relationship between two variables] clearly because researchers have been unable to prove or demonstrate causality. In fact, the “*association*” spoken about refers to a theoretical 10% significance level, which is scarcely a rigorous basis to inform public policy or formulate new legislation.
23. It also seems that the Steering Group has failed to properly take into consideration that alcohol advertisements are related to positive attitudes and beliefs about the use of alcohol. Much credible research information confirms that the more powerful factors which directly influence an individual’s consumption are: peer pressure, the role modelling of the family environment and the wider culture swaying young people’s drinking patterns³. Targeting these areas instead of tinkering with the rules for the body responsible for alcohol brand advertising and its administration would significantly help minimise the problem of alcohol abuse and harm.
24. We draw the Committee’s attention to the very intensive scrutiny by at least six independent and comprehensive reviews of alcohol advertising conducted over the past 18 years. Whilst all reviews found that some small improvements could be made, none found any failure of the self-regulatory system or criticised the code and its administration, which could assist the case for the proposed Clause 39.

Figure 1 **Recent reviews of liquor advertising**

Reviewer	Review/report	Year
Broadcasting Standards Authority (BSA)	In 1990, the BSA released a discussion document on alcohol advertising on radio and television and in 1991 conducted a review of this advertising. Alcohol Advertising Code Review	1991
ALAC	Consensus Development Conference	1994
Advertising Standards Authority (ASA): Judith Potter	Review of the Code on Liquor Advertising	1994

³ See page iv in Weir

Ministry of Justice	Report of the Advisory Committee	1997
ASA: The Honourable Sir Ian Barker	Review Team on Liquor Advertising on Radio and Television	1998
ASA: Rt Hon Sir Michael Hardie Boys	Review Panel on Liquor Advertising on Radio and Television	2003

25. Significantly, the Steering Group and others have reported and acknowledge that the current system “has a high level of compliance” and “is able to adapt early and respond in a timely manner”⁴. Clearly, the current system is not in crisis, risky or problematic.
26. Reviewing the statistical evidence, advertising expenditures do not have a market-wide expansion effect and declining advertising levels since the beginning of the decade add further to the case that advertising does not cause consumption (which has increased). Data from research firm AC Nielsen shows that \$1.8m (at rate card) was spent on advertising spirit drinks in the December year 2008, compared with \$8.2m in 2000. This represents a decline of 78%, whilst total spirits consumption increased from 1.47 litres per capita to 1.87 litres per capita over the same period.

Figure 2: **Advertising Expenditure vs. Spirits Consumption**

December Years	\$ Expenditure (Million)	Spirits Consumption Per capita (litres)
2000	8.2	1.47
2001	4.9	1.48
2002	8.4	1.56
2003	7.0	1.50
2004	5.4	1.66
2005	3.2	1.70
2006	1.2	1.77
2007	2.3	1.73
2008	1.8	1.87

Sources: AC Nielsen, Statistics NZ

27. To the notion that alcohol beverage advertising is directed at minors – this is simply not true or in industry’s best interests. The current code strictly prohibits advertisements or promotions targeted at minors. Not to mention that advertising to minors who cannot legally purchase alcohol beverages is wasted expenditure.
28. It bears reiterating that drinks advertisements are not designed to increase total per capita alcohol consumption but rather to encourage the switching of brands. Responsible members of the drinks industry never target those under the legal age of purchase.

⁴ Sale and Supply of Liquor and Liquor Enforcement Bill explanatory notes page 28

29. Further, we submit that there is no proven scientific basis that alcohol advertising causes alcohol consumption.
30. The proposed Clause 39 is unnecessary as no robust empirical evidence has been presented by its proponents to demonstrate that its implementation would significantly lead to less alcohol consumption or abuse amongst minors.

Part 6A

New Section 136A “Principles”

31. This section states the purpose of the Part. They are that:

- (a) Liquor advertising and liquor promotion should not be inconsistent with the promotion of responsibility and moderation in the consumption of alcohol; and*
- (b) The overall exposure of children and people under the age of 18 years to liquor advertising and liquor promotion should be minimised; and*
- (c) Liquor advertising and liquor promotion should not hold strong appeal to children or young people.*

32. In almost mirror fashion the “**Principles**” duplicate the existing Advertising Standards Authority’s (ASA) Code for Advertising Liquor⁵ clear and very strict principles, in place since 1994. They are that:

- Liquor advertisements shall neither conflict with nor detract from the need for responsibility and moderation in liquor consumption (Principle 1)*
- Liquor advertisements shall observe a high standard of social responsibility (Principle 2) and*
- Liquor advertisements shall be directed to adult audiences. Liquor advertisements shall not be directed at minors nor have strong or evident appeal to minors in particular (Principle 4)*

33. It is clear that the existing self-regulatory system is totally aligned with the Government goals to minimise alcohol-related harms and minimise advertising to minors. Moreover, all industry members are committed to and in compliance with, all existing laws and regulations. Industry already recognises that it is especially important to never deliberately target minors and that advertisements must always be of a high standard of social responsibility.

