Ministerial Forum on Alcohol Advertising and Sponsorship

Submission from Sport New Zealand - 28 April 2014

1. Sport New Zealand (Sport NZ) welcomes the opportunity to make a submission to the Ministerial Forum on Alcohol Advertising and Sponsorship.

Executive summary

2. Sport NZ is concerned about the potential of any further restrictions on alcohol sponsorship and associated advertising damaging the financial viability of the sport and recreation sector in challenging financial times. New Zealand sport relies heavily on ‘granted’ funds including sponsorship or funds from gaming trusts and societies.

3. While Sport NZ acknowledges that there may be societal benefits to be gained from reducing alcohol sponsorship and advertising in sport, these need to be balanced with potential damage to the sport sector and the benefits it delivers.

4. The value of alcohol sponsorship to sport, at the national and professional level, was estimated at $13.5 million (7.4%) out of a total of $182 million sport sponsorship in 2012/2013. Alcohol sponsorship is thus a relatively small proportion of all sports sponsorship at that level. However, this is an extremely important source of revenue for sport, where some national sport organisations (NSOs) are having difficulty keeping sponsors and clubs are reporting declining incomes and increased costs.

5. Gaming funding to sport and recreation has also decreased, with funding from four large gaming machine societies dropping from approximately $98.5 million in 2007 to $78 million in 2012 (a drop of around 20%). Territorial Authorities also have more tools/requirements following recent legislative changes and may come under increasing pressure to reduce numbers of gaming machines, further reducing revenue to sport.

6. The Government strengthened regulation around alcohol advertising and sponsorship, which covers the sport sector, in response to the Law Commission’s 2010 report. Section 237 of the Sale and Supply of Alcohol Act 2012 makes it an offence, for example, to promote or advertise alcohol in a way that has special appeal to minors, to promote free alcohol at sports events, or offer any goods or services (eg sports equipment) on the condition that alcohol is purchased.

7. The industry Code for Advertising and Promotion of Alcohol also has existing restrictions applicable to alcohol advertising and sponsorship in sport. These include, for example, that sponsors shall not require or permit sponsored parties to feature alcohol branding on children’s size replica sports kit or on any promotional material distributed to minors, and that alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young (which will include certain athletes or sports teams).
8. Given existing regulation and acknowledging the difficult financial landscape, we do not consider there is currently sufficient evidence for further restrictions to alcohol sponsorship and associated advertising to the sport sector and recreation sector. The potential impact of further restrictions has also not been quantified in the New Zealand context and the impact of restrictions could vary considerably depending on their type.

9. Otago University researchers Cody and Jackson note “... at this point it is largely unchartered territory – we simply do not know what the real impact of a banning of alcohol sponsorship would have on sport ... New Zealand is a small nation with a small market and this limits the number of sponsorship opportunities ... within the current economic climate even high-profile sports with large budgets, such as rugby union, are seeking every possible source of funds including alcohol sponsorship, community trusts and gaming trusts... “

10. The economic, social, health and personal benefits of sport and recreation to New Zealand were estimated at $12.2 billion in 2008/09. We are concerned that moves to restrict alcohol sponsorship and advertising in sport to address alcohol-related harms may result in a ‘false economy’, by negatively impacting on various aspects of the sector as outlined below.

11. Many sports events rely on alcohol-related sponsorship and advertising funding to a degree and run on a 'break even' basis. Restrictions would potentially marginalise these events. The Government is aware of the significant benefits to the nation of high-profile international sports events and is targeting these. Alcohol sponsorship and advertising restrictions would compromise our ability to host certain events and put us at a competitive disadvantage internationally.

12. Alcohol sponsorships also play a part in our NSOs being able to develop world class athletes by having top-level high performance programmes and staff in place and being able to offer competition opportunities. Having our athletes achieving on the world stage has various social and economic spin-off benefits. In the community sport area, such sponsorship funding helps keep cost to participants down. Sport NZ commissioned research has found that cost is the most important factor in participants not engaging in sport and recreation.

13. From a club perspective, the proportion of club income from alcohol industry sponsorship received by a selection sports clubs surveyed in 2010 was fairly low, at around 9%. However, clubs advised that their finances were so tight that any reduction in revenue (or covering the cost of supplied contra product or kit) puts their clubs’ futures at risk. Clubs were also surveyed on their views on the potential impact of the Law Commission’s 2010 proposals to restrict alcohol sponsorship in sport, with high proportions considering the proposals would have significant impacts.

14. Acknowledging current uncertainty about the potential impact of further restrictions to alcohol advertising and sponsorship on sport, there are national and international calls for investigation in various areas. This includes what impact these restrictions might have on sport, their value and how they might work in association with other alcohol regulation. We consider this investigation is needed prior to any moves for more restrictions.
15. If there were future moves to reduce alcohol sponsorship in sport, Sport NZ considers that a means of replacing that funding would need to be put in place. As a model, the Australian approach of providing replacement funding, as implemented in their Community Sponsorship Fund in 2012 (originally AUD $25 million for four years), is worth investigating.

16. However, this approach has not been straightforward in the Australian context and there are lessons to be learnt. While 16 Australian NSOs have signed up to the fund and have no alcohol sponsorship, several large NSOs did not and alcohol sponsorship of Australian sport remains hugely significant. The Australian Government is also reviewing the fund, with no confirmed funding after this financial year.

17. Finally, there is evidence of the New Zealand sport sector increasingly showing leadership in reducing reliance on alcohol-related funding (eg rugby league’s ‘more than just a game’ model) and proactively managing alcohol related harm. This is occurring without regulatory restrictions around sponsorship or advertising. Our 2010 commissioned research concluded that although hard evidence was limited, research at that time did not provide evidence that sports had more of a problem with the misuse of alcohol than New Zealand society in general, but reflected the problems in our wider society.

Sport NZ submission - Ministerial Forum on Alcohol Advertising and Sponsorship

Challenging financial times for New Zealand sport

1. Sport NZ is primarily concerned about the potential of any further restrictions on alcohol sponsorship and associated advertising funding damaging the financial viability of the sport and recreation sector, due to a very challenging current financial landscape. New Zealand sport (both community and high performance/elite) relies heavily on various ‘granted’ funds, whether this is sponsorship of any form or funds from gaming trusts and societies. More restrictions on sports’ ability to gain alcohol sponsorship funding, with limited alternatives, risks sport organisations’ ability to deliver valuable community and high performance sports programmes and events.

2. The value of alcohol sponsorship to sport, at the national and professional level\(^1\), was estimated at $13.5 million (7.4%) out of a total of $182 million sport sponsorship in 2012/2013, (Wright, 2013). We are not aware of an available community-level alcohol sponsorship figure to sport. Although alcohol sponsorship is a relatively small proportion of all sports sponsorship at the national and professional level, it is still an extremely important source of revenue in what are difficult financial times. Sports are likely to find themselves in a particularly exposed market if major sponsors pull out. Further, many New Zealand sport organisations tend to hold little in financial reserves.

\(^1\) The figure represents the rights fees paid to professional teams, organisations and participation events alone. This does not include direct sponsorship arrangements at the community level.
3. Financial difficulties and loss of major non-alcohol sponsorships was highlighted in the media in 2013 in relation to provincial rugby unions (Cleaver, 2012), Bike New Zealand (Plumb, 2013) and Triathlon New Zealand (Napier and Plumb, 2013). Studies at the community sport level into rugby (Milne, 2013), golf and football (Cordery, 2012) also highlight financial viability issues.

4. Cordery (p. 32) reported that among golf clubs “42% reported declining revenue… [and] half the clubs had increased their debt levels over the four years [reviewed]”. Regarding football clubs, “42% … reported a net deficit and declining or static revenue, and 64% had increased their expenditure”. Regarding rugby, Milne (2013 p. 45) notes that “currently around half of all [Wellington rugby clubs] are incurring a deficit each year…. It is evident … that the delivery of grassroots rugby is an expensive exercise and requires funding from a wide and diverse range of sources. The sport requires significant investment in equipment, property, coaching and administration on a continuing basis”.

Decreases in gaming funding

5. Decreases to gaming funding available to the community sport sector are another important factor creating financial pressures. Dalziel (2011, p.70) noted that “There is a decreasing funding pool and a changing, challenging, funding environment. The changes to gaming habits and the changes to regulation of gaming machines (pokies) and gaming sites has significantly decreased the income of the Community Trusts that provide grants to [sport]”.

6. In quantifying this decrease, Litmus (2014, p. 25) reports that “In 2012 a total of $78,123,572 was granted by four gaming machine societies to sport ($69,829,635 - 89%) and physical activity/recreation ($8,293,937 - 11%). In 2007 a total of $98,457,866 was granted [by the same four societies] to sport ($89,789,534, 91%) and physical activity/recreation ($8,668,332, 9%)”. This is an overall decrease of 20.7% of funding to sport and recreation in five years.

Pressures to reduce gaming machine numbers

7. This decrease in gaming funding may continue due to pressures for future restrictions on gaming machines in communities. Milne (p. 44) notes that “Previously, club revenue has largely been sourced from gaming trusts and bar trading with these two streams of revenue delivering over 65% of all funding to [Wellington Rugby Football Union] WRFU clubs in the four years to 2012. Strong public opinion on gambling and alcohol sales and consumption may create significant pressure on the government to restrict the availability of both alcohol and gaming machines in the future.”

8. Already, territorial authorities (TAs) in New Zealand must have a Class 4 gambling venue policy developed and reviewed in consultation with the community. The policy must consider the social impact of gambling within the TA’s district and specify whether or not Class 4 venues may be established and where they may be located. The policy may also specify restrictions on the maximum number of machines that can be operated. Some TAs currently have a ‘sinking lid’ approach to the number of machines, or may cap numbers.
9. The Gambling (Gambling Harm Reduction) Amendment Act, which came into effect in September 2013, provides that for TAs adopting a policy to relocate gaming machines to a new venue, there will be no increase in the number of gaming machines as part of that relocation.

**Current regulation and uncertainty of impact of further restrictions**

10. We note that the Government did strengthen regulation around alcohol advertising and sponsorship, which also covers the sport sector, in response to the Law Commission’s 2010 report. This was achieved by creating a new offence addressing the irresponsible promotion of supply and consumption of alcohol, implemented by Section 237 of the Sale and Supply of Alcohol Act 2012. It is now an offence to:

- in the course of carrying on a business, encourage the consumption of an excessive amount of alcohol, whether on licensed premises or at any other place
- promote or advertise alcohol in a manner that has special appeal to people under the age of 20
- promote or advertise alcohol, except in store or on premises, in a manner that leads the public to believe the price is 25% or more below the price at which the alcohol is ordinarily sold
- promote alcohol that is free
- offer any goods or services on the condition that alcohol is purchased.

11. Some of these restrictions have implications for alcohol and sport sponsorship and associated advertising, particularly promoting free alcohol or offering any goods or services on the condition that alcohol is purchased.

12. The industry Code for Advertising and Promotion of Alcohol also has existing restrictions applicable to alcohol advertising and sponsorship in sport, including that:

- alcohol advertising and promotions shall not suggest that alcohol can lead to sporting success
- alcohol advertising and promotions shall not imply that sporting activities have been undertaken after consumption of alcohol
- alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young (which will include certain athletes and sports teams)
- alcohol producers, distributors or retailers should not engage in sponsorship where those under 18 years of age are likely to comprise more than 25% of the participants, or spectators
• sponsors shall not require or permit sponsored parties to feature alcohol branding on children’s size replica sports kit or on any promotional material distributed to minors.

13. Given existing regulation and acknowledging the difficult financial landscape, we do not consider there is currently sufficient evidence for further restrictions to alcohol sponsorship and associated advertising to the sport sector and recreation sector. The potential impact of further restrictions has also not been quantified in the New Zealand context and the impact of restrictions could vary considerably depending on their type.

14. While Sport NZ acknowledges that there may be societal benefits to be gained from reducing alcohol sponsorship and advertising in sport, these need to be balanced with potential damage to the sport sector and the benefits it delivers.

15. In relation to moves to ban alcohol sponsorship from sport, Otago University researchers Cody and Jackson (2014, p. 15) note “… at this point it is largely unchartered territory – we simply do not know what the real impact of a banning of alcohol sponsorship would have on sport … New Zealand is a small nation with a small market and this limits the number of sponsorship opportunities … within the current economic climate even high-profile sports with large budgets, such as rugby union, are seeking every possible source of funds including alcohol sponsorship, community trusts and gaming trusts…”

**Benefits of sport and recreation to the nation**

16. Restrictions to sport’s potential revenue options would be concerning given the significant contribution sport provides to our nation. Sport NZ commissioned research (SPARC, 2011) found that the economic, social, health and personal benefits of sport and recreation to New Zealand totalled $12.2 billion in 2008/09. Sport NZ is concerned that moves to restrict alcohol sponsorship to address alcohol-related harm, without alternatives for sport and recreation, may result in a ‘false economy’ in that the restrictions reduce the health and social benefits sport provides.

17. The research found that sport and recreation added $5.2 billion (2.8% of GDP) to our economy, comprising contributions from sport and recreation industries, facility development, volunteer involvement and tax revenue. Increased work productivity and better health outcomes provided benefits of $1 billion and personal benefits of participation contributed $6 billion. The benefit of sport and recreation keeping New Zealanders active also helped prevent more than 1,126 premature deaths per year (SPARC, 2011).

18. The positive social and economic impact of sport and recreation is therefore wide-ranging. Cox (2012, p.7) states that “There is evidence that at its best sport² can improve physical health and so reduce the risk of obesity, heart disease, cancer, osteoporosis and many other illnesses, treat depression, stress and anxiety, aid in the prevention of dementia, help rehabilitate offenders back into society, reduce youth crime, enhance

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² The focus of this review was on leisure time physical activity. The word “sport” is used in the broadest sense, incorporating “traditional” sports, outdoor recreation, water pursuits, movement and dance and mind games.
social cohesion, play a role in the regeneration of communities, improve educational attainment and strengthen employment opportunities.”

**Sports events**

19. The potential difficulty of finding alternative sponsorship sources for funding various sports events which currently rely on alcohol sponsorship is also an issue. Some high profile sports events, particularly those with primary alcohol industry sponsors (e.g. Speight’s Coast to Coast multi-sport event), may struggle for replacement sponsors. A large number of sports events, which often operate on a ‘break even’ model, are supported to varying degrees by alcohol sponsorship. Removal of alcohol-related sponsorship from these events risks putting them under severe stress and making them considerably more marginal to run.

20. In relation to major international sports events, removal of alcohol sponsorship would raise significant impediments to New Zealand’s ability to host certain events. The Heineken sponsored Rugby World Cup, a major success in New Zealand in 2011, is a notable example. Such concerns have also been raised in Ireland (Houses of Oireachtas, 2013) and South Africa (Econometrix, 2013). The above Irish report on alcohol-related sponsorship of sport (p. 7) warned that “Acting unilaterally, Ireland would be at a significant competitive disadvantage to its international competitors”.

21. Attracting high-profile sports events is an important focus for the New Zealand government, with a recent evaluation of major events investment finding significant benefits to the nation (Joyce, 2013). The 2011-12 Volvo Ocean Race Auckland stop-over, for example, which involved alcohol sponsorship, was featured in the evaluation and alcohol-related sponsors are already associated with its 2015 New Zealand stop-over. Alcohol sponsorship and advertising is often integrated into the food and beverage management of such events, under best practice host responsibility principles.

**High performance sport**

22. Our sports teams and individuals performing well on the ‘world stage’ creates economic and social benefits to the nation. This includes including making our athletes and teams more attractive to potential sponsors of sport, raising our international profile to facilitate business opportunities and building national pride and social cohesiveness. Sponsorship funding, in part, helps our sport organisations to build high performance programmes and provide event opportunities events that result in our athletes performing well and we need this funding to continue.

23. A South African economic impact-related report argues that “The potential loss of [alcohol] sponsorship funds could therefore impact adversely on domestic sports development structures and objectives. This could have a negative impact on the performance of national sports teams in the longer run. Poor sporting performance at the national level could detract other corporate sports sponsorships outside of the liquor industry…” (Econometrix, 2013, p. 119). It could also prevent “… building national pride through sporting achievements” (p. 122).
Community sport

24. Another important factor to consider is cost pressure on community sport participation and the value of sponsorship. Research in this area (Milne, 2013) showed Wellington club rugby players paid just 12% of the cost of playing the game through their membership fees. Clubs paid the rest. Batty (2013) quotes an event organiser commenting on the importance of sponsorship funds in general to keeping participant costs down, as follows “... without our sponsors you’d be paying double. For the [Auckland] marathon you’d probably [pay] four times what you’re paying, you’d be paying $500”.

25. Increasing the cost of sport to the participant is likely to have major repercussions. Sport NZ commissioned research (GEMBA Group, 2013) shows the main reason Kiwis (16-64 years) do not currently participate in sports/activities they are interested in, is cost (62%).

26. With cost a major barrier to participation, the removal of alcohol sponsorship could result in decreased sports participation. This would subsequently result in the unintended consequences of removing the benefits (including public health benefits) gained from such participation.

Potential impact of restrictions on clubs

27. Sport NZ’s commissioned research on the relationship between alcohol and sport (PS Services, 2010), found that of the selection of sports clubs it received survey responses from a reasonably high proportion (69%) received one or more forms of sponsorship from the alcohol industry (eg, pubs, suppliers or retailers). A total of 211 clubs from rugby union, rugby league, softball, netball, bowls and cricket responded to the survey.

28. Most commonly clubs received uniforms, equipment or gear (28%), and or/had been supplied with alcohol at a discounted price (27%). On average, the proportion of income from alcohol industry sponsorship (including an estimated value of products/supplies ‘in kind’) received by sports clubs surveyed was fairly low, at around 9% (p. 8).

