

The New Alcohol Law Reform Bill – We need more than just tinkering with the problem

After considering the proposed new Bill in the light of the available evidence, we are even more convinced than ever, of the need for a more comprehensive and bold approach to the problem. The current Bill urgently needs strengthening both in its breadth and scope.

As it stands, there are no measures in the new Bill that will make any substantial difference to the extent of heavy drinking in New Zealand. Of particular note there is no commitment to raising the price of alcohol, significantly reducing the ever-present accessibility and advertising of alcohol, or putting an end to legal drunk driving.

There are four main things that we strongly want to see added to the Government's response to the Law Commission's review.

Put an end to:

- 1. Ultra cheap alcohol**, beginning with a minimum price for a standard drink
- 2. Highly normalised and accessible alcohol**, by restoring supermarkets to being alcohol free
- 3. All alcohol advertising and sponsorship**, except objective printed product information
- 4. Legal drunk driving**, by reducing the adult blood alcohol level to at least 0.05

Introduction

Alcohol is a legalised drug (NZLC 2010, Sellman et al 2009), which is being relentlessly marketed to the public of New Zealand, sold at such ultra-cheap prices that regular intoxication is affordable to children, and causing immense harm to not only individual citizens, but the New Zealand economy as a whole – estimated in the billions of dollars (NZLC 2010).

More than two thirds of all alcohol in New Zealand is being consumed at harmful or hazardous levels (Marsden Jacob Associates 2009) by about 700,000 heavy drinkers (Wells et al 2006; MOH 2007), the total population of Wellington and Christchurch combined.

Unlike tobacco, alcohol causes an immense amount of collateral damage to families and the social fabric of New Zealand. For instance, there are more than 70,000 alcohol-related physical and sexual assaults each year (Connor et al 2009) and a third of all police apprehensions involve alcohol (Stevenson 2009).

But like tobacco, alcohol is also a killer. Twenty people are dying every week from alcohol-related problems (Connor et al 2005), half by injuries and other acute deaths related to intoxication, and the other half by various chronic diseases including our three most common cancers – breast, prostate and bowel cancer.

One of the conclusions of the Law Commission's historic review (NZLC 2010) was:

“It is hard to think of any other lawful product available in our society that contributes so much to so many social ills” and as a major cause of the problem “the unbridled commercialisation of alcohol”.

The proposed new Bill

The Government has an excellent opportunity to make serious inroads into changing the heavy drinking culture in New Zealand and to address the excessive drinking behaviour of the 700,000 heavy drinkers in New Zealand, 90% of whom are 20 years and over (Wells et al 2006).

This new Bill allows the Government to provide a comprehensive set of reforms as outlined by the Law Commission's historic review of the liquor laws. To achieve this, there are a number of areas which need to be strengthened in the new Bill, in particular, measures to change the current excessive commercialisation of alcohol.

It is of concern that the alcohol provisions of the Rugby World Cup 2011 (Empowering) Bill are likely to *increase* the commercialisation of alcohol and that it has been announced that changes being proposed in this new Bill will not be enacted until after this event.

Taking the new Bill further: A proposed alternative approach to the harm alcohol causes - the 5+ Solution framework

The 5+ Solution, based directly on the World Health Organisation sponsored publication "*Alcohol: No Ordinary Commodity*" (Babor et al 2003; Babor et al 2010) is a set of evidence-based strategies to guide countries in reducing alcohol-related problems.

Using the 5+ Solution framework, we offer a critique of the Government's response to the Law Commission's review as outlined in the new Bill.

1. Raise alcohol prices

There is no commitment expressed in the Bill to raise alcohol prices; the easiest and most effective measure a government could take to start dealing with the problem (Wagenaar et al 2009). The Government appears to be delaying a decision by seeking further price data (voluntarily) from the alcohol industry; an industry which consistently opposes any control of alcohol prices and does not voluntarily provide sales data.

We suggest that a commitment to raising the price of alcohol be signalled, beginning with minimum pricing per standard drink, followed by strategic excise tax increases over time.

2. Raise the purchase age

The Bill outlines a proposal to raise the purchase age in off-licence to 20 years. This measure was the starting point of the Law Commission at the outset of their historic review before they fully examined the evidence, after which their recommendation was to return the purchase age for both on and off license to 20 years.

Not only is the Government's proposal half-hearted, it is ambivalent – the Government has signalled it intends to hide behind the Conscience Vote on this. This is despite the fact this is a major health and law and order issue, with enormous economic ramifications. It is not an issue of opinion or moral judgement.