34. Elsewhere, advertisers are additionally bound by the ASA’s Code of Ethics⁶ that requires that all advertising be prepared with a due sense of social responsibility to consumers and society.

⁵ http://www.asa.co.nz/code_liquor.php

⁶ http://www.asa.co.nz/code_ethics.php

35. Further, the current self-regulatory system meets community expectations for independence, transparency, openness and accountability.
36. The proposed Clause 39 is therefore unnecessary when industry self-regulatory systems are already closely aligned with Government policy and harm-reduction objectives.

New Section 136B “Recognition of liquor advertising advisory body”

37. This new proposed section enables Ministers to appoint and recognise **any** new body corporate (other than the ASA), potentially a State agency, to be responsible for the developing and review of codes and administration of a complaints process and then subject to some elaborate rules to be specified by the Ministry of Health. And when combined with the **new section 136F “LAAB may act upon complaint or reference from Director-General of Health, or of its own motion”**, may possibly cut across the ASA and its procedures. This is opposed by the Association.
38. In 1992, a Cabinet minute⁷ mandated that the responsibility for the administration of advertising standards and other processes reside with the ASA. This arrangement has been sufficient and worked efficiently for over 17 years. In fact, this was the same view contained in a report to the “**Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill**”. Tellingly, the National Party recognised that the ASA “*does a commendable job of exercising control and self-regulation over certain specified complaints relating to the broadcasting of liquor advertising*”⁸. Further, it is noted that the National Party rejected that Bill’s proposed changes to the self-regulatory regime, i.e. it recommends the status quo.
39. The proposed new section could bypass the ASA and create unnecessary costs and bureaucracy, particularly through the Ministries of Justice or Health, for reviews, complaints administration, research, investigations, monitoring and enforcement. Currently the ASA operates and carries out these functions quickly and at no cost to the Government or to the consumer.
40. The proposed enforced self-regulatory regime could be rigid, would take time to enforce, create extra resource or capacity demands, new complexity, require higher thresholds of proof, and grow new layers of bureaucracy. We note that the Government has generally indicated that this type of additional cost pressure would be unaffordable and unacceptable in the current economic and fiscal environment.
41. The proposed Clause 39 should therefore be omitted as it is inconsistent with efficient and quality government administration and it has a potential to create significant and unnecessary cost pressures for the Crown (all costs are currently borne by the industry). In the event Clause 39 proceeds, we

⁷ CAB (92) M 10/14

⁸ Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill, Member’s Bill, As reported from the Law and Order Committee (20 October 2006), page 4

recommend that Section 136B specifically name the ASA as the liquor advertising advisory body.

New Section 136C “Director-General of Health may issue cease and desist order”

42. It is the opinion of the Association that the proposed new section could be inconsistent and anomalous with other and proposed enactments.
43. We submit that the operation of the Director-General’s power to issue a cease and desist order could breach the fundamental human rights of New Zealanders. The proposed new section’s ability to restrict an advertisement or promotion could unduly interfere with the commercial right to “freedom of expression” as protected under section 14 of the **New Zealand Bill of Rights Act 1990**. It could also lead to future free speech limitations. The right to freedom of commercial expression is absolutely vital to the Association’s members.
44. As to the wider Clause 39, we note that the **Public Health Bill** (clause 87 “*Codes of Practice and guidelines not legally enforceable*”) provides for codes of practice, including the “Code for Advertising Liquor” to not be legally enforceable. It would be farcical for one enactment to contradict another.
45. Interestingly, there is further inconsistency and conflict within the **Sale and Supply of Liquor and Liquor Enforcement Bill**, which proposes “*reviewing progress after two years*”⁹. Curiously, this proposal is contained in the Bill’s explanatory notes but not set out in the draft legislation. Meanwhile, the Public Health Bill¹⁰ proposes a review of progress (of the Code and its administration) after a period of three years.
46. To further illustrate the inconsistent policy approach to administrative jurisdictions in respect of complaints and codes, we note that the members’ bill in the name of Brendon Burns and its Select Committee report¹¹ recommended that the Broadcasting Standards Authority (BSA) take over the function from the ASA. At a further extreme, there is a members’ bill “**Liquor Advertising (Television and Radio) Bill**”, in the name of Metiria Turei, that proposes a total prohibition of liquor advertising. As it currently stands there are four conflicting jurisdictional models proposed for alcohol advertising.
47. As to a possible work-around to the above troubling incoherence and inconsistency of alcohol advertising administration, the Association recommends that the current self-regulatory regime continue, until ramifications of the ASA five-yearly systematic code review¹² or the very wide-ranging Law Commission review¹³ is available. The other option is to