29. However, this research (p. 32) highlighted that:

“Sponsorship of clubs by the alcohol industry is relatively minor in terms of value per club, but is available across a wide range of sports, in a majority of clubs, and is particularly associated with local bars/taverns and alcohol retailers. Clubs advise that their finances are so tight, that any reduction in revenue (or a requirement to cover the cost of supplied contra or kit from existing revenue sources) puts their clubs’ futures at risk. Reduced revenues also will result in reduced activities and opportunities for people to play sport. If the opportunity for clubs (and regional and national organisations) to receive funding from gaming societies associated with the alcohol industry was also affected, the consequences for the viability of clubs would be even greater.”
30. Further, the research (p. 32) noted that:

“Clubs see themselves as providing positive, responsible environments for their members, members’ families and their communities to socialise, which generates a number of social and health benefits. The clubs and [national sport organisations] NSOs interviewed suggested that clubs closing and/or increasing fees to remain viable might lead to a loss of community identity and cohesion, or make clubs inaccessible to those members of communities that cannot afford increased subs or fees.”

31. Clubs were specifically surveyed on their views on the potential impact of the Law Commission’s 2010 proposals to restrict alcohol sponsorship in sport. A high proportion of clubs surveyed considered the proposals would have significant impacts, with supporting qualitative research showing this largely related to their club finances.

32. Clubs considered the Law Commission’s proposal to ban alcohol-related sponsorship of all sports events and activities would have the most impact, with 43% considering that this would have a “large to very large” impact. Further, 27% of the clubs said the proposal to remove alcohol sponsorship from sports environments where more than 10% of the sports participants were under the legal drinking age would have had a “large” or “very large” impact (p.26-27).

Further research and future options

33. Acknowledging current uncertainty about the potential impact of further restrictions to alcohol advertising and sponsorship on sport, there are national and international calls for investigation in various areas. We consider this is needed prior to any moves for more restrictions. Cody and Jackson (2014, p. 16) recommend several key questions be addressed including:

- what effects do different forms of regulation (eg restrictions or bans on alcohol advertising and/or sponsorship) have on the operations of both elite and grassroots sport organisations and clubs?
- how do sport-related regulations of alcohol sponsorship work in conjunction with other forms of alcohol regulation?
- what role can states and private enterprise pay in helping sport organisations transition from alcohol sponsorship to other sources of funding?

34. In developing their Public Health (Alcohol) Bill, the Republic of Ireland’s Government did not adopt a steering group recommendation for a ban on alcohol sponsorship in sport. Rather, an official working group is to report back on:

- the value, evidence, feasibility and implications (including the public health consequences for children and young people) of regular sponsorship by alcohol companies of major sporting events
• its considerations of financial implications and alternative sources of funding for sporting organisations to replace potential lost revenue arising from any such regulation.

**Australian Community Sponsorship Fund**

35. If there were future moves to reduce alcohol sponsorship in sport, Sport NZ considers that a means of replacing that funding would need to be put in place. As a model, the Australian approach of providing replacement funding, as implemented in their Community Sponsorship Fund in 2012, is worth investigating. However, this approach has not been straightforward in the Australian context and there are lessons to be learnt.

36. There is a precedent for this type of programme in New Zealand. When the Smoke-free Environments Act 1990 stopped new tobacco sponsorship, the Health Sponsorship Council (HSC) was allocated $6 million by the Government to provide to organisations for alternative sponsorship and to fund the HSC.

37. In 2012 the Australian Government announced AUD $25 million to be allocated over four years as an alternative to alcohol sponsorship for sports and cultural organisations. This was associated with its ‘Be the Influence’ binge drinking alcohol harm reduction programme in sport. Sixteen Australian NSOs are signed up to the fund and have agreed not to have a conflicting alcohol sponsor. However, the current Australian Government is reviewing the fund. They have also indicated there is no confirmed government funding for the programme beyond June 2014, with a decision to be made in the next Budget.

38. Several large NSOs including the Australian Football League (AFL), National Rugby League (NRL), Cricket Australia and the Australian Rugby Union did not sign up to the fund. Shortly before the fund’s announcement, the AFL had agreed a 10 year extension to its historic sponsorship deal with Carlton United Breweries, reportedly worth over AUD $50 million.

39. Wright (2013) notes that “The Australian Government introduced its ‘Be the Influence’ programme to help reduce alcohol sponsorship. Although this has clearly happened with a number of sports effectively taking Government sponsorship and dropping alcohol partners, the reality is that [Australian] sport remains more dependent on alcohol money than the USA, Germany, UK, Canada, Spain, Italy, or Brazil. With Russia and France having banned alcohol sponsorship, Australia has the highest proportion of alcohol spend of any major economy”.

40. There are issues with comparing Australia and New Zealand in this area as the proportion of and value of alcohol sponsorships to sport are far greater in Australia than in New Zealand. However, the Australian experience indicates that while a substitution-type fund may be attractive and viable for certain codes, it may not be attractive to those with the ability to gain more significant and longer-term alcohol sponsorship deals.

41. Wilson, et al. (2012, p. 9) note that “A government buyout of alcohol sponsorship may be more difficult than simply providing alternative financial support for a limited period of time as clubs are concerned about long term viability”. The Foundation for Alcohol Research and Education (2013, p. 44) notes that “Governments should look to developing a longer term strategy that has funding periods beyond the traditional period of three to four years”.

10
Sport’s leadership in alcohol management policies

42. Finally, a change evident in recent years is that sports are themselves showing leadership and choosing to reduce reliance on alcohol sponsorship or to manage alcohol related harm. This is occurring without the need for further regulatory restrictions.

43. Cody and Jackson (2014, p.13) quote an Alcoholic Liquor Advisory Council (ALAC), (now the Health Promotion Agency) representative as follows:

“While alcohol sponsorship funding remains important, Chris (ALAC) noted that the amount of funding available from alcohol companies had decreased significantly over the past few years…” “… Consider the strategy adopted by the [New Zealand Rugby League] NZRL – a sport organisation with a relatively long and lucrative association with beer sponsors… The NZRL has taken the strongest direct stance in opposition to alcohol sponsorship with its ‘more than just a game’ model…. Thus, while alcohol sponsorship has been described as the ‘lifeblood’ of New Zealand sport, some organisations are exploring other avenues of sponsorship.” The NZRL has no national sponsor arrangements with the alcohol industry.

44. Sport NZ’s own 2010 commissioned research on the relationship between alcohol and sport also found that sports organisations and clubs were “… already part of the solution to managing harmful alcohol behaviours in New Zealand … “ (PS Services, 2010 p. vii).

45. The research reported (p. 31) that:

“… many sports organisations and clubs are taking action to monitor, manage and change the harmful alcohol behaviours of their players and members. Many clubs report changing patterns of drinking by their members (such as younger members spending less time at clubs and preferring to do their drinking elsewhere), which takes them outside the often more responsible club environment into public environments. Clubrooms are no longer the “central watering hole” for many communities that they once were 10-15 years ago.”

46. In relation to problems regarding alcohol and sport, the research concluded that:

“ [although] hard evidence is limited ... research to date does not provide evidence that sports have more of a problem with the misuse of alcohol than New Zealand society in general. Feedback from this study suggests that what happens in sport, particularly in relation to harmful alcohol behaviours, is a reflection of what is happening in New Zealand society and reflects trends in how New Zealanders are drinking generally” (PS Services, 2010 p. vi).
References


Making a submission

Submissions close on **Monday 28 April 2014 at 5pm**.

- If you would like further information during the submission period please email alcoholadvertisingforum@moh.govt.nz and put ‘Forum information’ in the subject line.

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<thead>
<tr>
<th>Name:</th>
<th>Martin Bremner</th>
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<tr>
<td>If this submission is made on behalf of an organisation, please name that organisation here:</td>
<td>Super Liquor Holdings</td>
</tr>
<tr>
<td>Address/email:</td>
<td>PO Box 109067 Newmarket Auckland</td>
</tr>
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<td></td>
<td><a href="mailto:Martin@superliquor.co.nz">Martin@superliquor.co.nz</a></td>
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<tr>
<td>Please provide a brief description of your organisation (if applicable):</td>
<td>Super Liquor Holdings manages the Super Liquor franchise retail liquor network. We function as a cooperative, with franchisees also being shareholders.</td>
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There are two ways you can make a submission.

- Forward your comments, with the detachable submission form at the back of this document, to:
  
  Nick Goodwin  
  Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
  Ministry of Health  
  PO Box 5013  
  Wellington 6145

- Electronically complete the submission form available at the back of this document, add your comments and email to:
  
  alcoholadvertisingforum@moh.govt.nz

- Please put ‘Forum Submission’ in the subject line.

Your submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), your personal details will be removed from the submission if you check the following boxes:

- [ ] I do not give permission for my personal details to be released under the Official Information Act 1982.
- [ ] I do not give permission for my name to be listed in the published summary of submissions.
Questions to guide your submission

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? **Yes or No.** If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

   Yes, Super Liquor Holdings made submissions to both the Law Commission and the Select Committee.

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]  
   ☑ Yes  ☐ No

3. What reasons do you have for your view? Please include details.

   Significant changes have been made recently to the promotion and sale of alcohol in New Zealand. Super Liquor Holdings has embraced these changes and we have restructured our store rebrand and marketing communications programme around them.

   In general we believe the current set of regulatory changes should be allowed to bed in, should be consistently enforced and the results measured before more changes are made. They have not yet been fully implemented, enforced or given time to achieve their objective of reducing alcohol harm.

   We oppose further advertising restrictions or blanket alcohol advertising bans. We believe that if the ability to differentiate on brand and service through advertising is removed the only option that will remain for retailers is to differentiate through price discounting. This will result in a minimum price floor quickly being reached.

   Please note that Super Liquor Holdings supported the banning of price advertising in our submission to the Select Committee.

   However, there are specific gaps in the current legislation which need to be addressed urgently. These relate to regulating the sale and promotion of alcohol over the internet (remote sales), SSAA 2012 Section 237 (1) (b) (ii).

   These gaps mean that promotions from online remote seller off-license holders are not subject to the same requirements as those from retail off-license holders.
4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

We have presented our new brand and operational guidelines to a wide range of sector stakeholders for their feedback and approval. These stakeholders include representatives from the NZ Police, HPA, District Health Boards and Local Authorities. As examples please see Appendix 1a, Super Liquor In-Store Customer Responsibility Awareness Poster and Bag Insert, and 1b, Super Liquor brand guidelines retail store image.

Please find in Appendix 2 examples of online liquor retailers advertising alcohol in breach of the HPA advertising guidelines.

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Remote Sales – Yes. This loophole is being actively exploited.

6. Do you support further restrictions on alcohol sponsorship to reduce alcohol-related harm? Yes or No. [Tick box]

☐ Yes ☑ No

7. What reasons do you have for your view? Please include details.

Our local retail franchisees contribute significant resources to their communities through sponsorship of local clubs, sports teams and organisations. We believe this is a social good and an important source of financial support for grass roots community organisations.

We also believe that this type of sponsorship engages and embeds our retail franchisees into the communities in which they operate. This is an important element in our franchise members understanding how and where social harm can eventuate and thus be prevented or mitigated.

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

Details of local Super Liquor community sponsorship is commercially sensitive and therefore we cannot provide it.
9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Not applicable as we believe no sponsorship changes should be made.

Types of possible restrictions (if supported)

10. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

Regulations around direct marketing, online advertising and remote seller licenses should be reviewed, clarified and made consistent with retail offline holders.

Permission-based promotional media (e.g. physical and/or email catalogues, and websites into which customers actively choose to enter) should be subject to the HPA ‘inside the store’ guidelines.

Broadcast promotional media (e.g. online ‘banner’ advertising, unaddressed letterbox flyers, television and radio advertising) should be subject to the HPA ‘outside the store’ guidelines.

11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

These restrictions would remove the ability for online retailers to advertise very deep discounts while other retailers cannot.

12. What evidence is available that your proposal(s) would work?

This proposal is based on consistency with the other elements of SSAA 2012, and discussions with stakeholders from NZ Police, Local Authorities and District Health Authorities. If not remedied other industry players will be forced to obtain remote seller licenses and conduct the same competitive activity.
13. What other interventions could potentially be tried in future?

14. Why should these other interventions be considered?

15. If further restrictions to alcohol sponsorship are necessary, what do you think should be done?

   Not applicable as we believe no sponsorship changes should be made.

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

   Not applicable as we believe no sponsorship changes should be made.

17. What evidence is available that your proposal(s) would work?

   Not applicable as we believe no sponsorship changes should be made.

18. What other interventions could potentially be tried in future?

   Not applicable as we believe no sponsorship changes should be made.

19. Why should these other interventions be considered?

   Not applicable as we believe no sponsorship changes should be made.
Impacts of proposals

20. Who would be affected by your proposals to restrict **alcohol advertising** and how?

   The impact would be felt across all liquor retailers, as the regulation around online sales and promotional activity would become consistent.

21. How might these proposals impact on:
   - alcohol consumption, particularly among young drinkers and heavy drinkers;
   - the perception of alcohol as an everyday commodity, particularly among children and young people;
   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
   - the recipients of alcohol sponsorship funds; and
   - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

   This proposal would restrict the promotion and sale of deep discounted alcohol outside the heavily regulated off-license retail environment, with associated audited checks on age identification, intoxication etc.

22. Who would be affected by your proposals to restrict **alcohol sponsorship** and how?

   Not applicable as we believe no sponsorship changes should be made.

23. How might these proposals impact on:
   - alcohol consumption, particularly among young drinkers and heavy drinkers;
   - the perception of alcohol as an everyday commodity, particularly among children and young people;
   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
   - the recipients of alcohol sponsorship funds; and
   - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

   Not applicable as we believe no sponsorship changes should be made.
Ongoing and new challenges

24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol advertising are necessary to reduce alcohol-related harm?

We believe that the recently introduced changes need to be given time to take effect before further industry wide changes are made.

We believe further restrictions will be counter-productive as it will leave retailers with only price as a competitive promotional device.

25. What action, if any, could be taken to address these matters?

We believe a minimum of three years is required to evaluate the impact of the recent regulatory changes.

26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol sponsorship (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?

The Forum needs to be aware of the impact that removing alcohol sponsorship would have on local, grass roots community groups.

We also believe that this type of sponsorship engages and embeds our retail franchisees into the communities in which they operate. This is an important element in our franchise members understanding how and where social harm can eventuate and thus be prevented or mitigated.

27. What action, if any, could be taken to address these matters?

Other comments

28. Do you have any other comments?

Super Liquor Holdings appreciates the opportunity to make a submission on these important issues. I am happy to appear in person to answer any questions and my daytime phone number is 021 430 195.
Appendix 1: Super Liquor Brand Guidelines

a. In-Store Customer Responsibility Awareness Poster and Bag Insert

WARNING
If you are buying alcohol for under 18s you could be
BUSTED
AND FINED
$2000
It’s also against the law to drink alcohol in a ban area or to show fake ID. For either of those you could get a fine of
$250
Please drink responsibly.

Super Liquor
1b Super Liquor Brand Guidelines Retail Store
Appendix 2: Examples of Online Sales

1. Remote Seller Online Advertising and Website
   - In this promotion the company boasted “Hundreds of deals at half price”
   - The company refers to “Elsewhere prices” which to the customer indicates the “normal price”.
   - Discounts over both 25% and 50%.
   - The discounts are across a range of mainstream wine, spirits, beer and premium wine – all products the on premise licences holders compete for in sales.
   - The messaging “Massive Wine Sale” would unlikely be accepted for on premise promotions as it would encourage customers to believe there are sales greater than 25% and yet remote sellers can use it just for that purpose.

   Thousands of shoppers have already been to 42 Lunn Ave to shop at...

   NZ’s ultimate wine, beer & spirit SALE!

   A further 164 wine, beer & spirit deals have been added since Monday including:

   - direct importer sales, aged cellar releases, big brands
   - discounted, new releases or deal plus scores of deals we can’t legally advertise

   **So click here to shop online now**

   All wines at **BEST** prices – mix and match your own case/s.

   From our 100% NZ owned family business to your home...

   These sales prices are the best in NZ so if you tell them they’ve got the best prices, tell them to put it down in it!

   Click here to go to our website and shop online.

   Or, come into our Superstore at 42 Lunn Ave, Mt Wellington.

   Plus... $4 case delivery fee - anywhere in NZ

   There’s something for everyone...

   - Prices start from $5.99 and include cellar and aged wines.
   - Chardonnay, Pinot Noir, Pinot Gris, Shiraz, Sauvignon Blanc, Cotes du Rhone, Bordeaux, Burgundy, Champagne, Chianti, Riesling, Riesling, Riesling, Riesling, Riesling.
   - Over 200 wines open to try before you buy on Friday evenings.
   - Over 20 wine and spirit specialists including our expert friendly team to help you make the best possible wine choices.

   There’s loads of free parking and we’ll carry your purchases to the car so...

   Come with an empty boot!
Example 2: Remote Seller Social Media Promotions

Low cost wine at $6.50 easily purchased via Facebook

Example 3 – Remote Seller Website

A website promoting 50% or more discounts
23 April 2014

To Whom It May Concern,

Re: Ministerial Forum on Alcohol Advertising and Sponsorship

Taradale Rugby and Sports Club Incorporated is under the umbrella of the Hawkes Bay Rugby Union and New Zealand Rugby (NZR). We are a community based club which was founded in 1897 and have an extremely proud history. The Club provides an important and well-utilised sporting, social and leisure facility for both our senior and junior members and other Club supporters. TRSC is a not for profit organisation ably run by volunteers who are overseen by a Board of Management who provide strong governance and are responsible for the overall direction for the Club and its future. The Club is widely recognised within the local and wider community for providing a vital sporting and social link for people of all ages. We have approximately 380 junior and 125 senior rugby players and our facilities are used on a regular basis by groups from the extended community such as Age Concern for Marching, Line Dancing and Zumba Fitness Classes as well as Softball, Touch Rugby and Netball.

Sport and recreational activities are a part of the New Zealand way of life. Involvement in sporting activities will connect, build and empower communities, contribute to social inclusion and increase interpersonal skills and relationships between diverse members of the community.

Taradale Rugby and Sports wishes to make the following submission to the Ministerial Forum on Alcohol Advertising and Sponsorship concerning whether further alcohol advertising and sponsorship restrictions are necessary in addition to Section 237 of the Sale and Supply of Alcohol Act 2012. Our submission specifically relates to advertising and sponsorship in sport.
Taradale Rugby and Sports holds a fully licenced and legally compliant bar facility and actively promotes and enforces responsible drinking amongst its affiliated members over the age of 18. As a Club we support the regulations of the sale, supply and consumption of alcohol.