The provisions for giving parents and guardians more responsibilities is a good signal, but it puts a huge burden on parents when the Government is not taking a national leadership position to change New Zealand's heavy drinking environment.

We suggest returning the purchase age for all alcohol to 20 years and abandon the Conscience Vote. Further, we are concerned that youth will be used as a scapegoat for the heavy drinking culture when they are simply victims of the adult heavy drinking culture.

3. Reduce alcohol accessibility

This is where the Government's tinkering really begins to show in this new Bill. The Law Commission reviewed the substantial body of research which shows a strong relationship between alcohol-related harm and the general availability of alcohol, both in terms of hours of purchase as well as the convenience of where alcohol can be purchased. But the Bill's proposals in this area are very weak.

- The broadening of matters regarding getting and losing of licenses is good but minor.
- The fact that alcohol will not be able to be purchased in New Zealand between the default hours of 4am (on-license) and 7am (off-license) is simply laughable as a "bold" alcohol law reform move by the Government.
- The strengthening of the law regarding dairies and convenience stores is no more than a clarification of what the law intended in 1989 and therefore hardly a "reform".
- Giving local councils the option of adopting a local alcohol policy sounds good, but fails to provide the necessary national leadership. It is very difficult for individual communities throughout New Zealand to take on this responsibility. This move by Government is essentially saying to the people of New Zealand "you can take on the alcohol industry in your own local communities, don't expect us to do anything nationally".

Supply of alcohol supermarkets

The Hospitality Association of New Zealand (HANZ) has estimated that about 70% of the alcohol sold in New Zealand is sold off-license, the vast majority from supermarkets.

The Government needs to signal that alcohol is not an ordinary supermarket item. It needs to prevent the daily march of New Zealand families, children and teenagers, past the alluring shelves of alcoholic beverages, and supermarket trolleys laden with alcohol beverages, continually reinforcing that myth that alcohol is just an "ordinary commodity".

Until there is a separation of the purchase of this legalised drug from ordinary supermarket items, 'the great normalisation experiment' associated with the alcohol reforms of the 1980s and 1990s will continue and the heavy drinking culture perpetuated.

Even Sir Geoffrey Palmer has publically admitted (Working Together Conference May 2010) that the Law Commission's recommendations were not strong enough in relation to the commercial activity of supermarkets with respect to alcohol.

We propose reducing the hours of purchase for off-license to 10am -10pm, and on-license 10am – 1pm, but more importantly, signal the end to normal supermarket sales of alcohol.

4. Reduce marketing and advertising

Forty years ago, having a cigarette in your mouth was a sign of being cool, sexy and part of the in-crowd. Today, with Government explicit approval of the \$200,000+ a day spent on alcohol advertising and sponsorship, the same message is being broadcast to the nation – but now it is about having a can of beer or a glass of wine in your hand.

As long as the Government allows this to continue, the personal responsibility we all want the 700,000 heavy drinkers in New Zealand to take recedes further into the distance, while the industry continues to recruit new heavy drinkers (the industry's favourite customers) from the ranks of our vulnerable young.

The proposed tinkering with promotions and underage advertising is not going to solve the problem.

And to suggest the Government is doing something “bold” and “comprehensive” in alcohol law reform while not making any commitment to Sir Geoffrey Palmer’s five year plan of dismantling the insidious influence of corporate advertising in the same way it has been dismantled for tobacco, is misleading.

It is important to note that evidence for this part of the 5+ Solution has strengthened over the past 10 years as outlined in the 2nd Edition of “*Alcohol: No Ordinary Commodity*” (Babor et al 2010).

5. Increase drink-driving countermeasures

The most important measure that the Government could enact in this area - reducing the adult drink driving limit from 0.08 to 0.05 has been by-passed and like minimum price put out for “more research”.

Ending legal drunk driving by dropping the drink driving limit from 0.08 to 0.05 is a measure supported by a large international body of research, the experience of the majority of developed countries including Australia, as well as specific advice from the Government’s own Ministry of Transport, which makes the delay in enacting this policy staggering.

It must be remembered that 40% of the injuries from drunk driving involve people other than the affected driver (Connor et al 2009). The disregard the Government has displayed for those injured, killed and devastated by drink driving is breathtaking.

Calling for “more research” when researchers themselves are not advocating for it, makes the Government’s insistence on collecting data on drunk drivers in the range 0.05 and 0.08 for the next two years look like a delay tactic, to avoid doing anything that will impact on the commercialisation of alcohol.