⁹ Page 31 of the Bill’s explanatory notes

¹⁰ Clause 88 Report to Minister

¹¹ Sale of Liquor (Youth Alcohol Harm Reduction) Amendment Bill, Member’s Bill, As reported from the Law and Order Committee (20 October 2006), page 3

¹² Due to be conducted in late 2009

¹³ Announced by the Hon Lianne Dalziel 6 August 2008. Terms of reference includes “alcohol advertising”

await three years implementation of the Public Health Bill (the time allowed for the Ministry of Health to report to the Minister on the success or otherwise of Codes of Practice).

48. As a precedent for setting aside Clause 39 we note that in 1996 a Private Member's Bill - the Joy McLaughlan Broadcast (Liquor Advertising) Bill - requiring that liquor advertisements be accompanied by prescribed health messages¹⁴ was deferred by the Government in favour of the then imminent 1997 Liquor Review (which then subsequently rejected the proposal).
49. The proposed Clause 39 is flawed and inconsistent with current and or pending legislation and it should therefore be omitted.

New section 136D *Director-General of Health to act on the advice of LAAB*

50. The proposed new section enables the Director-General of Health to only act on the written advice of the Liquor Advertising Advisory Body (LAAB) (which might be a body other than the ASA) and then only if the LAAB is satisfied that there is a case worthy of issuance of a cease and desist order. The Association submits that this is inefficient and cumbersome compared with current industry processes that provide effective, responsive, robust and simple self-regulation of alcohol advertising.
51. Under the current system the ASA does not need to go to the Director-General of Health or to the courts for action on a breach of the code. It can proceed fast-paced and on its own volition. In simple terms, on receipt of a complaint and after investigation and if the complaint is upheld (i.e. a product advertisement or promotion is found in breach of the Code); the offending company is asked directly to take appropriate remedial action including cease and desist.
52. Expressed another way, under the proposal, non-compliant advertisements may have the luxury of seeking a judicial hearing which could be long and drawn out, but legal. In turn, advertisements might run until the matter has been fully considered by the Courts. In effect, threshold of proof could be much higher under the proposed system than the current fast and flexible self-regulatory system.

New Section 136G Offences in relation to cease and desist orders

53. New section 136G makes it an offence to fail or refuse to comply with a cease and desist order. The section proposes large fines of up to \$200,000 in the case of a body corporate and \$60,000 for individuals in the event of serious or persistent non-compliance.

¹⁴ Broadcast (Liquor Advertising) Bill 1990

54. It is the view of the Association that the proposed penalties are unnecessarily disproportionate and amounts to a sledgehammer approach. For instance, the proposed \$200,000 is forty times in excess of a \$5000 fine in the case of promoting excessive consumption of alcohol (section 154A of the Sale of Liquor Act). The size of the proposed penalties has not been justified and does not appear to have a reasonable basis; there would be few or no cases where this is needed. The Association would welcome clarification as to why the proposed fines and their size are deemed to be appropriate.
55. Observing many years operation of industry self-regulation, the Association cannot recall where a complaint has gone through due process and is upheld and the advertiser is asked to withdraw or modify the advertisement, of any advertiser ever deliberately refusing to comply or persist with non-compliance of the Code.
56. Industry's own internal enforcement processes are very strict and have been demonstrated to be effective and sufficient deterrents to mitigate the risk of non-compliant advertising and promotions. Further, the Bill offers no explanation as to why current industry processes are not effective in securing compliance.
57. Specific industry processes include a powerful set of concrete consequences comprising:
- 'Naming and shaming' (publication of unfavourable decisions in trade and general media and distribution to interested parties including trade associations, police licensing officers and local authority licensing officers),
 - The withdrawal and halting of the advertisement part-way through a campaign,
 - Obligatory copy advice and pre-checking systems for campaigns to improve compliance with self-regulatory codes
 - Withdrawal of trading privileges (under the proposed Code for the naming, packaging and promotion of liquor).
58. Industry is extremely protective of its reputation, which means that internal company laws and informal pressure or publicity can be effective.
59. In addition, the independent complaints process is transparent and well known to the public and even anti-alcohol advertising advocates.
60. To date, the number of complaints and upheld complaints are low and the Steering Group report has even noted that there is a high level of compliance by industry participants when a complaint is upheld¹⁵. For example, in 2008 the Advertising Standards Complaints Board received 28 complaints under the Code for Advertising Liquor. Seven complaints were upheld, eleven were not upheld and the Chairman of the Complaints Board ruled that there were no grounds to proceed with ten of the complaints¹⁶.