In response to question 2 of ‘Questions to guide your submission’, Taradale Rugby and Sports Club does not support further restrictions on alcohol advertising or sponsorship which propose to reduce alcohol-related harm. These changes will be detrimental to the viability of our wider rugby community. Our facilities are a well utilised and safe sporting and leisure link for a large community.

As with many other sports, sponsorship using alcohol brands / names provides valuable funding to all levels of the game, either directly through the alcohol industry or local community bars, restaurants or clubs. This in turn allows these organisations to provide significant benefits back to the local communities. Our Club will not be financially viable without the support and donations or grants received through bars and restaurants or the gaming facilities they run. It is essential that the local sports club remains viable in any community. Without sport adding to a healthy and active lifestyle so much sought by Health Professionals in NZ, one surely can expect more free time on the hands of particularly our young people where binge drinking is such a problem; free time which could potentially be filled with this unsafe and unhealthy abusive manner of drinking in an uncontrolled environment. Without your licenced and responsible sporting Clubs people will continue to drink alcohol in their homes or in the homes of their peers (with or without restrictions on alcohol advertising and sponsorship). Who then will manage and control the amount of alcohol people are consuming, provide adequate and substantial food or transport these people in a safe manner to their own homes? Reality tells you this will not happen in majority of the instances.

In fact you will find that many of our top sportsmen and women are extremely good role models for players when it comes to either safe and responsible drinking or abstinence in some cases. There are many of those players at an elite level who are an active part of our community clubs and talk about the need for overall physical health to participate in sports to your full potential.

It is interesting to note the finding of Sport New Zealand's 2010 study, 'Alcohol and Sport' which says 'hard evidence is limited and insufficient to describe the full extent and nature of the problem in sport in New Zealand. Research to date does not provide evidence that sports have more of a problem with the misuse of alcohol than New Zealand society in general...’
It is widely recognised that many New Zealanders have always enjoyed an alcoholic drink when socialising and watching rugby and many other sports. Providing that safe, controlled and responsible environment for alcohol consumption is a priority for Taradale Rugby and Sports Club and we work carefully to provide a wide range of beverage and food choice, whilst adhering to strict licensing laws.

Sport New Zealand’s Alcohol and Sport study concludes that ‘based on the actions that responsible clubs and sports organisations are already taking, it is evident that sports and sports clubs are already part of the solution to managing harmful alcohol behaviours in New Zealand, and there is potential to strengthen this role in future’.

Rather than more interventions and restrictive and unreasonable policing which will disadvantage sport by harming our community facilities through a lack of sponsorship we would welcome and promote solutions which target and address the particular harms caused by alcohol in society. As a Club we are committed to playing our part in initiatives which promote responsible drinking across the community. We believe that the absence of ‘Tui’ goal post pads or ‘DB Export’ bar runners at our Sports Club will not change the manner in which people consume alcohol; it will only change the venue in which alcohol is consumed to one where unsafe, uncontrolled and irresponsible behaviours are able to occur.

Yours sincerely,

Tim Combs
CHAIRMAN – BOARD OF MANAGEMENT
TARADALE RUGBY AND SPORTS CLUB INC.
Re Submission on Alcohol Sponsorship

We wish to make three observations in respect of the above, plus some general commentary.

Our winery is involved in three areas of sponsorship; all of which we consider to be components of taking a responsible role in both the Hawke’s Bay and National Communities.

1) The first is the New Zealand Poet Laureate Award. We started this project in 1996 to mark our centennial and for the first ten years were the sole sponsors. Our contribution was in hosting the presentation of the award, giving an allocation of wine to the Poet Laureate, funding some travel and underwriting the publication of a book of poetry every two years. The dollar value of the Sponsorship was between five and ten thousand dollars per annum.

In 2006 this award was taken over by The National Library and we remain as secondary sponsors, participating in the selection, the presentations, and continuing to provide wine.

We consider this award to be a positive contribution to literature in New Zealand and cannot contemplate what ‘harm’ might arise from such sponsorships. As in matter of comment the stipend for the first English Poet Laureate, John Donne, was entirely of wine and that practice continued through many appointments.

2) We, along with many other Hawke’s Bay wineries, have contributed to the annual Charity Wine Auction for the past 23 years. Te Mata Estate founded this event, which raises funds for Cranford, our local Hospice, and to date that total raised is a little under three million dollars. The author of this submission, John Buck is also Patron of Cranford Hospice.

The Hawke’s Bay community is extremely proud of both its Wineries and its Hospice; the two of them contributing in fundraising is logical and follows the parallels established in both the Hospice de Beaune Auction in Burgundy which has been conducted since 1443, and the Napa Hospice in California which is significantly (almost $US eight million per annum) funded by the Napa and Sonoma Wineries.

3) We contribute consistently to Schools, Sports Clubs, Churches and Community Groups in our area, again supporting our staff and their interests and being mindful of the needs and aspirations of our populace. It would be churlish not to do so.
In your submission form there appears to be a pre-determination that alcohol sponsorships and harm naturally accompany one another. We do not make ‘alcohol’, we make a beverage called wine which through the process of fermentation includes some alcohol. We also consider our role in our community to be as positive contributors, not the causes of harm, and we do find the insinuation offensive.

A more balanced approach might be to consider the good people and the good outcomes that can arise from wine sponsorship as well as the negative implications.

As a final note, under Question One of your submission form, we did attend the 2010 Law Commission hearings and appeared in front of the Select Committee – there were two – chaired by Simon Bridges,

We are happy to appear at these hearings if required.

John Buck

Chairman Te Mata Estate Winery
Submission: Ministerial Forum - Alcohol Advertising & Sponsorship

Date: 28 April 2014

Name: 

If this submission is made on behalf of an organisation, please name that organisation here: Tennis Auckland

Address/email: 

Please provide a brief description of your organisation (if applicable): Tennis Auckland

X I do not give permission for my personal details to be released under the Official Information Act 1982.

I do not give permission for my name to be listed in the published summary of submissions.

Thank-you for the opportunity to provide a submission to the Ministerial Forum on Alcohol Advertising and Sponsorship.

Tennis Auckland believes it would suffer a significant economic impact if it were not able to receive sponsorship funding from alcohol brands. It would put in jeopardy the ability for New Zealand to host the two International tournaments, through both funding but also the prestige of having international brands associated with the tournaments. The two International tournaments raise the profile of tennis within New Zealand and not having them would impact the sport and the participation levels within New Zealand.

Tennis Auckland vision is to make tennis part of every Aucklanders life, by advancing the sport of tennis in the region enabling opportunities for everyone to participate.

To achieve this there are six focus areas;

➢ Relevant tennis programmes and domestic competitions
➢ Successful profile world class tennis events
➢ Optimisation and growth of facilities and clubs
➢ Sustained achievement at all competitive levels
➢ Financial sustainability
➢ Organisational excellence
To deliver these outcomes Tennis Auckland relies on sponsorship from a cross section of sponsors, particularly to support the two premium International tournaments held in Auckland each January as part of the Festival of Tennis, the ASB Classic and the Heineken Open. Revenue from these tournaments flows through to support tennis programmes, domestic competitions and facilities. It is worth noting that Tennis Auckland has a much stronger financial position than other regional associations thanks to the two International tournaments, enabling it to provide opportunities for Aucklanders to participate in the sport of tennis, good facilities at the ASB Tennis Arena (Stanley Street, Auckland), Scarbro Tennis Centre (Merton Rd, Glenn Innes) and Manukau Tennis Centre (Te Irirangi Drive, Manukau).

The tennis programmes span from hotshots and tiny tots introducing 4 to 8 year olds to tennis on small courts using soft large balls, to primary and intermediate school programmes through to regional high performance development of high potential 10 to 18 year olds.

The regional domestic programme includes numerous tournaments from interclub to regional championships building up from the grass roots of the 54 clubs, contributing nearly 10,000 affiliated members in the Auckland region.

The provision of these tennis programs and facilities by Tennis Auckland to the public is funded in the main by the money made from the ASB Classic and Heineken Open tournaments. Therefore anything that impacts the profitability of these events – such as a ban on alcohol advertising – would have a direct and immediate impact on the provision of participation opportunities to the public.

The ASB Classic and Heineken Open, are the longest running premium International tournaments held in New Zealand both have been running since 1956\(^1\), providing an excellent opportunity to showcase Auckland and New Zealand as a world class destination. The tournaments are run under the jurisdiction of the WTA and ATP, Tennis Auckland is required to deliver these events to a global standard (which continually becomes more stringent) to ensure we continue to have the rights to host.

Some facts on these tournaments:

- Broadcast internationally into over 113 million homes.
- Over 50,000 attendees to the two tournaments.
- 12 players ranked in the top 30.
- 71% of attendees are aged 35 to 65 years old.
- 129 International players
- 27% of attendees came from outside of Auckland.

Sponsorship impacts the success of these tournaments on a number of levels, from the obvious of funding the running of the tournaments. But equally important is the association with premium brands enhancing the tournaments image both locally and internationally. It is increasingly competitive with several Asian and Middle Eastern countries wanting to host international tennis tournaments, this drives a need to have premium brands associated with the tournament to

\(^1\) The ASB Classic had a 4 year hiatus between 1982 and 1986.
enhance the prestige as well as ensuring funding to continue to improve the experience at the tournaments. Brands such as Heineken, ASB, Moet, BMW and Panasonic are currently associated with the two tournaments.

Alcohol brands account for 36% of the sponsorship funding across the two tournaments, a significant contributor and difficult to replace the funding from other sources especially when industries require exclusivity of sector. ie: with ASB bank as a sponsor it precludes sourcing sponsorship from other financial institutions.

The investment in sponsorship is only part of what the brands bring to the event, the investment in providing an experience with the 2014 tournament was enhanced significantly with an improved food and beverage offering, including the Best Ugly Bagel, The Grill, and Moet & Chandon Champagne Lounge. Heineken with their connection with LoveNZ ensured 26 tonnes packaging was recycled from the tournaments, as well as “water warriors” handing out free water and sunscreen to the crowd. The promotional activities the brands undertake assist in driving awareness and ultimately ticket sales to the events. These activations are fantastic examples of the value an alcohol brand can offer to an event, promoting both responsible drinking and environmental awareness. These activities come with significant cost and are unlikely to be replicated by sponsors from non-alcohol categories.

Major International events are increasingly becoming more than just the sporting tournament, the atmosphere created by the event allows participants who are not sports fanatics to enjoy the experience, socialise and participate in other activities provided whilst the sporting event is on. Great examples are the Australian Open, where attendees often sit under the trees, watching tennis on large screens, picnicking and enjoying a fantastic social experience, another is the Melbourne Cup where fashion and dining is as important as the horse racing.

Research undertaken by the health promotion agency², reviewed four major sports events, including the Heineken Open. The findings differed across the four events, interestingly the Heineken Open had one of the highest exposures of alcohol brand advertising at the event with 71% aware of the alcohol advertising but when asked if they were concerned about the advertising exposure to youth, 86% were ambivalent towards it, and 79% disagreed with the statement they would consume more alcohol at the event than they would on an average drinking occasion. This research for the Heineken Open refutes the link between alcohol sponsorship and increased consumption of alcohol by participants at the event.

The study also noted 100% of people surveyed at the Heineken Open came to the tennis for the sport, but 50% acknowledged the importance of atmosphere, showing increasingly the public are demanding more than just a sporting contest but wanting a full experience.

² The culture of alcohol promotion and consumption at major sports events in New Zealand, research report commissioned by the Health promotion agency, Authors Dr. Sarah Gee, Professor Steve J. Jackson and Dr. Michael Sam. August 2013.
International players have sponsorship arrangements with alcohol brands requiring them to promote in markets they play within, if restrictions prevent them doing that within New Zealand then our ability to secure top International players to play in Auckland will be significantly hampered. As an example, Roger Federer signed in 2012 a 5 year sponsorship deal with Moet & Chandon and the reality is that players like him will simply not consider NZ as a possible destination if they cannot work with their existing partners.

The ATP have a global sponsorship arrangement with Corona (a Mexican beer brand with a global presence) if Tennis Auckland did not have a sponsorship with Heineken then Tennis Auckland can source funding support from ATP based on the Corona global sponsorship. Obviously if changes are made to alcohol sponsorship in New Zealand we would be unable to gain these rights payments via ATP, jeopardising the feasibility of the tournament.

Tennis Auckland is concerned if changes to legislation prevent us sourcing sponsorship funding from alcohol brands it will impact the sport of tennis in New Zealand, ultimately reducing the number of New Zealanders participating in the sport and New Zealand's reputation of hosting prominent global sporting events.
Making a submission

Submissions close on **Monday 28 April 2014 at 5pm**.

- If you would like further information during the submission period please email alcoholadvertisingforum@moh.govt.nz and put ‘Forum information’ in the subject line.

Please detach and return.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Rob Hoar</th>
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<tbody>
<tr>
<td>If this submission is made on behalf of an organisation, please name that organisation here:</td>
<td>ThinkTV</td>
</tr>
<tr>
<td>Address/email:</td>
<td><a href="mailto:Rob@thinktv.co.nz">Rob@thinktv.co.nz</a></td>
</tr>
<tr>
<td>Please provide a brief description of your organisation (if applicable):</td>
<td>ThinkTV is an industry body responsible for representing the common interests of New Zealand’s major Free-to-Air television broadcasters.</td>
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</tbody>
</table>

There are two ways you can make a submission.

- Forward your comments, with the detachable submission form at the back of this document, to:
  
  Nick Goodwin  
  Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
  Ministry of Health  
  PO Box 5013  
  Wellington 6145

- Electronically complete the submission form available at the back of this document, add your comments and email to:
  alcoholadvertisingforum@moh.govt.nz

- Please put ‘Forum Submission’ in the subject line.

Your submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), your personal details will be removed from the submission if you check the following boxes:

- [ ] I do not give permission for my personal details to be released under the Official Information Act 1982.
- [ ] I do not give permission for my name to be listed in the published summary of submissions.
Submission to the Ministerial Forum on
Alcohol Advertising & Sponsorship

Prepared by
Rob Hoar, General Manager – ThinkTV

28 April 2014
Submission to the Ministerial Forum on Alcohol Advertising & Sponsorship

1. This submission is made by ThinkTV on behalf of its members, Television New Zealand Limited and MediaWorks TV Limited. ThinkTV is an industry body responsible for representing the common interests of the major Free-to-Air Television broadcasters in New Zealand.

   Contact details for ThinkTV are:
   Level 5, 9 High Street, Auckland Central
   PO Box 1298, Shortland Street, Auckland 1140

   This submission has been prepared by Rob Hoar, General Manager of ThinkTV, who can be reached at rob@thinktv.co.nz or via telephone on 09 280 3804.

2. ThinkTV (formerly known as the New Zealand Television Broadcasters’ Council) has previously made submissions on the topic of alcohol advertising to the Law Commission’s Alcohol in our Lives: Curbing the Harm report and subsequently to the Justice and Electoral Select Committee.

3. Total advertising revenue received by the ThinkTV’s members for 2013 was $564 million. This total is not broken down by segments but we estimate that, based on Nielsen data, alcohol advertising and promotions accounted for no more than two per cent or around $8-10 million.

   Since the liberalisation of alcohol advertising in the early 1990s, ThinkTV’s members have been providing gratis airtime for the promotion of alcohol moderation messages. In 2013 $1 million was provided to the Health Promotions Agency.

4. ThinkTV continues to believe that the existing regulatory regime governing alcohol advertising and sponsorship on television is appropriate and robust. Details of the existing restrictions and controls are included in Appendix A of this submission.

5. Evidence that the current regime is working, and that it is broadly in line with the public’s expectations, comes from the low number of complaints made to the Advertising Standards Authority about alcohol advertising (see table below).

   Complaints to the ASA under the Alcohol Codes (Television Advertisements Only)

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints (Share of Total)</th>
<th>Complaint Outcome</th>
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<tbody>
<tr>
<td>2013</td>
<td>3 (1.1%)</td>
<td>2 no grounds to proceed, 1 not upheld</td>
</tr>
<tr>
<td>2012</td>
<td>5 (18%)</td>
<td>4 no grounds to proceed, 1 settled (a media scheduling error)</td>
</tr>
<tr>
<td>2011</td>
<td>16 (6.3%)</td>
<td>10 no grounds to proceed, 2 withdrawn, 5 not upheld</td>
</tr>
<tr>
<td>2010</td>
<td>15 (5.8%)</td>
<td>10 no grounds to proceed, 4 not upheld, 1 settled (scheduling error)</td>
</tr>
</tbody>
</table>

   Share is the number of alcohol-related complaints divided by the total number of complaints about all television advertising.

   Notably it has been over a decade since the ASA’s independent Advertising Standards Complaints Board had grounds to uphold a complaint about a television advertisement for breaching either the Code for Advertising Liquor or its replacement, the Code for Advertising and Promotion of Alcohol (from Jan 2013).
6. In our previous submission to the Law Commission we highlighted 19 large studies that all concluded that bans and other restrictions on alcohol advertising did not reduce the level of alcohol consumption. Advertising bans were shown to change consumption patterns, for example, from beer to spirits or from premium to discount brands, but did not reduce the overall consumption level (in some case consumption actually increased).

To our knowledge there are no new studies that establish a relationship between alcohol advertising on television and alcohol abuse.

7. Finally, Television Broadcasters recognise that there are issues of alcohol abuse in New Zealand and that strategies are required to deal with these issues. We remain ready and willing to assist in any way we can with solutions that are practical, meaningful and can be shown to have an impact on the problem.

That said, it is clear that advertising on television is not causing or exacerbating the problems with alcohol abuse. We know that television is often seen as an easy target due to its public visibility, but to bring financial harm on the television industry with no significant benefit in other areas is not a sensible solution.

8. ThinkTV thanks the Ministerial Forum for its diligence and for its thoughtful consideration of this and all the other submissions.