But New Zealanders are beginning to wake up to the trade-offs the Government is making against commercial interests with their willingness to sacrifice of up to 60 lives and allow more than 1000 extra alcohol-related injuries on our roads by continuing legal drunk driving for at least another two years. Some of these injuries will be head/brain injuries; the life-time cost of each case being in the region of \$25 million (personal communication Professor Valery Feigan).

It is pertinent to note that changes in blood alcohol levels and public perceptions about the harms of drunk driving are amongst the key concerns of the alcohol industry, behind the scenes (Bond et al 2009).

PLUS: Increase treatment opportunities

There have been some new initiatives in addiction treatment provision, which are welcomed. However, these have been primarily in the context of the “methamphetamine crisis”, personally driven by the Prime Minister with the support of his Chief Scientific Advisor. If only the PM recognised the “alcohol crisis” with the same vigour.

Extrapolating from death statistics, alcohol is causing about 500 times more damage to New Zealand than methamphetamine. Yet the government can’t even bring itself to refer to alcohol as a drug, let alone acknowledge the contribution of commercial availability and normalisation to the damaging heavy drinking culture. In this context the current treatment initiatives seem trivial.

The development of a blueprint for addiction service delivery in the light of the Government's ambivalent and timid response to the Law Commission's review could easily be interpreted as yet another delay tactic – “more research”.

There has been no statement of intent in relation to the proposed treatment service blueprint, to significantly improve services for heavy drinkers in New Zealand, either in the general population or within the prison population, either at the early stage of habit formation or at the severe addiction end of the spectrum.

Other matters: Further tinkering with a youth focus

About half of the measures in this new Bill relate to youth, even though less than 10% of the heavy drinkers in New Zealand are under the age of 20 years.

One of these measures relates to “ready to drink” spirit drinks (RTDs). As it stands, RTDs will be restricted to 5% alcohol, still as potent as the strongest beers, and not contain more than 1.5 standard drinks per container. This is hardly progressive alcohol law reform.

One of the great success stories for the alcohol industry since the last major alcohol review in the 1980s has been the development of RTDs. The challenge for the alcohol industry is exactly the same as for the tobacco industry; how to make their (addictive and carcinogenic) product attractive, particularly to new users, when in its raw form the product is foul and very unpleasant to consume.

The answer has been sugar. Not only are large quantities of sugar added to spirits to make high alcohol beverages as palatable as cordial, but there has been the development of “grooming drinks” with just a small touch of alcohol included to hook new young users onto the first step. Vodka Mudshake, is a good example of these - essentially chocolate milk with half a standard drink of alcohol added – perfect for 13 year olds.

If the Government was serious about the dangers of RTDs and were prepared to take on the industry's use of them to expand alcohol sales of alcohol to young people and women using these products, they would be regulating the added sugar as well as the alcohol content. The industry continues to publically deny it adds sugar for palatability (tobacco industry all over again), although an alcohol industry insider has already made it clear (Age 2007) that this is exactly what the addition of sugar is all about.

Summary and conclusions

The key to alcohol law reform is enacting measures that will make a substantial difference to changing the heavy drinking culture. We need a paradigm shift similar to the dismantling of the smoking culture that has occurred in New Zealand over the past 40 years. New Zealand needs new laws that will restrain “the unbridled commercialisation of alcohol”, described on the first page of the Law Commission's final report (NZLC 2010).

The landscape changes to New Zealand's smoking culture have come about through significant increases in prices, reducing accessibility and reducing advertising and sponsorship; but with heavy drinking, there is a fourth evidence-based strategy - drink driving countermeasures.

Missing from the proposed Bill are any measures that will make a significant difference to commercial forces that are driving consumption. Just hoping the heavy drinkers are spontaneously

going to change, while allowing the full force of alcohol commercialisation to continue, amounts to a Government-approved heavy drinking culture.

The following four key alcohol actions, based on the 5+ Solution are measures that would impact on the commercialisation of alcohol. These measures would change the attitudes and behaviour of the 700,000 heavy drinkers in New Zealand, and if the Government was serious about the need for change, it would add them to the new Bill.

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Without even one of these measures in the Government's response to the Law Commission's review so far, it can only be concluded that the Government is more committed to ensuring that enormous profits from supplying, marketing, advertising and selling alcohol continue than leading reforms that would substantially improve the safety, health and well-being of all New Zealanders.

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