¹⁵ Sale and Supply of Liquor and Liquor Enforcement Bill explanatory note page 28

¹⁶ www.asa.co.nz

Figure 3: **Advertising subject to complaints received and upheld**

Complaints	2008	2007	2006	2005
Number of complaints referred to ASCB	28	23	24	35
Number not upheld	11	5	4	9
Number of no grounds to proceed	10	6	7	9
Number upheld	7	12	13	17

61. The above statistics are consistent with the good performance of industry self-regulation and shows industry is effective in policing itself.
62. The Bill’s proposed legislated sanctions are grossly excessive and unnecessary, as there is not a clear case of current system ineffectiveness or failure. Moreover, there is no evidence industry is refusing to be Code compliant. Further, the proposal ignores what the industry is already doing to ensure compliance.
63. Finally, in the event the proposed Clause 39 is to be advanced, we recommend that the appropriate level of fine be \$5000, which is consistent with section 154A of the Act.

Amendments relating to offences and enforcement

Clause 40 “Sale or supply of liquor to minors”

64. The Association submits that no responsible industry member or licensee sells alcohol beverages to minors. Nor do we as producers and marketers wish to see our products sold in this manner. Servers and sellers have a high legal and moral duty to act responsibly and uphold the law at all times.
65. The Association supports the proposed clause as a strengthening of the responsibility on licensees to properly sight and verify age documentation.

Clause 41 “Purchasing liquor for minors”

66. The Association submits that it is highly irresponsible for adults other than parents or guardians to supply alcohol beverages to a minor. The proposed amendment finally recognises that it is significant that most young people obtain their alcohol beverages, often gratis, from social sources such as family and friends^{17,18}. Although this sourcing of alcohol is not necessarily

¹⁷ Sale and Supply of Liquor and Liquor Enforcement Bill – explanatory note, page 2

¹⁸ The most common sources of alcohol for students were their parents (54%) and friends (53%). About 14% of students buy alcohol themselves and 35% get someone else to buy alcohol for them. Youth’07: The Health and Wellbeing of Secondary School Students in New Zealand. Initial Findings. Auckland: The University of Auckland

problematic, as the majority of drinkers do not have or cause problems, the Association believes that if parents and guardians choose to supply alcohol beverages to their children then it must be consumed under that parent's direct supervision and monitoring.

67. The Association agrees that it should be an offence to supply alcohol to a minor where the supplier is not the child's parent or guardian.

Part 3 Amendments to Land Transport Act 1998

Clause 56 Drivers not to exceed specified alcohol limits

68. Drunk driving at any level is an extremely serious offence therefore the Association supports the proposal to make it clear to drivers aged under 20 who do not have a full licence, that there is an alcohol limit of zero.
69. The Association would however caution that the proposal is unlikely to stop irresponsible drivers under 20 years of age being involved in motor vehicle crashes and fatalities. We would also point out that there are minimal fatalities occurring at such low levels. However, tough ongoing enforcement needs to continue and extra focus should be targeted at those drivers with grossly high blood alcohol concentrations¹⁹ and recidivist drunk drivers²⁰. It is the view of the Association that a continuing educational approach to make driving after any level of consumption socially unacceptable, can improve overall behaviour and improve safety.