Rob Hoar
General Manager – ThinkTV
DDI: 09 280 3804
Email: rob@thinktv.co.nz
Appendix A – Current Restrictions and Controls on Alcohol Advertising and Alcohol Sponsorship on Television

There are two distinct ways in which alcohol is marketed on television:

- Alcohol advertising (through the purchase of commercial airtime)
- Alcohol promotion (through the purchase of sponsorship/promotion opportunities during and/or associated with programmes)

Alcohol Advertising

Alcohol Advertising is regulated under the Broadcasting Act by the television broadcasters and the Advertising Standards Authority (ASA).

The ASA’s jurisdiction covers all advertisements aimed at New Zealanders. This includes both paid for media space and advertiser controlled content such as product websites and social media pages.

All advertising must comply with the ASA’s Code for Advertising and Promotion of Alcohol. This Code makes it a requirement that alcohol advertising must always “observe a high standard of social responsibility”, must always be consistent with the “need for responsibility and moderation in alcohol consumption”, and must only ever be directed at an adult audience.

Within the Code there are detailed guidelines spelling out the specific requirements and restrictions concerning, for example, the age of actors, the tone of the advertisement, the times that they can be broadcast and the frequency of alcohol advertising.

There are a number measures in place to ensure compliance with the ASA’s Code and any other applicable laws:

1. Prior to broadcast the advertiser must apply for approval from the Liquor Advertising Pre-vetting System Process (LAPS). LAPS is operated by the Association of NZ Advertisers and aims to ensure that the advertising complies with the law and ASA’s Codes. To be granted approval an experienced and independent adjudicator must be convinced that the advertisement is compliant. LAPS is funded on a user pays basis.

2. Once approved by LAPS the advertiser must also get clearance from the Television Commercials Approvals Bureau (CAB). This agency, on behalf of all New Zealand’s television broadcasters, check that alcohol advertisements have TAPS approval, double-checks that they comply with the ASA Codes and Broadcasters’ own internal guidelines. Once satisfied, the advertisement is given a restricted classification so that the stations know that is it an alcohol advertisement and that it cannot be played before 8.30 pm at night. Like TAPS, CAB is funded on a user pays basis.

Any member of the public, any advocacy group or government agency can complain, free of charge, to the Advertising Standards Complaints Board (ASCB) about any advertisement that is broadcast. The ASCB is an independent complaints committee funded and managed by the Advertising Standards Authority.

Complaints are heard quickly, generally within two weeks, and the advertisement is immediately withdrawn by the television broadcasters if the complaint is upheld. CAB is responsible for ensuring compliance with any ASCB decisions.

The ASA’s Code for Advertising and Promotion of Alcohol can be viewed online at www.asa.co.nz.
Alcohol Promotion

The promotion of alcohol during programming is regulated under the Broadcasting Act by the television broadcasters and the Broadcasting Standards Authority. For free-to-air television broadcasters the specific requirements are detailed in “Standard 11 – Liquor” of the BSA’s *Free-to-Air Television Code of Broadcasting Practice* (updated May 2011).

The overarching requirement is for social responsibility. Guidelines are provided to restrict advocacy, ensure the liquor promotion does not dominate the programme, to prevent sales messages and not to encourage underage consumption.

Supplementary to Standard 11 the television broadcasters also publish guidance for programme makers, sponsors and sports organisations to assist compliance with live and delayed coverage of sporting events.

The BSA complaints process is similar to that of the ASA in that it is accessible to all parties and it costs nothing to complain. Funding for the BSA is divided roughly equally between Government and the radio and television industry.

The BSA’s *Free-to-Air Television Code of Broadcasting Practice* can be viewed online at [www.bsa.govt.nz](http://www.bsa.govt.nz). A copy of the Broadcasters’ guidance for the coverage of sporting events is included below.
Guidelines for the Promotion of Liquor in Sports Programmes

These guidelines are intended to cover the promotion of liquor in sports programmes (including the coverage of sporting matters in factual programmes) and assist in the interpretation of Standard 11 Liquor Promotion in the BSA Free-to-Air Television Programme Code. The promotion of liquor in programme genres such as news, drama and entertainment (as well as sports) is regulated through Standard 11.

Sports Programmes

These programmes include live coverage and delayed coverage of sports events. These guidelines are intended to assist the owners, organisers, sponsors and broadcasters of such events in regulating the amount of promotion of liquor which may occur in any broadcast of the event or from the site of the event.

1.1 Ground Signage

- Broadcasters will take care that the incidental presentation of ground signage does not give the impression of saturation by liquor in the television coverage of an event.
- If the only sponsor is a liquor brand/company/product then care needs to be taken so that the promotion of liquor does not overwhelm the depiction of the event on television.

1.2 Product Promotion

- Broadcasters showing interviews in a sports context such as a dressing room should avoid the deliberate or contrived exposure of liquor. The wearing of official team clothing including liquor sponsorship is allowed.
- The moderate use of a celebratory drink or spraying champagne is acceptable practice.
- Premeditated staging of athletes holding packaged liquor products for television should not be broadcast.

1.3 Apparel

- Broadcasters will respect the commercial arrangements made by sporting organisations and individual athletes, which are reflected in the apparel worn by players, administrators, coaches and other officials. As a result, sports programmes will broadcast events without intervention as long as the overall impact complies with the Liquor Promotion Standard in the BSA Free-to-Air Television Code and these guidelines.
- Branded headwear is permitted provided it forms part of the official apparel.

1.4 Changing Room, Warm-up Areas and Tunnel Signage

- Changing room, warm-up areas and tunnel signage which appear on television may incorporate sponsorship logos.

1.5 Backdrops for Tour/Event Announcements, Interviews and Presentations

- Broadcasters will respect the commercial arrangements made by sporting organisations which are reflected in the backdrops for these events.
- If the only sponsor is a liquor product/company then care needs to be taken to ensure that the promotion of liquor does not dominate the broadcast of the announcement/interview.
Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM
Chair
Ministerial Forum on Alcohol Advertising and Sponsorship
alcoholadvertisingforum@moh.govt.nz

Thank you for the opportunity to provide comment on the Alcohol Advertising and Sponsorship review.

I am writing on behalf of THRIVE Teen Parent Support Trust, we are an organisation that works with teen parents and their Whanau. We have seen the effects of alcohol on youth and their whanau.

We have elected not to complete the submission form provided, rather we are making the following comments and recommendations for your consideration.

The evidence gathered by 2010 concluded that exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.

In 2010 following its review of our alcohol laws the New Zealand Law Commission concluded that having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees greater controls are needed on advertising, sponsorship and other promotion of alcohol. These controls are in terms of the content of advertising, the levels of exposure to advertising and sponsorship messages, and inappropriate sales promotions. There is a strong argument that a self-regulatory body for alcohol advertising is inappropriate.

We note that 2,281 out of 2,939 submissions to the Law Commission commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions 86% supported banning or restricting all advertising of all alcohol in all media.

We believe that more recent evidence that will be presented to you during the course of your review will only add weight to the Law Commission’s findings and recommendations, and the urgency for action.

We note that Stage 1: of the Law Commission’s recommendations has been implemented by the inclusion on a new clause making it an offence to promote the excessive consumption of alcohol in the Sale and Supply of Alcohol Act 2012. However, we are unaware of any test cases based on this new law.

We recommend that the Review Forum consider mechanisms to monitor the impact and effect of this legislation.

It has now been four years since the Law Commission’s recommendations were made. In this time New Zealanders young and old have been continuously exposed to the harmful effects of alcohol advertising and sponsorship. This is no time for further review; rather it is time to act.
We recommend that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report *Alcohol in Our Lives – Curbing the Harm 2010*.\(^1\) These being:

**Stage 2:** An interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly of young people.

**Stage 3:** This stage would implement restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

We understand that this means a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information.

We recommend that any permitted alcohol advertising is accompanied by health advisory messages developed by public health experts.

At the recent Global Alcohol Policy Conference in Seoul Korea, internationally renowned alcohol policy researcher Professor Thomas Babor told delegates that self-regulation of advertising by those with a vested interest has shown to be “spectacularly ineffective”.

We wholeheartedly agree. It serves no purpose but to maintain the unacceptable status quo and delay effective measures to curb the harm alcohol-advertising is shown to contribute to.

We recommend that the Review Forum ensure that self-regulation of alcohol advertising and sponsorship in New Zealand is ended immediately.

We consider that there are practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.
- Setting out what is alcohol advertising is allowed (i.e. objective product information only), and ban all other advertising. This would apply to ALL broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/individuals.
- New Zealand companies/individuals are prohibited for promoting or contributing to any overseas based promotions in New Zealand.
- A fund is established from alcohol excise tax to support alternative funding options for alcohol sponsorship, and this is phased out over the next 1-2 years.

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We believe that this matter has been discussed and reviewed enough. The evidence available is strong enough to warrant immediate action, and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.

We urge the forum to recommend an action plan which will implement the Law Commission’s recommendations as put forward in their report in 2010. In particular our children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Your role must be one of creating an environment that promotes healthy choices, and not one where choices are influenced by the needs of the alcohol industry.

Signed

Lisa Edmondson
Name: Lisa Edmondson
Teen Parent Analyst
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773 New North Road Mt Albert
Email: lisa@thrive.org.nz
Contact phone number:

Note: This submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, your personal details will be removed from the submission if you check/tick the following boxes:

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Making a submission

Submissions close on **Monday 28 April 2014 at 5pm.**

- If you would like further information during the submission period please email alcoholadvertisingforum@moh.govt.nz and put ‘Forum information’ in the subject line.

Please detach and return.

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<tr>
<th>Name:</th>
<th>Professor Kypros Kypri</th>
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<tr>
<td>If this submission is made on behalf of an organisation, please name that organisation here:</td>
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<tr>
<td>Address/email:</td>
<td>School of Medicine &amp; Public Health University of Newcastle, Australia <a href="mailto:kypros.kypri@newcastle.edu.au">kypros.kypri@newcastle.edu.au</a> + 61 2 4042 0536</td>
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<td>Please provide a brief description of your organisation (if applicable):</td>
<td>University</td>
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  Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship
  Ministry of Health
  PO Box 5013
  Wellington 6145

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Questions to guide your submission

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? Yes or No. If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

   I led a submission from the Injury Prevention Research Unit, University of Otago, including comment on alcohol advertising and sponsorship issues.

   We have published three commentaries, critiquing the Issues Paper [1], the final report and the Government’s initial response to it [2], and the eventual legislation [3].


2. Do you support further restrictions on alcohol advertising (over and above the measures currently undertaken) to reduce alcohol-related harm? Yes or No. [Tick box] X Yes

3. What reasons do you have for your view? Please include details.

   I question this Forum’s legitimacy to provide advice in the public interest given that clear conflicts of interest exist in its membership. Hilary Souter is CEO of the Advertising Standards Authority, an industry body with substantial pecuniary interest in whether or how alcohol is advertised. Her involvement undermines the legitimacy of the forum. It should be noted that the advertising industry as well as the alcohol industry have financial interests that are typically in conflict with the objective of reducing alcohol-related harm, because both profit from increasing consumption of this product.

   I do not know if other members have conflicts of interest. Is there a register of such conflicts, is it accessible to the public, and have the members made full disclosures in this regard?

   Our reasons are expressed in the above editorials. There is good reason to ban alcohol advertising in all forms, however, in the interests of time, and because I know other public health scientists will cover advertising, I will limit my additional comments to sponsorship, below.
4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

Please go to question 6.

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

6. Do you support further restrictions on alcohol sponsorship to reduce alcohol-related harm? Yes or No. [Tick box]

X Yes

□ No
7. What reasons do you have for your view? Please include details.

Please see our papers:


This commentary followed the publication of a paper showing that whether New Zealand sports participants received alcohol industry sponsorship was associated with how much they drank:


I recall the reaction of Rugby League administrators in the 1980s when they were told they would have to relinquish tobacco industry sponsorship. They said the game would die. Growing up in Australia, I was unaware that the Winfield Cup (which only ceased to be so named in 1995) had any other name. Consider how many thousands of Rugby League fans continue to die each year from smoking. The failure of the NRL and other sports to look after the interests of their fans and players reflects their commercial interests an reveals and urgent need for Government to regulate the promotion of psychoactive products, including alcohol.

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

The findings of the New Zealand research (2008) led by A/Professor Kerry O’Brien of Monash University, have been replicated in two published Australian studies:


Excerpt:
“receipt of alcohol industry sponsorship [was] associated with alcohol-related aggression/antisocial behaviours in university sportspeople.”


Excerpt:
“Australian sportspeople (N = 652; 51% female) completed questionnaires on alcohol and non-alcohol industry sponsorship (from bars, cafes etc.), drinking behaviour (Alcohol Use Disorders Identification Test (AUDIT)) and known confounders. RESULTS: 31% reported sponsorship (29.8% alcohol industry; 3.7% both alcohol and non-alcohol industry and 1.5% non-alcohol industry only) Multivariate regression showed that receipt of alcohol industry sponsorship was predictive of higher AUDIT scores (beta(adj) = 1.67, 95% confidence interval (CI): 0.56-2.78), but non-alcohol industry sponsorship and combinations of both were not (beta(adj) = 0.18, 95% CI: -2.61 to 2.68; and beta(adj) = 2.58, 95% CI: -0.60 to 5.76, respectively).

The findings have also been replicated in a study of UK sportspeople, currently under review at a leading addictions journal.
9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Yes, and I would draw your attention to the following passages from our 2009 commentary:

“A single study showing a cross-sectional association between the receipt of sponsorship and drinking behaviour should not be the basis of a causal inference, even when it is consistent with a plausible hypothesis. What kind of study would produce robust evidence of causation? A randomized controlled trial would be ideal, but it would probably be unethical and impractical to assign people randomly to various levels of alcohol industry sponsorship. A large cohort study, with prospective objective measurement of exposures and outcomes, would have some theoretical advantages over a cross-sectional study but, like non-randomized studies of the use of medicines, it would be confounded by all the factors that predict the exposure of interest [10]. From the point of initiating such a study, which would cost millions of dollars, useful findings might be a decade or more away. Even if it could be conducted, those with a vested interest in continuing the practice of sponsorship would still have open to them what might be called ‘the Phillip Morris defence’, i.e. obdurate denial of a causal relation in the absence of randomized data [7]. Eventually, perhaps, enough good-quality observational studies might accumulate such that even hardened sceptics might accede. It would be unwise, however, for us to accept such a great burden of proof and, notably, this standard of evidence had not been met when governments banned tobacco industry sponsorship.”

Please note that there are now at least four cross-sectional studies (see above) from three countries, showing the same harmful association.

Please consider the way industry tends to respond, below.

“The alcohol and sponsorship industries’ response [to our 2008 paper in Addiction] in the United Kingdom was true to form. In a manner reminiscent of the tobacco industry’s public relations efforts, the Portman Group (a public relations body set up by the alcohol industry) and the European Sponsorship Association (ESA), whose members include leading alcohol producers (i.e. Anheuser-Busch InBev, Carlsberg, SABMiller), dismissed the results [5] despite the ESA having criticized an earlier European Union report for not providing evidence of a link between sponsorship and hazardous drinking. The Alcohol in Europe report [6] had recommended the abolition of alcohol industry sponsorship of sport. The refrain from the ESA was: ‘There is absolutely no link between sponsorships and alcohol misuse’ [5], and that a causal relationship had not been established. A similar position was held until well into the 1990s by the tobacco industry about the link between smoking and lung cancer [7], despite extensive evidence from case control and cohort studies over several decades [8].


Types of possible restrictions (if supported)

10. If further restrictions to alcohol advertising are necessary, what do you think should be done?
11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

12. What evidence is available that your proposal(s) would work?
13. What other interventions could potentially be tried in future?

14. Why should these other interventions be considered?
15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

**Alcohol industry sponsorship should be banned in all sporting, cultural, and community activities.**

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

The causal model for this process is as follows:

Reduced promotion of alcohol reduces demand which reduces consumption which in turn reduces the incidence of intoxication and the total volume of consumption, and thereby the probabilities of acute and chronic harms, respectively.

It should be noted that the effects are probabilistic, not deterministic, i.e., they reduce (but do not eliminate) the likelihood of heavy consumption which in turn reduces the likelihood of crime, injury, and disease.

One has to consider the problem from a population health perspective rather than in terms of individuals. When a population has a serious problem with a product, in this case a psychoactive substance that most people find pleasurable to consume, it makes no sense to continue promoting that product.
17. What evidence is available that your proposal(s) would work?

Restrictions in alcohol sponsorship have not been evaluated in a way that would permit strong inferences to be made about their effectiveness. By posing this question, you place the burden of proof on the community rather than on the proponents of the activity, i.e., the advertisers and the alcohol industry.

"Unhealthy alcohol use, and in particular youth binge drinking, is described as a significant, persistent problem in many countries. In the face of such problems we should consider the full range of possible countermeasures, primarily those underpinned by strong research evidence, but also those which are yet to be subject to extensive study. With regard to the latter, we agree with Babor et al. [11] that where evidence is lacking, policy makers should adopt the precautionary principle which recommends, among other things, taking preventive action in the face of uncertainty and shifting the burden of proof to the proponents of the activity. For alcohol, as for tobacco, sponsorship of sport enables companies to promote their products to vast audiences of all ages, with few if any substantial constraints and all the benefits of association with healthy activities and sporting heroes.

It should not be left to the public to demonstrate that alcohol industry sponsorship is harmful but, rather, it should be up to the proponents of the activity, i.e. the alcohol industry, to show that the practice is harmless. In the meantime, government should prohibit the practice in the interest of reducing unhealthy alcohol use." (pp.1949-1950)


18. What other interventions could potentially be tried in future?

The Government should consider a hypothecated tax on alcohol specifically to fund sporting and other cultural activities, as follows:

"The alcohol industry and some sporting bodies will no doubt argue that sport will suffer without industry money. Similar arguments were made in the 1980s and 1990s about tobacco industry funding of sport [12]. As the experience with tobacco funding shows, there are effective strategies available for addressing this concern. In Australia, VicHealth was established by the Victorian Tobacco Act 1987. Its role is 'promoting good health and preventing ill-health' [13]. Revenue from tobacco taxes is used to fund its activities which include sponsoring sport. It would be similarly possible to hypothecate an alcohol tax for the specific purpose of funding sporting activity. An added advantage is that this approach takes decision making about which sports to fund and the level of funding away from commercial interests and into the remit of an organization whose board is ultimately accountable to the public."