SUMMARY AND RECOMMENDATION

70. As highlighted in this submission, the Association considers that it is premature and unnecessary to be proposing an enforced self-regulatory system. The current self-regulatory is uncomplicated and not failing. It will also add workload to an as yet undetermined government department when the current self regulation system is zero cost to the tax payer.
71. The Association is concerned that the Bill proposes an enforced self-regulatory system principally informed from a review of nine selected papers despite their significant research weaknesses and methodological limitations

¹⁹ A third of all prosecutions involved readings of more than double the limit. Motor vehicles crashes in New Zealand 2007. MOT 2008.

²⁰ Ibid. 20% of drunk drivers offenders have offended before – some, many times.

and without unequivocal causality evidence. It would seem “being seen to do something” rather than “doing the right thing” is driving this amendment.

72. The Association believes the proposed enforced self-regulatory system is disproportionate because the desired ends of achieving the highest standards of responsible advertising and preventing alcohol misuse can be reached more effectively by existing means.
73. The Association therefore recommends that matters related to advertising and promotions should continue to be dealt with solely by the existing ASA administrative system and accordingly Clause 39 of the Bill should be set aside.
74. The Association supports measures to enhance the responsibility of licensees and their staff and of friends and adults who supply alcohol to minors.
75. The Association supports initiatives that target and discourage driving by persons over the legal limit.

Distilled Spirits Association of New Zealand Inc

ANNEX 1: “Review of selected papers examining alcohol advertising” conducted by Dr Robert Weir of the New Zealand Health Technology Assessment (a Research Unit of the University of Otago funded under contract to the Ministry of Health)

What did Dr Weir conclude?

“While there were limitations to the review papers, it was apparent that inconsistencies in results existed between relevant studies. The studies that were more robust provided some support for a positive association between exposure to alcohol advertisements and alcohol consumption”.

What do we know about the nine studies that were reviewed?

Nine Studies provided by the Ministry of Health		Limitations or comments identified by Dr Weir
Consumer studies (x4)	Stacy et al 2004	<i>"Concerns about generalisability from this USA based study"</i>
	<i>Ellickson et al 2005</i>	<i>"Concerns about generalisability from this USA based study"</i>
	<i>Martino et al 2006</i>	<i>"Exposure to alcohol advertising was not significantly associated with alcohol positivity or alcohol potency in drinkers or non-drinkers after controlling for a range of confounders"</i>
	<i>Snyder et al, 2006</i>	<i>"A well conducted study but there were significant limitations"</i>
Econometrics paper (x1)	<i>Saffer et al (2002)</i>	<p><i>"Limitations of this specific study included:</i></p> <ul style="list-style-type: none"> <i>• Potential sources of misclassification</i> <i>• Highly susceptible to confounding</i> <i>• Use of highly aggregated data resulting in an inability to study subgroups of the population</i> <i>• Reliance on a range of assumptions</i> <i>• Of necessity, structural equations presented a simplistic picture of all factors contributing to the outcomes of interest</i>
Qualitative study (x1)	<i>McCreanor et al. 2005</i>	<p><i>"There were limitations to the study:</i></p> <ul style="list-style-type: none"> <i>• The sampling strategy was unclear. In particular, it was not clear to what extent diverse views would be identified through the sampling strategy adopted.</i> <i>• The impact of the researchers on the researched was not clear – there was no description about the research workers conducting the focus groups.</i> <i>• Focus groups tend to be producing more superficial data than other qualitative methods.</i>
Review articles (x3)	<i>Foundation for Advertising Research</i>	<p><i>"Bias in the overall flavour of the report cannot be ruled out".</i></p> <p><i>"It would therefore not be appropriate to form any conclusions based on this review"</i></p>

http://www.ccdhb.org.nz/Meetings/CPHACpapers/2007_10_11/infoonly/reviewpapersalcoholadvertising.pdf

23 April 2009

Mr James Picker
Secretariat
Justice and Electoral Select Committee
Parliament Buildings
WELLINGTON

By email: james.picker@parliament.govt.nz

Dear Mr Picker

SUBMISSION ON THE SALE AND SUPPLY OF LIQUOR AND LIQUOR
ENFORCEMENT BILL

Please find attached the written response of the Distilled Spirits Association of New Zealand Inc to the call for submissions on the **Sale and Supply of Liquor and Liquor Enforcement Bill**.

The Association is the national trade organisation representing New Zealand's leading producers and marketers of premium spirits (e.g. Brandy, Whisky, Rum, Gin, and Vodka) and liqueurs.

The Association would like to appear before the Committee to speak to points raised in its submission.

Yours sincerely

Thomas Chin
Chief Executive