19. Why should these other interventions be considered?

**Impacts of proposals**

20. Who would be affected by your proposals to restrict alcohol advertising and how?
21. How might these proposals impact on:
   - alcohol consumption, particularly among young drinkers and heavy drinkers;
   - the perception of alcohol as an everyday commodity, particularly among children and young people;
   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
   - the recipients of alcohol sponsorship funds; and
   - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

22. Who would be affected by your proposals to restrict alcohol sponsorship and how?

Banning sponsorship would have negative financial impacts on the alcohol and advertising industries and produce substantial benefits for the New Zealand population.
23. How might these proposals impact on:
- alcohol consumption, particularly among young drinkers and heavy drinkers;
- the perception of alcohol as an everyday commodity, particularly among children and young people;
- alcohol-related harm;
- businesses, such as the alcohol and advertising industries;
- the recipients of alcohol sponsorship funds; and
- different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

**Ongoing and new challenges**

24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol advertising are necessary to reduce alcohol-related harm?
25. What action, if any, could be taken to address these matters?

26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol sponsorship (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?
27. What action, if any, could be taken to address these matters?

Other comments
28. Do you have any other comments?
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<tr>
<th>Name:</th>
<th>Thomas Mayo</th>
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<tr>
<td>If this submission is made on behalf of an organisation, please name that organisation here:</td>
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<td>Address/email:</td>
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<tr>
<td>Please provide a brief description of your organisation (if applicable):</td>
<td>I am a professional event organiser:</td>
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<td>CEO World Rowing Championships 2010</td>
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<td>CEO Volvo Ocean Race 2011/12 - NZ</td>
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<td>CEO Volvo Ocean Race 2013/14 - NZ</td>
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    No

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]

    □ Yes

    □ No

3. What reasons do you have for your view? Please include details.
I am a professional event organiser who is responsible for three of the largest events this country has ever held.

In my time in event organising we have hosted 87,000 at the Rowing and 287,000 at the Volvo Ocean Race. We served alcohol at both events and both were supported by considerable alcohol sponsorship funding. For your reference I have had one event in 2010, prior to the law change and one afterwards so for yourselves my experience is a good comparison: With over 350,000 people now through my gates, we have never had one person arrested or evicted from our venue for alcohol misconduct. So I never encountered the problem.

The issue lies with how an event is promoted rather than how alcohol is promoted. The event organiser is responsible for ensuring that venues accommodate a ‘safe’ environment and use the best modern practises to ensure that alcohol does not become a ‘sole’ reason to attend. This includes working with the Police, security firms, advertising companies and community groups from all backgrounds in a manner that provides a venue that is welcoming warm and where ‘fun’ is the priority - not alcohol.

Alcohol is a part of everyday life, and so are events. Alcohol companies fund major events and should further restrictions come into place, so will the funding and we will become more reliant on government funding. (This is my 8th international event and on average alcohol makes up 20-25% of all the budgets).

I have proven that the new laws that have come into place, have had no effect because there was not a problem if the ‘events’ are held correctly in the first instance. People will hunt out the ‘need’ for alcohol whether it is events, liquor stores, a family home because they have a alcohol problem. Take away event sponsorship and they will find another avenue.

I think to address events and alcohol, we should work with yourselves and the NZAEP (New Zealand Association of Event Professionals) and drive a campaign which encourages event organisers to address ‘fun’ not ‘alcohol’ as key drivers to attendance.

4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

World Rowing Championships 2010: 0 number of people evicted from alcohol or removed from the premises owing to alcohol related issues.
At the World Rowing Championships one of the top five sponsors were alcohol, post event research and the last name remembered of the sponsors was the alcohol brand. (Covec 2010)
Volvo Ocean Race 2012/3: 0 number of people evicted from alcohol or removed from the premises owing to alcohol related issues.
Volvo Ocean Race 2012/3 one of the top four sponsors were alcohol, post event research listed the brand as the last brand recognised. (Fresh Info 2013)

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.
6. Do you support further restrictions on alcohol sponsorship to reduce alcohol-related harm? **Yes or No. [Tick box]**

☐ Yes  ☐ No
7. What reasons do you have for your view? Please include details.

There is no sound evidence from event organising that the restrictions
A – were addressing the right issue, I don’t believe they were.
B – since they were in place there has been no change.
C – Who says new restrictions would address the issue, the ones to date are irrelevant with good practice anyway.

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

I can provide in depth post reporting analysis.
Police reports etc
9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

No need to change.

*Types of possible restrictions (if supported)*

10. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

they should not be,
11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

12. What evidence is available that your proposal(s) would work?
13. What other interventions could potentially be tried in future?

I think to address events and alcohol, we should work with yourselves and the NZAEP (New Zealand association of event professionals) and drive a campaign which encourages event organisers to address ‘fun’ not ‘alcohol’ as key drivers to attendance.

14. Why should these other interventions be considered?

Because your intervention to date has had no effect.
15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

I dont

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?
17. What evidence is available that your proposal(s) would work?

18. What other interventions could potentially be tried in future?
19. Why should these other interventions be considered?

Impacts of proposals

20. Who would be affected by your proposals to restrict alcohol advertising and how?
21. How might these proposals impact on:
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   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
   - the recipients of alcohol sponsorship funds; and
   - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

22. Who would be affected by your proposals to restrict **alcohol sponsorship** and how?

   The price of tickets would increase and free community events would reduce as sources of income dry up.
23. How might these proposals impact on:
   - alcohol consumption, particularly among young drinkers and heavy drinkers;
   - the perception of alcohol as an everyday commodity, particularly among children and young people;
   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
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**Ongoing and new challenges**

24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol advertising are necessary to reduce alcohol-related harm?

common sense.
25. What action, if any, could be taken to address these matters?

26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol sponsorship (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?
27. What action, if any, could be taken to address these matters?

Other comments
28. Do you have any other comments?

No it is simple, don’t change the law, you are simply addressing the wrong issue.

Doing ‘something easy’ like this is not the solution, and whilst it is a hard line and a populist action, the free community events would be the ones limited in the long run.
Forum submission:

1. Introduction

The Waikato Child and Youth Mortality Review Group (Waikato CYMRG) is a multi-disciplinary and inter-agency group. The aim of the Waikato CYMRG is to reduce future preventable deaths in children and youth within the specific geographical area which is the Waikato District Health Board (Waikato DHB) region. The group reviews deaths of children and young persons whom, at the age of their death, were aged between 28 days and 24 years. The reviews allow for the identification of systems’ improvements and initiatives that have the potential to reduce the incidence of preventable death in the future. All reviews are conducted using a no blame approach.

The Waikato CYMRG operates under the Waikato District Health Board. The group’s membership comprises senior representation from community services, education, social agencies, primary and secondary health providers and allied health services. This seniority allows for the members to influence their organisation or department where evidence has highlighted that a system change has the potential to reduce future preventable death.

2. Acknowledgement

The Waikato CYMRG thanks the Ministerial Forum on Alcohol Advertising and Sponsorship for the opportunity to comment.

The recommendations provided are based on evidence that has arisen from the mortality reviews conducted by the Waikato CYMRG as well as national data reported by the Child and Youth Mortality Review Committee (CYMRC).
3. Comments

3.1 General

The group believes that the current legislation around the advertising of alcohol does not minimise alcohol-related harm. Babor et al. (2010) demonstrate that there is a link between advertising and consumption and that there is a positive correlation between consumption and harm. The CYMRC (2011) further states that there is a relationship between role models, sport and alcohol and they recommend some form of restriction that can reduce this association.

The group believes that the regulation of the advertising of alcohol has to be performed by an external body as opposed to the current self-regulatory group (the Advertising Standards Authority).

3.2 The Child and Youth Mortality Review Group has noted the following:

Alcohol usage has to be redefined within all spheres of New Zealand society. Currently it is treated as an integral part of social life – but alcohol is a drug with well-known short and long term toxic effects and needs to be treated with a great deal of caution. The advertising of alcohol therefore has to be addressed in relation to the level of the potential danger of the product.

- The key area of concern is that advertising of alcoholic products normalises the drinking of alcohol. Restraints are not explained and as a consequence, non-drinkers can be perceived as the outgroup.

- Price discounts and the practice of price wars results in further normalisation of alcohol drinking. There is the argument that any restriction can be construed as restrictive trading. However, when viewed from the perspective of attempting to reduce the potential of harm to youths, advertising using cut-price marketing is a major mechanism for removing the defined parameters of responsible drinking.

- Alcohol advertising effectively targets adolescents who are, legally, not permitted to purchase. Casswell (2004) suggests that some advertising aimed at a younger audience can be almost unnoticeable to an older person. Casswell and Thamarangsi (2009) found that marketing is being increased in the areas likely to attract the younger people.

- The parameters of normal alcohol consumption can be misread by impressionable adolescents because of advertising of alcoholic products. It is essential that young people be given a chance to differentiate between excessive and moderate drinking and that there be validation for the choice not to drink alcohol.
• The group has also noted the subliminal aspect of advertising. Since the reception of the message is to do with the perception of the audience, it is extremely difficult to define which advertisements are acceptable in terms of advertising standards.

• The Advertising Standards Authority regulates advertising as opposed to the control coming from legislation which occurs in the case of tobacco advertising.

• The CYMRC (2013) show that Māori are disproportionately adversely affected by the effects of alcohol. ALAC (2012) explain that the damage is not as a result of increased consumption but is due to the pattern of drinking. Babor et al. (2010) suggest that marketing promotions increase consumption and binge drinking.

3.3 Recommendations

The Waikato Child and Youth Mortality Review group recommends the following:

• The group recommends that the advertising of alcohol be controlled by government legislation. The regulations surrounding the advertising of tobacco products are stipulated by law under the Smoke-free Act and it is recommended that the parameters of alcohol advertising are also set by the New Zealand Government.

• Advertising of alcohol be restricted to ensure that the advertisements are only seen by that sector of the population permitted to buy the products. Currently alcohol may be purchased by 18 year olds and over, and so the group recommends the only places alcohol advertising may be permitted are where the audience is 18 years old or over. Cinemas screening R18 films, publications that have an R18 limit and any medium that has this minimum age restriction would be a permissible site for alcohol advertisements.

• The Code for Advertising Liquor (ASA, n.d.) states ‘liquor advertisements shall not depict or imply the consumption of liquor in potentially hazardous situations’ should extend to show that inebriation in a social situation can result in heightened vulnerability to assault.

• There should be no prizes or incentives offered in association with alcohol advertising, purchase or sale. Incentives to purchase alcoholic products are regarded as unacceptable to the group.

• Sponsorship should be in accordance with the legislation surrounding tobacco companies.

• All advertising of alcohol should carry a health warning that alcohol is a poison and can be harmful to health.
3.4 **Breadth of the term advertising**

Advertising is defined as all branding and promotional methods and materials. The means of advertising includes, but is not restricted to:

- Billboards
- External signage at premises that supply alcohol (on and off licence)
- All media
- Internet
- Private and public sports facilities
- All types of sponsorship and associated branding
- Buses
- Cars
- Stickers/decals
- Electronic and paper mail outs
- Promotion of any product through texting messages
- Prizes offered in relation to liquor purchase

4. **Address for service**

Any comments on this submission or requests for further information should be addressed to:

Dr Dave Graham  
Deputy Chair, Waikato Child and Youth Mortality Review Group  
Waikato District Health Board  
PO Box 505,  
Hamilton 3240  
David.graham@waikatodhb.health.nz

28 April 2014
References


28th April 2014

Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

Background

The Wairarapa Bush Rugby Union (WBRU) is responsible for the governance of rugby union within the wider Wairarapa region and hosts a small number of representative matches each year, as well as a club finals day and other occasional events. The union has a sponsorship arrangement with a major brewer, as do the majority of its member clubs, who may also receive some support from a local bar or restaurant. Bar takings make up between 40 and 50 per cent of club revenue, although for WBRU this figure stands at just 4 per cent.

This submission to the Ministerial Forum on Alcohol Advertising and Sponsorship specifically relates to the issue of whether further alcohol advertising and sponsorship restrictions are necessary in addition to Section 237 of the Sale and Supply of Alcohol Act 2012, which came into effect in December 2013.

WBRU’s Position

WBRU values and promotes the vital role which rugby plays in a rural provincial community, whereby club and representative matches provide a weekly focal point which brings people together to play and watch sport and to socialise before, during and afterwards. The drinking of alcohol has traditionally been part of the social activity which supporters and players engage in and the union and its member clubs are committed to ensure that this takes place in a responsible manner.

The Sale and Supply of Alcohol Act 2012 is designed to reduce the harm that alcohol can cause and WBRU fully supports the new regulations concerning the sale, supply and consumption of alcohol to assist with reaching this outcome. We take our responsibilities in this regard extremely seriously and strive to ensure that excessive consumption does not take place on our premises and that alcohol is not supplied to those who are underage or inebriated in any way. We are fortunate to have many highly competent and experienced bar managers in the clubs around our region who are determined that licensing laws will not be flouted ‘on their watch’.

It is a matter of fact that the length of time supporters and players spend socialising at rugby club rooms after a game has been drastically reduced in recent years, with bar takings now less than half of the figure they were a decade ago. This is the result of a number of factors, including the tough stance taken on the supply of alcohol and increased awareness of issues such as alcohol-related harm and drink driving. This in turn has seen the number of alcohol-related issues at our rugby clubs fall to negligible levels, although there is no complacency that we should relax our tough stance in any way.
Advertising and Sponsorship

WBRU is totally committed to ensuring that advertising and sponsorship associated with rugby in our region adheres strictly to the law as it stands. With the large numbers of young people currently playing our game, we work hard to successfully maintain a total separation of the alcohol sponsorship of senior teams and the independent JAB entities which are responsible for children’s rugby.

The support which WBRU and its member clubs receive from the alcohol and hospitality industries provides the funding necessary for us to be able to operate effectively and to provide opportunities for people to enjoy our sport as participants, coaches, officials, volunteers and supporters. The value that our community gains from our activities must not be underestimated, and we believe that changes to the law around advertising and sponsorship in sport could have a strong negative effect on our ability to perform our vital role.

If our ability to draw revenue from these sources were to be reduced, that financial hole would have to be filled from elsewhere and options to do that in our small rural provincial community are minimal. The probable result would be that some clubs would have to fold and with the geographical challenges that we face as a region, that would inevitably mean that a significant number of people would be denied the opportunity to play and enjoy their chosen sport.

Furthermore, we believe that there is no evidence that sports sponsorship contributes to the misuse of alcohol in New Zealand. We cite the finding of Sport New Zealand’s 2010 study, ‘Alcohol and Sport’ which says ‘hard evidence is limited and insufficient to describe the full extent and nature of the problem in sport in New Zealand. Research to date does not provide evidence that sports have more of a problem with the misuse of alcohol than New Zealand society in general. Feedback from this study suggests that what happens in sport, particularly in relation to harmful alcohol behaviours, is a reflection of what is happening in New Zealand society and reflects trends in how New Zealanders are drinking generally’.

There are some examples of the increased regulation of sports sponsorship by the alcohol industry around the world, with the situation in France being particularly relevant, but these have had no reported effect in minimising the issues of alcohol-related harm.

Conclusion

In conclusion, the work of WBRU and its member clubs is invaluable to the Wairarapa community and the income it receives from the alcohol and hospitality industries enables it to be both financially viable and sustainable. Any further restrictions which inhibit the ability of these organisations to utilise this funding stream would be extremely damaging to the future of rugby in this region.

We have seen no hard evidence which would support any such changes and until we do, we would not be supportive of any proposal of this nature. Sport New Zealand’s Alcohol and Sport study concludes that ‘based on the actions that responsible clubs and sports organisations are already taking, it is evident that sports and sports clubs are already part of the solution to managing harmful alcohol behaviours in New Zealand, and there is potential to strengthen this role in future’.
We will continue to work with our member clubs to promote responsible drinking and ensure that alcohol remains a positive, rather than negative, feature of their operations.

On behalf of the Wairarapa Bush Rugby Union

Tony Hargood
Chief Executive
Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM
Chair
Ministerial Forum on Alcohol Advertising and Sponsorship
alcoholadvertisingforum@moh.govt.nz

Thank you for the opportunity to provide comment on the Alcohol Advertising and Sponsorship review. This submission is from: Waitemata Child and Youth Mortality Review

The sixteen members of Waitemata Child and Youth Mortality Review Group support amendment on Alcohol Advertising and Sponsorship because alcohol is associated with more deaths among 15 – 29 year olds than any other age group in New Zealand. Information and data gathered from Child and Youth Mortality Review supports this position. Local Child and Youth Mortality Review Groups (CYMRG) were set up with the purpose of reviewing deaths in their area of children and youth aged 28 days to 24 years with the aim of ensuring important high quality data is collected and analysed, so that lessons are learned from these reviews and wherever possible, any process or system improvements are identified which may prevent similar deaths from occurring in the future. Child and Youth Mortality review is authorised under the New Zealand Health and Disability Act (2000) through the Minister of Health.

The Child and Youth Mortality Review Committee Special Report published in 2011 shows that alcohol related death for all causes of death investigated between 2005 – 2007 aged between 4 weeks to 25 years, identified 31 percent of motor vehicle crashes, 13 percent drownings, 29.6 percent assault, 20.6 percent poisonings, 9.7 percent suffocations and 30% falls were alcohol associated deaths1. On average the number of mortality cases is over 600 per year and this equates to a tragic loss of New Zealand’s young people that may have been prevented by interventions suggested in this submission2.

Introduction:
Waitemata CYMRG strongly support greater restrictions on alcohol promotion/advertising and sponsorship to delay the age at which young people start to drink, to help de-normalise alcohol, and to reduce harmful drinking.

Alcohol sponsorship of sports, music festivals and other cultural events normalise alcohol to young people and must end. We have done this in New Zealand for tobacco, and in Australia the government has recently completed a ‘buy-out’ (replacement) of alcohol sponsorship in community sports clubs.

The evidence gathered by 2010 concluded that exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.

In 2010 following its review of our alcohol laws the New Zealand Law Commission concluded that having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees greater controls are needed on advertising, sponsorship and other promotion of alcohol. These controls are in terms of the content of advertising, the levels of exposure to advertising and sponsorship messages, and inappropriate sales promotions. There is a strong argument that a self-regulatory body for alcohol advertising is inappropriate.

We note that 2,281 out of 2,939 submissions to the Law Commission commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions 86% supported banning or restricting all advertising of all alcohol in all media.

We believe that more recent evidence that will be presented to you during the course of your review will only add weight to the Law Commission’s findings and recommendations, and the urgency for action.

It has now been four years since the Law Commission’s recommendations were made. In this time New Zealanders young and old have been continuously exposed to the harmful effects of alcohol advertising and sponsorship. This is no time for further review; rather it is time to act.

We recommend that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report Alcohol in Our Lives – Curbing the Harm 2010. These being:

Stage 2: An interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly of young people.

Stage 3: This stage would implement restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

We understand that this means a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information.

We recommend that any permitted alcohol advertising is accompanied by health advisory messages developed by public health experts.
At the recent Global Alcohol Policy Conference in Seoul Korea, internationally renowned alcohol policy researcher Professor Thomas Babor told delegates that self-regulation of advertising by those with a vested interest has shown to be “spectacularly ineffective”.

We wholeheartedly agree. It serves no purpose but to maintain the unacceptable status quo and delay effective measures to curb the harm alcohol-advertising is shown to contribute to.

We recommend that the Review Forum ensure that self-regulation of alcohol advertising and sponsorship in New Zealand is ended immediately.

We consider that there are practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.
- Setting out what is alcohol advertising is allowed (i.e. objective product information only), and ban all other advertising. This would apply to ALL broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/individuals.
- New Zealand companies/individuals are prohibited from promoting or contributing to any overseas based promotions in New Zealand.
- A fund is established from alcohol excise tax to support alternative funding options for alcohol sponsorship, and this is phased out over the next 1-2 years.

Conclusion

We believe that this matter has been discussed and reviewed enough. The evidence available is strong enough to warrant immediate action, and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.

We urge the forum to recommend an action plan which will implement the Law Commission’s recommendations as put forward in their report in 2010. In particular our children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Your role must be one of creating an environment that promotes healthy choices, and not one where choices are influenced by the needs of the alcohol industry.
I do give permission for my personal details to be released under the Official Information Act 1982.

I do give permission for my name to be listed in the published summary of submissions.

A-M Frost

Name: Anna-Marie Frost on behalf of the Waitemata Child and Youth Mortality Review Group

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Contact phone number: 09 838 1742
28 April 2014

Nick Goodwin
Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship
Ministry of Health
PO Box 5013
Wellington 6145

Dear Nick,

Re: Submission on the Alcohol Advertising & Sponsorship Forum

Thank you for the opportunity to respond to the Ministerial Forum for Alcohol Advertising and Sponsorship. This submission is from Community Alcohol & Drugs Services (CADS) Auckland.

Community Alcohol & Drugs Services (CADS) Auckland is the largest provider of alcohol and other drug treatment services in NZ. Our services include Counselling, Medical Detoxification, Opioid Treatment, Dual Diagnosis, Youth and the Pregnancy and Parental service. CADS provides 23 satellite counselling services at a range of sites including Auckland University of Technology, Community Mental Health Services, Community Probation Service, Massey University, Middlemore Hospital, University of Auckland, Waiuku and Warkworth. We therefore believe it is important that we respond to this Ministerial Forum.

CADS’ primary aim is to improve the biopsychosocial wellbeing of people affected by alcohol and/or other drug use or misuse. This includes reducing alcohol and drug abuse related harm, not only to the individual but also to the family, whanau and wider community.

Prevalence estimates for the Auckland region suggest that in any 12 month period up to 62,332 people suffer from diagnosable substance disorders and up to 234,758 people will consume alcohol in a harmful manner. Only a minor proportion will seek treatment. The total number of consumers in treatment with Community Alcohol & Drugs Services at any given time is approx. 4300. In 2013 CADS:

- Received 15,130 new referrals
- Provided services to 14,521 clients
- Admitted 501 people to the In Patient Detox Unit
- Call centre received 11,428 calls
- Provided 92,765 face to face contacts (individual and group attendance)

Over 70% of presentations to CADS are due to problems relating to alcohol abuse or dependence\(^1\), followed by cannabis, opioids, and methamphetamine abuse or dependence.

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues?

   **Yes or No.** If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

   **Yes** - CADS made a submission to the Law Commission on the 29\(^{th}\) October 2009. However, our submission did not address alcohol advertising and sponsorship issues.

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\(^1\) As defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM).
2. Do you support further restrictions on alcohol advertising (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No. [Tick box]**
   Yes

3. What reasons do you have for your view? Please include details.

   The high level of alcohol misuse in society and subsequent alcohol related harm result in a significant burden on communities; health and social care providers. About 70% of individuals receiving treatment from CADS Auckland screen positively for alcohol use disorders. Our views are based on a few issues:

   - The “unbridled commercialism of alcohol” described in the 2010 Law Commission ‘Alcohol in Our Lives’ Report, has continued unabated since this time, and has continued to contribute to the early initiation of alcohol use, normalise a culture of heavy and harmful alcohol use, and undermine the effects of health promotion messages.

   - Early initiation of use and a normalised heavy drinking culture combine to place young people at risk of suffering harm by way of violence, sexual assault, health complications and alcohol dependence hence increasing alcohol related harm.

   - Additionally self-regulatory systems for alcohol advertising have been found to be ineffective in preventing exposure of youth to advertising and inappropriate content in advertising, supporting assertions by those in health and academic arenas that self regulation is ‘entirely inadequate’, and failed to prevent voluntary code violations in up to three quarters of advertisements surveyed (British Medical Association 2009; Babor et al 2013).

   - We observe a saturation of alcohol advertising in areas that have high deprivation index compared to those with low deprivation. This is further supported by the fact that a third of CADS Auckland clientele in 2013 resided in an area with a Deprivation Index of 9 or 10.
Evidence supporting our view:
- Significant associations have been found between awareness of and involvement in alcohol marketing and drinking behaviour and intentions to drink in the next year in 12-14 year olds. (Gordon et al 2011)
- 45% of NZ secondary school students reporting drinking, and 23% binge drinking on at least one occasion in a 4 week period in 2012 (Clark et al 2013)
- Social media and online marketing initiatives by alcohol companies appeal directly to young people (Lyons 2014)
- There is a direct association between exposure to alcohol marketing and drinking and drinking patterns (Lin et al 2012; Jones et al 2011). Some brands have been found to be ‘youth oriented’, and marketing has been found to be a factor in this orientation (Siegel et al 2014).

Useful references:

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Yes. This evidence combined with the reports that existed before 2010 provides unequivocal confirmation that alcohol marketing has a direct effect on alcohol consumption, increasing the likelihood of young people initiating drinking and normalising a harmful heavy drinking culture.

There is also strong public support for action to be taken immediately.
- 86% of the 2,281 submissions to the law commission on alcohol advertising and marketing supported banning or restricting all advertising of all alcohol in all media.
- In the Health Sponsorship Council’s 2010 Health and Lifestyle survey: Alcohol Related Attitudes report researchers found 81.9% of participants either supported or strongly supported increasing the restrictions on alcohol advertising or promotion that is seen and heard by children and young people (Peck, 2011)

6. Do you support further restrictions on alcohol sponsorship to reduce alcohol-related harm? Yes or No. [Tick box]

YES
7. What reasons do you have for your view? Please include details.

- Sponsorship is an important vehicle for alcohol marketing. The majority of alcohol industry advertising and sponsorship is in sport. Heavy episodic drinking is increasing among young people and is especially problematic in sportspeople where rates of binge drinking and harm are consistently higher than non-sporting peers and the general population.
- Alcohol sponsorship is effectively marketing through sports activities, in particular those that attract young males, normalising an association between national pride, sport and the heavy consumption of alcohol.
- There is a greater incidence of hazardous alcohol use in NZ sports clubs with alcohol sponsorship than in those without alcohol sponsorship.
- Although alcohol sales have reportedly been trending downwards at the event in the last five years, the availability of alcohol and overt encouragement of imbibing by sponsors creates an unsafe and potentially harmful environment for people attending, and especially for children.

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

O’Brien et al (2013) found that higher alcohol problem use scores, gender and receipt of alcohol industry sponsorship were associated with alcohol-related aggression/antisocial behaviours in university sportspeople. The authors concluded that sport administrators should consider action to reduce the harms associated with excessive alcohol consumption and alcohol industry sponsorship in sport.

Gee et al (2013) analysed the alcohol-related promotion and consumption of both the live experience and the SKY Sport television broadcast of the Rugby World Cup 2011, Heineken Open Men’s’ Tennis Tournament 2012, The Wellington Sevens and the 2012 New Zealand International Twenty20 and One Day international cricket matches. Their findings suggested that there is an increasingly naturalised alcohol-sport link in the entertainment experience of major sports events in New Zealand.

An Australian study found that children are likely to be subconsciously absorbing multi-million dollar sports sponsorship messages (Pettigrew et al, 2013).

Useful references:

9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Yes. There is adequate evidence that alcohol sponsorship is effectively an insidious form of advertising, resulting in significant exposure to children of alcohol brands. It is also associated with hazardous alcohol consumption and normalises this behaviour in people associated with sports clubs.

This is likely to significantly diminish the positive health benefits that being involved with sports achieves.
Types of possible restrictions (if supported)

10. If further restrictions to alcohol advertising are necessary, what do you think should be done?

All alcohol advertising, other than that communicating objective product information, should be restricted in all media in New Zealand, including alcohol promotion on social networking sites. These restrictions could be based on the French law known as Loi Evin. All permitted alcohol advertising must be accompanied by health advisory statements. Industry self-regulation of alcohol marketing should end and an independent body should be established to manage this process and monitor and enforce restrictions. Allowing the alcohol and advertising industries to draw up their own codes of conduct for business practices from which they profit financially is a clear conflict of interest. Regulation should be independent of alcohol and advertising industries to ensure its integrity and effectiveness.

11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

Reductions in the rate of early initiation of use and the rate of heavy and harmful alcohol use will reduce alcohol related crime, violence and disorder and negative health outcomes associated with harmful levels of alcohol use.

12. What evidence is available that your proposal(s) would work?

Evidence regarding the manner in which marketing has its effects and reports of the effect of marketing on drinking behaviour can be used to draw conclusions regarding the likely impact of such proposals. Research on tobacco advertising, where direct impacts of advertising restrictions on consumption have been well established and widely accepted are also useful to predict the likely effect of advertising restrictions on drinking behaviour.

Alcohol advertising has been shown to increase the likelihood of drinking among youth and lower the age of initiation of drinking. It follows then that a lack of advertising will negate these effects on alcohol consumption directly linked to advertising.

An analysis of data from 20 countries over 26 years found that an increase of one ban (of media or beverage type) could reduce alcohol consumption by 5–8%, and as the outcomes in 11 above are directly linked to consumption, a comprehensive advertising ban would be expected to have a significant effect on these harms. (Saffer & Dave, 2008)

The degree of tobacco advertising restrictions has been found to predict level of smoking cessation in comparisons across 18 European countries. (Schapp et al 2008)

13. What other interventions could potentially be tried in future?

No further comments

14. Why should these other interventions be considered?

No further comments
15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

That alcohol sponsorship of sporting and cultural events is phased out as soon as possible. In order to create a media and cultural environment for children in New Zealand that is alcohol-free.

That a portion of the government alcohol excise tax be ring-fenced to provide alternative sponsorship for sport and cultural activities.

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

A ban on sports sponsorship will have a significant impact in ceasing the normalisation of the current heavy drinking culture, particularly among young men involved with sport.

There would be an expected associated reduction in hazardous drinking seen in sports clubs with sponsorship to levels of consumption seen in clubs without sponsorship.

A reduction in hazardous drinking will be associated with reductions in the rate of alcohol related mortality and morbidity, including a reduction in violence and alcohol related motor vehicle accidents.

Young people not be exposed to prolific alcohol branding through sponsorship would be less likely to initiate alcohol use and consume less alcohol when they do. This would have significant effects on health, education and social outcomes for young people.

17. What evidence is available that your proposal(s) would work?

The best evidence can be seen with the establishment of New Zealand’s Health Sponsorship Council – The Health Sponsorship Council was established in 1990 following the enactment of the Smokefree Environments Act 1990. This was to provide an alternative to tobacco sponsorship in New Zealand, and succeeded often as an interim funding stream for those organisations immediately affected by the sponsorship ban on tobacco.

The Royal NZ Ballet and the NZ Cricket team are examples of organisations which have successfully found alternative sponsorship since the smokefree environments act was enacted. It is now incomprehensible that these two organisations, associated with elite athleticism and people in peak physical condition should ever have been associated with a substance known to have such a significant negative impact on health.

Indeed, in the future it may seem incomprehensible that other elite sporting teams such as the All Blacks should have had such a longstanding association with alcohol, a substance known to be the leading risk factor for death and disease globally in people aged 15-49 years. (Lim et al 2012)

18. What other interventions could potentially be tried in future?

No further comments

19. Why should these other interventions be considered?

No further comments
Impacts of proposals

20. Who would be affected by your proposals to restrict alcohol advertising and how?

New Zealand youth would be the greatest affected – by reducing their exposure to alcohol advertising and removing the frequent message they receive through many forms of media that the use of alcohol and in particular heavy drinking is behaviour without risk.

People trying to deal with alcohol problems in the community would also benefit – alcohol advertising serves as a powerful trigger for those recovering from alcohol dependence, and the current prolific placement of alcohol imagery in the community makes their recovery all the more difficult.

21. How might these proposals impact on:
   - alcohol consumption, particularly among young drinkers and heavy drinkers;
   - the perception of alcohol as an everyday commodity, particularly among children and young people;
   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
   - the recipients of alcohol sponsorship funds; and
   - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

At a population health level, the resultant decrease in early initiation and hazardous alcohol consumption would result in reductions across the population in the incidence of more than 60 different medical conditions for which alcohol is causal factor (Room & Rehm 2005).

In the absence of heavy alcohol marketing, public health & educational messages about the risks of heavy alcohol use would more effectively reach children and young people, and perceptions around alcohol as a commodity would change with time, to better reflect the risks of its use.

22. Who would be affected by your proposals to restrict alcohol sponsorship and how?

Sporting organisations would be affected by the reduction in alcohol industry funds. However, sponsors of harmful products can be replaced. There is a precedent in tobacco control in New Zealand to restrict alcohol marketing, including buying out sponsorship.

The Australian government has recently provided funds to buy out alcohol sponsorship in community sports clubs – the ‘Be the Influence’ strategy. An increase in tax on Alcopops was ring-fenced to provide replacement government funding for 12 leading sporting organisations to end all existing and future alcohol sponsorship agreements. Sports involved include soccer, basketball, netball, swimming cycling and hockey.

23. How might these proposals impact on:
   - alcohol consumption, particularly among young drinkers and heavy drinkers;
   - the perception of alcohol as an everyday commodity, particularly among children and young people;
   - alcohol-related harm;
   - businesses, such as the alcohol and advertising industries;
   - the recipients of alcohol sponsorship funds; and
   - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

Reductions in hazardous alcohol consumption and associated aggression by those involved with sports clubs would be expected (see response to question 8 above).

A change in the drinking culture to one which does not normalise heavy drinking via the use of sporting associations would reduce harm across the board, but most particularly for youth and current heavy drinkers of all ages.
Ongoing and new challenges

24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol advertising are necessary to reduce alcohol-related harm?

Access to alcohol is of concern to people who have problems with alcohol – the fact it is so easily accessible makes recovery so challenging.

The greatest challenge will be to make restrictions on advertising and sponsorship comprehensive enough that they have an impact.

If all forms of media, and in particular the use of ‘prosumer’* advertising in social networking, are not included in regulations, this provides the opportunity for alcohol advertising to continue in manners which are difficult to monitor and may indeed be more effective at increasing alcohol consumption.

*Prosumer – is a term used to describe the use of individuals on Facebook and other networking sites to ‘like’ a product and in turn recruit others in their network to associate with a brand/product.

25. What action, if any, could be taken to address these matters?

The use of adequate regulation will mitigate this challenge.

26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol sponsorship (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?

The greatest challenge will be to make restrictions on advertising and sponsorship comprehensive enough that they have an impact.

27. What action, if any, could be taken to address these matters?

A comprehensive sponsorship ban will reduce the likelihood of sponsorship circumventing regulations which are not adequate.

Other comments

28. Do you have any other comments?

Nil
This submission was completed through a process of consultation with the leadership team at CADS Auckland. In particular, acknowledgment to be given to Sheridan Pooley (CADS Regional Consumer Advisor) and Carina Walters (Senior Addictions Pharmacist).

This submission was completed by: Dr. Susanna Galea & Robert Steenhuisen on behalf of CADS Auckland, Waitemata District Health Board

Address: 50, Pitman House, Carrington Road, Point Chevalier, Auckland.

Email: susanna.galea@waitematadhb.govt.nz

Organisation (if applicable): Community Alcohol & Drug Services, Waitemata District Health Board

Position (if applicable): Clinical Director & Regional Manager

This submission is being submitted as a treatment provider.

Submitted electronically to alcoholadvertisingforum@moh.govt.nz

(Your submission may be requested under the Official Information Act 1982. If this happens, the Ministry of Health will release your submission to the person who requested it. I would like to confirm that I am happy with the above.)

Kind regards,

Dr. Susanna Galea
Service Clinical Director
CADS Auckland, WDHB

susanna.galea@waitematadhb.govt.nz
24 April 2014

Nick Goodwin
Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship
Ministry of Health
PO Box 5013
Wellington 6145

Dear Mr Goodwin

MINISTERIAL FORUM ON ALCOHOL ADVERTISING AND SPONSORSHIP

Background
Wellington Rugby Football union (“WRFU”) is the guardian of both amateur and professional rugby in the Wellington region. Wellington Rugby makes this submission on behalf of its 17 affiliated Clubs, 6,000 registered adult players, the Wellington Lions professional rugby operation as well as the Hurricanes Super rugby Club.

WRFU is pleased to make the following submission to the Ministerial Forum on Alcohol Advertising and Sponsorship concerning whether further alcohol advertising and sponsorship restrictions are necessary in addition to Section 237 of the Sale and Supply of Alcohol Act 2012.

Submission
Wellington Rugby’s submission specifically relates to advertising and sponsorship in sport.

WRFU encourages efforts to promote responsible drinking and tackle the issue of binge drinking especially among young people in New Zealand and supports the appropriate regulation of the sale, supply and consumption of alcohol.

Along with our partners, WRFU is committed to ensuring current advertising and sponsorship associated with our game adheres to the stringent laws already in place.

WRFU also works closely with its Clubs, sporting associations and other stakeholders to identify ways in which rugby can play a role in educational and community initiatives to promote responsible drinking, whether this is in the amateur or professional environment.

In addressing question 2 of ‘Questions to guide your submission’, WRFU does not support further restrictions on alcohol advertising or sponsorship (over and above the measures currently undertaken) to reduce alcohol-related harm, particularly where changes could be detrimental to the viability of the wider rugby community, which includes our 17 Clubs and 6,000 registered players.
As with many other sports and events in New Zealand, sponsorship by alcohol brands provides valuable funding streams at all levels of the game, whether direct through the alcohol industry or local community bars, restaurants or clubs. This in turn allows those organisations to provide significant benefits back to the communities they are located in.

WRFU also notes the finding of Sport New Zealand’s 2010 study, ‘Alcohol and Sport’ which says ‘hard evidence is limited and insufficient to describe the full extent and nature of the problem in sport in New Zealand. Research to date does not provide evidence that sports have more of a problem with the misuse of alcohol than New Zealand society in general. Feedback from this study suggests that what happens in sport, particularly in relation to harmful alcohol behaviours, is a reflection of what is happening in New Zealand society and reflects trends in how New Zealanders are drinking generally’.

Hurricanes Rugby
The Hurricanes Rugby region stretches from Ruatoria in the North to Wellington in the South, Napier in the East to Whanganui in the West an area encompassing nearly one million fans.

WRFU and the Hurricanes recognise New Zealanders have always enjoyed a drink when watching or attending rugby and many other sports. Providing a safe and responsible environment for alcohol consumption is a priority and we work closely with our partners to provide a wider degree of beverage and food choice, while also adhering to strict licensing laws. We have also worked closely with partners, including host Stadium’s, NZ Police and others to encourage good spectator behaviour.

In the absence of brewing sponsorship it is extremely unlikely the Hurricanes could afford to take any of their games to their wider regional constituency. Given the community benefits accruing from exposure to High Performance sport and the role models associated with the Club it is disappointing to have to speculate on a Hurricanes program that does not include a full regional strategy. Currently the Hurricanes’ regional work includes visiting schools, sports clubs and hospitals where every effort is made to emphasise the values of sport such as participation, teamwork, ambition and good old fashioned determination.

Community Rugby
Clubs fulfilling the needs of communities is a key priority and even in a large city like Wellington the local rugby club is the social hub of many of our communities, providing sport and socialisation for young and old. Commercially strong and community-centric clubs are fundamental to keeping the game and the local community connected and fulfilling the needs of those involved.

WRFU like many others involved in the game of rugby would be gravely concerned should any proposed changes affect the viability of these clubs by stripping them of essential investment.

Conclusion
In conclusion, rugby provides significant benefits to New Zealand on an international and community level. WRFU would be concerned about the impact on the future of our game should restrictions remove an important funding stream.

Sport New Zealand’s Alcohol and Sport study concludes that ‘based on the actions that responsible clubs and sports organisations are already taking, it is evident that sports and sports clubs are already part of the solution to managing harmful alcohol behaviours in New Zealand, and there is potential to strengthen this role in future’.
Rather than interventions which will disadvantage sport, WRFU welcomes solutions that target and address the particular harms caused by alcohol in society. WRFU stands side by side the New Zealand Rugby Union committed and ready to be playing its part in initiatives that promote responsible drinking across the community.

Yours truly

Matthew Evans
Corporate Services Manager
Submission:

Ministerial Forum on Alcohol Advertising and Sponsorship

From:
West Coast Well Women’s Centre Inc
52 Alexander Street, Greymouth / PO Box176, Greymouth, Ph 03 768 7192;
wwc@minidata.co.nz
Contact person for this submission: Barbara Holland, WWC Coordinator

Thank you for the opportunity to provide comment on these significant issues around alcohol advertising and sponsorship and the role they currently play in increasing the likelihood of harm arising from consumption of alcohol. We have an active and on-going interest in matters pertaining to the sale and supply of alcohol and have contributed to various public consultations and relevant legislative reviews.

Organisation background

The Well Women’s Centre (WWC) is an NGO that supports activities that improve, promote and protect health and wellbeing. For 25 years we have also provided a counselling service and have noted with increasing concern the adverse impacts associated with use of alcohol on the health and wellbeing of consumers. It is presumed that adults make informed choices about consumption of their legal drug of choice but often little/no account is taken of the wider impacts of this on significant others. However, children do not get to choose about this matter, and the harms to foetal development and on-going life behavioural adjustment and potential, or the observational distress and emotional impairment among young children when family violence arises in association with alcohol overindulgence is only too often seen within our counselling service.

General remarks

1. Alcohol is not an ordinary commodity. It is a psychoactive drug, consumed for the specific purpose of creating a mind-altering sensation. Yet all the advertising that surrounds us daily presents alcohol as merely a liquid refreshment choice that is little different from any other consumable commodity bought at the supermarket.

2. WWC is alarmed at the extent and insidious nature of alcohol advertising that is presently occurring across all media formats, whether it is direct advertising of specific products, or background ‘wallpaper’ positioning and promotions, Facebook endorsements, or sports sponsorship advertising. It is so pervasive that many young people, especially, don’t even distinguish much of the branded marketing around them as direct advertising of a potentially harmful drug
3. Children need to grow up in a social and media environment where the norm is to be alcohol-free. Adults should also be freely able to adopt, participate and enjoy such an environment without having to defend this choice as a normal stance. Those adults who do choose to drink alcohol should also not be coerced within an over-swamped environment into over-indulgence as a perceived norm, and should be more actively encouraged to manage alcohol consumption more carefully.

4. Voluntary codes of industry self-regulation around responsible marketing are clearly ineffective as witnessed by the sophisticated degree of product placement on social media and branded marketing that is deliberately placed outside current legal control mechanisms.

5. A whole generation of young people have grown up with the impression that alcohol is an essential component of all social occasions, and that one needs to drink to intoxication level to have a good party time. The other mainstreamed association of concern to us is that of alcohol and sport – noting this is reinforced as an essential for the couch observer of a game, in association with after-match socialisation at a sport practice session or a regular game. Yet all this is completely at odds with the notion of playing sport as a healthy activity played primarily for fitness benefits and team/social purposes.

6. Further, research shows that when the association of alcohol as an essential part of these activities is embedded at an early age this leads to increased likelihood of regular and harmful drinking also being established at an earlier age. We know that special-appeal products such as RTDs are specifically marketed to young people to establish a likeable taste for high percentage alcohol drinks, even though their bodies and brain functioning are often still developing. Young people of both sexes who binge drink are more likely to get caught up in unplanned pregnancies, more personal assaults, and more road crashes. They also have little regard for future cumulative risks including diseases that are associated with age groups older than themselves, yet there is now evidence that early start/long term alcohol use is associated with increased risk of many cancers and heart disease.

So what steps do we recommend to assist in reducing the significant and increasing degree of harm we see arising from increased use of alcohol in everyday lives as a direct result of high profile sponsorship and pressured alcohol advertising?
Key Recommendations:

7. That all alcohol advertising, other than that communicating objective product information, be restricted in all media in New Zealand, including alcohol promotion on social networking sites.

8. That alcohol sponsorship of sporting and cultural events is phased out as soon as possible.

9. That a portion of the government alcohol excise tax is ring-fenced to provide alternative sponsorship for sport and cultural activities.

10. That industry self-regulation of alcohol marketing ends and an independent body is established to manage this process and monitor and enforce restrictions. Regulation should be independent of alcohol and advertising industries.

ENDS 28/4/14
Submission to the Ministerial Forum
On Alcohol Advertising and Sponsorship

Contact person:
Sarah Hawken
Health Promoter for Alcohol and Other Drugs
Whanganui District Health Board, Private bag 3003, Whanganui

Thank you for allowing the Whanganui District Health Board (hereafter referred to as the WDHB) to provide comment to the Forum on Alcohol Advertising and Sponsorship.

Introduction
The WDHB supported, in principle, most of the recommendations and the overall direction of the Law Commission’s proposals outlined in the 2010 report Alcohol in our Lives: Curbing the Harm. A submission incorporating alcohol advertising and sponsorship issues was made by the WDHB to the Justice and Electoral Select Committee.

The WDHB works towards improving the health of communities and reducing inequalities in health status for Whanganui district residents. Many activities are focussed around the social and physical environments in which we live, as well as on programmes to develop more healthy outcomes.

The WDHB takes a population health approach by taking into account all the factors which determine health and planning how these factors can be tackled. We recognise that our interventions can:
- take place at many levels throughout the health sector and beyond
- be planned and implemented in collaboration with other sectors
- incorporate advising other sectors on the health impact of their activities, and where necessary, suggesting initiatives or policies to regulate these.

By taking into account the interventions mentioned above, we will always endeavour to support various groups in the community, including local government organisations to build healthy public policy. The WDHB wishes to see the development of complementary, coordinated legislation both locally, and nationally within New Zealand that fosters greater equity.
Background
The WDHB acknowledged in our submission regarding the Law Commission report that no single factor predicts alcohol-related harm but rather a combination of individual and external (social and commercial) factors combine to contribute to a continuum of growing harm within our communities.

Our original submission focussed on three key themes, supply control, demand reduction and problem limitation. Demand reduction through controls on alcohol advertising and marketing was a critical area that we felt had been somewhat disregarded by the Law Commission in its 2010 report.

The alcohol industry spends millions of dollars annually on advertising and modern marketing campaigns, utilising print, radio, television, the internet and sponsorship to market alcohol; a product that the World Health Organisation has classified as ‘carcinogenic to humans’. This classification puts alcohol in the same category as asbestos and tobacco. The anomaly being that all forms of tobacco advertising are completely prohibited. On the other hand, aggressive marketing of alcohol, including the constant deluge of clever advertising and strategic sponsorship is growing and can be seen as a causative factor of New Zealand’s heavy drinking culture particularly among young people.

The marketing of alcohol has become increasingly sophisticated; permeating many different layers of community life and sending a very strong message, especially to youth, that alcohol use is a positive thing. For some people it may be, however for too many this is not the case. The extent of advertising reinforces the assumption that alcohol is a harmless leisure activity. This is not responsibly balanced by industry with an accompanying emphasis on safer use practices, host responsibility etc.

The existing system of voluntary self-regulation places the onus for interpretation of practice parameters on the liquor industry. Incentives to do this, taking into account the interests of the wider community are lacking. New Zealand, still maintains levels of industry self - regulation of alcohol advertising, and as a consequence is falling behind international trends toward greater government regulation. Voluntary codes of practice, where potentially hazardous products are involved, are unacceptable. Boundaries are continually being pushed by a well resourced industry with very limited capacity to challenge this by industry ‘watch dogs’ on behalf of the community. The Government needs to assume strong policy and regulatory control over liquor advertising.

The main role of alcohol advertising in New Zealand is without doubt to maximise profit for the alcohol industry, and is directed at increasing market share for particular products and this involves influencing the attitudes of users. For example, the explosion of the RTD market has been the result of massive marketing targeted at youth – use of spirits is glamorised with no accompanying emphasis on safer use strategies and potential risks. Commonly, this aim conflicts with the focus of the Government’s alcohol policy which is to minimise alcohol related harm. So, as with tobacco, a crucial and effective part of reducing harm is to stop the alcohol marketing machine.

Conclusion
The WDHB wishes to support and increase levels of community action to reduce alcohol and drug related harm through advocating against marketing of alcohol products to young people, especially youth targeted and low priced products. Placing controls on alcohol related advertising and sponsorship will challenge the marketing of alcohol to young people in a way that contributes to changing the existing social norms of alcohol use.

The WDHB will continue advocating where necessary to address the marketing/advertising of alcohol to young people and challenging community attitudes to supply to minors, drinking to intoxication and being alcohol free as an appropriate and valid choice/requirement.
The WDHB wishes to promote and support actions that reinforce the object of the Sale and Supply of Alcohol Act (2012) outlined in Section 4.

This states that the object of the Act is that:

a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Alcohol-related harm is acknowledged as a variety of negative life events that are the direct result of alcohol consumption. This can include effects on physical or mental health (including injury), and social and legal problems. It can also encompass harm to society, such as costs to the medical system, crime and drink driving, and secondary effects, such as the impact on families. A reduction in alcohol-related harm will benefit the WDHB community and New Zealand in general by mitigating against a risk factor that contributes to widespread mental, physical, emotional, and social harm.

Recommendations
The WDHB strongly supports greater restrictions on alcohol promotion/advertising and sponsorship to delay the age at which young people start to drink, to help de-normalise alcohol, and to reduce harmful drinking.

The WDHB believes that alcohol sponsorship of sports, music festivals and other cultural events normalise alcohol to young people. The Law Commission was unwilling to recommend a total ban on alcohol advertising and sponsorship (Chapter 19) because they stated that is was possible to “consume alcohol at low risk levels” (p. 350). The WDHB feel the issue being considered is not one of personal responsibility but the alcohol industry’s use sponsorship of, and advertising at, youth focussed events to ‘recruit’ customers through the glamorisation and normalisation of alcohol.

The WDHB consider that an overall ban on advertising and sponsorship would be the ideal, and feel that this is a proactive and achievable measure given the success of restrictions on tobacco advertising and sponsorship through the Smokefree Environments Act (1990).

However, if a blanket ban is not regarded as feasible by the Government, the WDHB wish to recommend revisiting the adoption of strategies within the French Law, ‘Loi Evin’, which was proposed within a number of submissions to the Law Commission.

‘Loi Evin’ provides boundaries that ensure no alcohol advertising is aimed at young people, no sponsorship of cultural or sporting events is allowed, and messages contained within advertising only refer to the degree, origin, and composition of the product. The adoption of same would explicitly prohibit the marketing of alcohol to youth and guarantee that alcohol advertising messages only provide information directly related to the product rather than selling values or a lifestyle.

The Law Commission felt that there were some limitations regarding transferring this policy directly to New Zealand but also stated that by incorporating measures contained within the French law together with some of the tobacco controls that have already achieved success would be an effective compromise (p. 351).

The WDHB applaud the Law Commission’s recognition of local and international proven measures to establish effective controls regarding alcohol-related marketing and advertising, especially to youth. The WDHB wish to reinforce this as the minimum measure the Government should adopt within the recommended model and three stages of action outlined by the Law Commission (p. 350 – 362).
In conclusion the Government should fully implement the recommendations on advertising and sponsorship made by the New Zealand Law Commission in *Alcohol In Our Lives* (Chapter 19) to ensure:

- No alcohol-related sponsorship of any cultural or sports events or activities
- No alcohol advertising or alcohol sponsorship in any media (television, radio, internet and so on), other than advertising as prescribed in the Law Commission recommendations
- These changes should be enforced by law through amendments to the Sale and Supply of Alcohol Act, 2012.
- The new law should restrict future forms of alcohol promotion by default, with penalties that will effectively discourage promoters from breaking the law.

Population level interventions are shown to be the most cost effective at reducing alcohol-related harm according to the *Alcohol, Injuries and Violence Policy Briefing Paper* collated and published by Alcohol Healthwatch in November 2012. The intention of such interventions is to take a community wide approach with a view to reducing the harm sustained by individuals through the inappropriate consumption of alcohol. As stated at the beginning of this submission, the WDHB wishes to see the development of complementary, coordinated legislation within New Zealand that fosters greater equity and positive health outcomes for all.

The adoption of robust and comprehensive legislation that protects our most vulnerable, including youth, demonstrates a strong commitment to maintaining and improving the health of our communities.

The WDHB wishes to support the Law Commission’s proposed adoption of stricter controls around advertising and sponsorship of alcohol. We would like to however reinforce that there is an opportunity to adopt a complete ban on alcohol related advertising as per the success of the removal of tobacco related advertising in New Zealand. The WDHB fully endorse any measures that contribute to a reduction of alcohol-related harm for our own and all other communities.

The WDHB does not require to attend public hearings that stem from the submission process.
1. Did you/your group/your organisation make a submission on the 2010 Law Commission report Alcohol in our Lives: Curbing the Harm and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? Yes or No. If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

The WDHB supported, in principle, most of the recommendations and the overall direction of the Law Commission’s proposals outlined in the 2010 report Alcohol in our Lives: Curbing the Harm. A submission incorporating alcohol advertising and sponsorship issues was made by the WDHB to the Law Commission and the Justice and Electoral Select Committee.

2. Do you support further restrictions on alcohol advertising (over and above the measures currently undertaken) to reduce alcohol-related harm? Yes or No. [Tick box]

X Yes

3. What reasons do you have for your view? Please include details.

The alcohol industry spends millions of dollars annually on advertising and modern marketing campaigns, utilising print, radio, television, the internet and sponsorship to market alcohol; a product that the World Health Organisation has classified as ‘carcinogenic to humans’. This classification puts alcohol in the same category as asbestos and tobacco. The anomaly being that all forms of tobacco advertising are completely prohibited. On the other hand, aggressive marketing of alcohol, including the constant deluge of clever advertising and strategic sponsorship is growing and can be seen as a causative factor of New Zealand’s heavy drinking culture particularly among young people.

The marketing and advertising of alcohol has become increasingly sophisticated; permeating many different layers of community life and sending a very strong message, especially to youth, that alcohol use is a positive thing. For some people it may be, however for too many this is not the case. The extent of advertising reinforces the assumption that alcohol is a harmless leisure activity. This is not responsibly balanced by industry with an accompanying emphasis on safer use practices, host responsibility etc.

New Zealand, still maintains levels of industry self - regulation of alcohol advertising, and as a consequence is falling behind international trends toward greater government regulation. Voluntary codes of practice, where potentially hazardous products are involved, are unacceptable. Boundaries are continually being pushed by a well resourced industry with very limited capacity to challenge this by industry ‘watch dogs’ on behalf of the community. The Government needs to assume strong policy and regulatory control over liquor advertising.
4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.


New Zealand Law Commission, NZLC R114, April 2010, Alcohol in our lives: curbing the harm, Wellington, New Zealand.

Babor and others (2010) stated that the promotion of alcohol is well funded and widespread within our society. “Alcohol advertising predisposes minors to drinking well before the legal age of purchase. Marketing strategies, such as alcohol sports sponsorships, embed images and messages about alcohol into young people's everyday lives. The climate created by sophisticated alcohol marketing has facilitated the recruitment of new cohorts of young people to the ranks of heavier drinkers and has worked against health promotion messages” (p. 183).

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

The WDHB agrees with the Law Commission that the “links between alcohol advertising and alcohol consumption are not easy to draw in a conclusive manner” (p. 326). The WDHB acknowledges that alcohol consumption and associated problem drinking is influenced by a number of individual and societal factors. However a number of research papers including a review of five major studies completed by the University of Sheffield School of Health and Related Research in 2009 found links between alcohol advertising and promotion and the earlier onset and increased adolescent alcohol consumption (cited in Alcohol in our lives: curbing the harm, p. 327).

The WDHB feels that measures to restrict alcohol advertising need to be made now to protect youth who may become the problem drinkers of the future. The glamorisation and normalisation of alcohol needs to be challenged in order to reduce the possible societal and health impacts of problem drinking.

6. Do you support further restrictions on alcohol sponsorship to reduce alcohol-related harm? Yes or No. [Tick box]

X Yes

7. What reasons do you have for your view? Please include details.

The WDHB believe that alcohol sponsorship is another vehicle the alcohol industry use to ‘recruit’ new customers, especially youth immersed in a nation that values sporting prowess. Movements by alcohol companies to sponsor youth focussed events is a direct strategic move by these companies to ‘saturate’ these environments with messages that alcohol will enhance the experience. The WDHB believe that this type of marketing misleads our impressionable young people and does not present a balanced view of negative impact that alcohol can have.

The WDHB fully endorse any moves to restrict alcohol sponsorship or remove it altogether. Evidence of the achievability and effectiveness of such proactive health measures can be seen in the removal of tobacco advertising within New Zealand

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

Refer to references cited in Section 4.
9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

The WDHB acknowledge that issues with early onset of drinking and drinking problems cannot be directly related to alcohol sponsorship due to the lack of evidence and paucity of studies that reinforce this link in New Zealand.

The WDHB also recognise that no single factor predicts alcohol-related harm but rather a combination of individual and external (social and commercial) factors combine to contribute to a continuum of growing harm within our communities. However that should not delay implementing strategies that have the potential to protect our communities and lift the health outcomes for all. Restrictions around advertising and sponsorship of alcohol are an achievable means of limiting the saturation of positive alcohol related messages that glamorise the use of a drug.

The WDHB would like to reinforce that interventions relating to legislative changes (such as restrictions around advertising and sponsorship can be the most feasible and sustainable because the systems to implement and monitor these changes are already in place.

10. If further restrictions to alcohol advertising are necessary, what do you think should be done?

The WDHB consider that an overall ban on advertising and sponsorship would be the ideal, and feel that this is a proactive and achievable measure given the success of restrictions on tobacco advertising and sponsorship through the Smokefree Environments Act (1990).

However, if a blanket ban is not regarded as feasible by the Government, the WDHB wish to recommend revisiting the adoption of strategies within the French Law, 'Loi Evin', which was proposed within a number of submissions to the Law Commission.

'Loi Evin' provides boundaries that ensure no alcohol advertising is aimed at young people, no sponsorship of cultural or sporting events is allowed, and messages contained within advertising only refer to the degree, origin, and composition of the product. The adoption of same would explicitly prohibit the marketing of alcohol to youth and guarantee that alcohol advertising messages only provide information directly related to the product rather than selling values or a lifestyle.

The Law Commission felt that there were some limitations regarding transferring this policy directly to New Zealand but also stated that by incorporating measures contained within the French law together with some of the tobacco controls that have already achieved success would be an effective compromise (p. 351).

The WDHB applaud the Law Commission's recognition of local and international proven measures to establish effective controls regarding alcohol-related marketing and advertising, especially to youth. The WDHB wish to reinforce this as the minimum measure the Government should adopt within the recommended model and three stages of action outlined by the Law Commission (p. 350 – 362).

11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

The WDHB believe that any measure that restricts the glamorisation and normalisation of alcohol use and the resultant possibility of alcohol-related harm has the potential lift health outcomes for our community and across New Zealand.

Alcohol-related harm is recognised as a variety of negative life events that are the direct result of alcohol consumption. This can include effects on physical or mental health (including injury), and social and legal problems. It can also encompass harm to society, such as costs to the medical system, crime and drink driving, and secondary effects, such as the impact on families. A reduction in alcohol-related harm will benefit the WDHB community and New Zealand in general by mitigating against a risk factor that contributes to widespread mental, physical, emotional, and social harm.

The WDHB feels it is unlikely that alcohol interventions will negatively affect population health. In fact the potential is for positive spin offs such as the reduction of alcohol-related disease and injury, a reduction in the road toll, traffic accidents, and violence and crime.
12. What evidence is available that your proposal(s) would work?

The WDHB believe, as previously mentioned, that the example of the removal of tobacco advertising and sponsorship has had a positive effect on the numbers of people taking up smoking and has contributed to, and will continue to impact on, a reduction in smoking related illnesses. This should be achievable with alcohol, a drug and recognised carcinogen, that has so many identifiable negative societal and physical impacts.

13. What other interventions could potentially be tried in future?

The WDHB fully endorse any measures that may be put in place to restrict the recruitment of younger and younger drinkers as it is recognised that the earlier someone begins drinking alcohol contributes to an increased risk of developing alcohol-related problems later in life.

Challenging the perception that drinking alcohol is something that all New Zealanders do and which should be started at an early age is a proactive approach that will contribute to the overall change in thinking for our communities about alcohol-related harm.

14. Why should these other interventions be considered?

The WDHB believe that any interventions that raise the health outcomes of our community should be considered. There needs to be a multi-faceted approach that considers the physical and social harms that alcohol can cause. There is no one measure that will counteract the harm that alcohol can cause but as previously mentioned changes through the use of legislation are achievable, realistic and employ existing regulatory structures.

15. If further restrictions to alcohol sponsorship are necessary, what do you think should be done?

As previously mentioned the WDHB consider that an overall ban on advertising and sponsorship would be the ideal, and feel that this is a proactive and achievable measure given the success of restrictions on tobacco advertising and sponsorship through the Smokefree Environments Act (1990).

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

Refer to Section 11 regarding the WDHB approach to the reduction of alcohol related harm.

17. What evidence is available that your proposal(s) would work?

Refer to Section 12 regarding the effectiveness of the Smokefree Environments Act (1990) and the positive impact of removing tobacco related sponsorship and advertising.

18. What other interventions could potentially be tried in future?

The WDHB are open to employing any population health strategies that become available to work towards reducing alcohol related harm and the negative health impacts it can cause.

19. Why should these other interventions be considered?

As previously mentioned, the approach to reducing alcohol related harm and the associated burden of disease does not lie within one strategy, but many. Challenging the embedding of and acceptance of, excessive alcohol consumption within our country requires a large scale review of many of our societal
norms. As a consequence, any move to change the perception of acceptable alcohol consumption requires a multi faceted approach that constantly evolves to meet new challenges or perceptions.

20. **Who would be affected by your proposals to restrict alcohol advertising and how?**

The WDHB believe that the overriding benefits of a reduction in alcohol-related harm outweigh any negative impacts that the alcohol industry may encounter. We are concerned with raising health outcomes, not product revenue.

21. **How might these proposals impact on:**
- alcohol consumption, particularly among young drinkers and heavy drinkers;
- the perception of alcohol as an everyday commodity, particularly among children and young people;
- alcohol-related harm;
- businesses, such as the alcohol and advertising industries;
- the recipients of alcohol sponsorship funds; and
- different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

The WDHB wishes to support and increase levels of community action to reduce alcohol and drug related harm through advocating against marketing of alcohol products to young people, especially youth targeted and low priced products. Placing controls on alcohol related advertising and sponsorship will challenge the marketing of alcohol to young people in a way that contributes to changing the existing social norms of alcohol use.

The WDHB will continue advocating where necessary to address the marketing/advertising of alcohol to young people and challenging community attitudes to supply to minors, drinking to intoxication and being alcohol free as an appropriate and valid choice/requirement.

The WDHB wishes to promote and support actions that reinforce the object of the Sale and Supply of Alcohol Act (2012) outlined in Section 4. This states that the **object** of the Act is that:
(a) the sale, supply, and consumption of alcohol should be undertaken **safely and responsibly**; and
(b) the **harm** caused by the excessive or inappropriate consumption of alcohol should be **minimised**.

22. **Who would be affected by your proposals to restrict alcohol sponsorship and how?**

Again, the WDHB believes that restrictions on alcohol sponsorship are a means of preventing alcohol-related harm and provides an avenue to raise health outcomes for our community.

Sponsorship does not **have** to be derived from the alcohol industry. It is an existing arrangement fostered by this industry to counteract of their image problem and to provide them with marketing avenues to recruit new drinkers. Other, less harmful brands have the opportunity to sporting and cultural events and it is therefore unlikely that New Zealand will suffer a loss of the same through restricting alcohol-related sponsorship.

23. **How might these proposals impact on:**
- alcohol consumption, particularly among young drinkers and heavy drinkers;
- the perception of alcohol as an everyday commodity, particularly among children and young people;
- alcohol-related harm;
- businesses, such as the alcohol and advertising industries;
- the recipients of alcohol sponsorship funds; and
- different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

Refer to Section 21.
24. **What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol advertising are necessary to reduce alcohol-related harm?**

The development of new alcoholic beverages and the associated marketing is a sizeable and fast changing enterprise. Young people are drinking earlier and being exposed to associated messages that drinking is socially acceptable and necessary. Excessive drinking is glamorised and publicised through social media and marketing.

There is a growing need to respond to this evolution of excessive harmful drinking and how it is portrayed within our society. The health burden will only increase if the tide of misinformation and associated harmful behaviours is not challenged.

The WDHB believe that greater controls regarding advertising, sponsorship, and the overall promotion of alcohol need to be instituted. This process also needs to keep abreast of any alcohol industry moves to increase customers and revenue, especially amongst youth.

25. **What action, if any, could be taken to address these matters?**

The WDHB believe that any proactive approach that contributes to achieving equitable and widespread positive health outcomes should be considered and employed. Removing or restricting levels of alcohol advertising and/or sponsorship provides the opportunity to do this.

26. **What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on alcohol sponsorship (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?**

As above in Section 24.

27. **What action, if any, could be taken to address these matters?**

As above in Section 25.

28. **Do you have any other comments?**

Population level interventions are shown to be the most cost effective at reducing alcohol-related harm according to the Alcohol, Injuries and Violence Policy Briefing Paper collated and published by Alcohol Healthwatch in November 2012. The intention of such interventions is to take a community wide approach with a view to reducing the harm sustained by individuals through the inappropriate consumption of alcohol. As stated at the beginning of this submission, the WDHB wishes to see the development of complementary, coordinated legislation within New Zealand that fosters greater equity and positive health outcomes for all.

The adoption of robust and comprehensive legislation that protects our most vulnerable, including youth, demonstrates a strong commitment to maintaining and improving the health of our communities.

The WDHB wishes to support the Law Commission’s proposed adoption of stricter controls around advertising and sponsorship of alcohol. We would like to however reinforce that there is an opportunity to adopt a complete ban on alcohol related advertising as per the success of the removal of tobacco related advertising in New Zealand. The WDHB fully endorse any measures that contribute to a reduction of alcohol-related harm for our own and all other communities.
Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM
Chair
Ministerial Forum on Alcohol Advertising and Sponsorship
alcoholadvertisingforum@moh.govt.nz

Thank you for the opportunity to provide comment on the Alcohol Advertising and Sponsorship review.

Our organisation, the Women’s Christian Temperance Union (WCTU) has a proud history of over 100 years of protecting home and family. Alcohol consumption is the common denominator in all adverse events affecting New Zealand families and for this reason we strongly support the banning of all forms of alcohol advertising and marketing. At the very least stronger measures need to be enacted to protect vulnerable people from the insidious and ubiquitous marketing of alcoholic products.

Why would any sensible society encourage greater consumption of a mind altering drug that causes so much destruction and heartache?

We urge the Forum to be bold, step up and say we just don’t need it.

We have elected not to complete the submission form provided, rather we make the following comments and recommendations for your consideration.

We thank Alcohol Healthwatch for academic support by compiling the following document which we strongly support.

The evidence gathered by 2010 concluded that exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.

In 2010 following its review of our alcohol laws the New Zealand Law Commission concluded that having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees greater controls are needed on advertising, sponsorship and other promotion of alcohol. These controls are in terms of the content of advertising, the levels of exposure to advertising and sponsorship messages, and inappropriate sales promotions. There is a strong argument that a self-regulatory body for alcohol advertising is inappropriate.

We note that 2,281 out of 2,939 submissions to the Law Commission commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions 86% supported banning or restricting all advertising of all alcohol in all media.

We believe that more recent evidence that will be presented to you during the course of your review will only add weight to the Law Commission’s findings and recommendations, and the urgency for action.

We note that Stage 1: of the Law Commission’s recommendations has been implemented by the inclusion on a new clause making it an offence to promote the excessive consumption of alcohol in
the Sale and Supply of Alcohol Act 2012. However, we are unaware of any test cases based on this new law.

We recommend that the Review Forum consider mechanisms to monitor the impact and effect of this legislation.

It has now been four years since the Law Commission’s recommendations were made. In this time New Zealanders young and old have been continuously exposed to the harmful effects of alcohol advertising and sponsorship. This is no time for further review; rather it is time to act.

We recommend that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report Alcohol in Our Lives – Curbing the Harm 2010. These being:

Stage 2: An interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly of young people.

Stage 3: This stage would implement restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

We understand that this means a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information.

We recommend that any permitted alcohol advertising is accompanied by health advisory messages developed by public health experts.

At the recent Global Alcohol Policy Conference in Seoul Korea, internationally renowned alcohol policy researcher Professor Thomas Babor told delegates that self-regulation of advertising by those with a vested interest has shown to be “spectacularly ineffective”.

We wholeheartedly agree. It serves no purpose but to maintain the unacceptable status quo and delay effective measures to curb the harm alcohol-advertising is shown to contribute to.

We recommend that the Review Forum ensure that self-regulation of alcohol advertising and sponsorship in New Zealand is ended immediately.

We consider that there are practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.

• Setting out what is alcohol advertising is allowed (i.e. objective product information only), and ban all other advertising. This would apply to ALL broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/indivduals.

• New Zealand companies/individuals are prohibited for promoting or contributing to any overseas based promotions in New Zealand.

• A fund is established from alcohol excise tax to support alternative funding options for alcohol sponsorship, and this is phased out over the next 1-2 years.

**Conclusion**

We believe that this matter has been discussed and reviewed enough. The evidence available is strong enough to warrant immediate action, and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.

We urge the forum to recommend an action plan which will implement the Law Commission's recommendations as put forward in their report in 2010. In particular our children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Your role must be one of creating an environment that promotes healthy choices, and not one where choices are influenced by the needs of the alcohol industry.

Signed

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Note: This submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, your personal details will be removed from the submission if you check/tick the following boxes: Confirm that I do not give permission for my personal details to be released under the Official Information Act 1982.
Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship
28 April 2014

Mr Graham Lowe ONZM, QSM
Chair
Ministerial Forum on Alcohol Advertising and Sponsorship

Submitted by: Dr Sandy Hall
Women’s Health Action Trust
PO Box 9947 Newmarket,
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Women’s Health Action is a women’s health promotion, information and consumer advisory service. We are a non-government organisation that works with health professionals, policy makers and other not for profit organisations to inform government policy and service delivery for women. Women’s Health Action is in its 30th year of operation and remains on the forefront of women’s health in Aotearoa New Zealand. We provide evidence-based analysis and advice to health providers, NGOs and DHBs, the Ministry of Health, and other public agencies on women’s health (including screening), public health and gender and consumer issues with a focus on reducing inequalities. We have a special focus on breastfeeding promotion and support, women’s sexual and reproductive health and rights and body image.

Women’s Health Action made a submission to the Justice and Electoral Select Committee in 2010 and an oral submission to the committee in March 2011. In our submission we supported Clause 220 of the Bill that adopted stage one of the Law Commission’s recommendations establishing a new offence in regards to the irresponsible promotion of alcohol. We strongly recommend that the Government included provisions in the Bill to enact all of the Law Commission recommendations to restrict alcohol advertising and sponsorship, in a three stage process that would be in place within five years or ideally within a shorter time frame.

Women’s Health Action believe there is considerable evidence that Alcohol advertising can be linked with a great deal of social harm in particular to two significant public health issues - sexual violence and increased ill effects from drinking in young women because the role of alcohol in of intimate partner and family violence is reinforced by socially irresponsible liquor advertising that promotes negative attitudes towards women. Recent research shows that young women have increased rates of alcohol abuse which could be linked to advertising directed to young women which glamourises alcohol.

We also believe there is strong evidence to show:

- **Alcohol is not an ordinary product or commodity.** Its consumption creates a significant burden of harm, which falls disproportionately on women, the young, indigenous populations and those who experience social-economic disparities.

- **Exposure to sophisticated alcohol marketing has increased worldwide including in Aotearoa New Zealand.** This results in:
  - Increased uptake of drinking by young people at a younger age
  - Increased likelihood of regular and harmful patterns of drinking
o Maintains and promotes positive attitudes to drinking
o Makes it more difficult to quit or cut back drinking and contradicts health promotion messages to be effective.

- **Self-regulatory regimes for controlling alcohol have not worked**

**We recommend**

- That all alcohol advertising, other than that communicating objective product information, be restricted in all media in New Zealand, including alcohol promotion on social networking sites
- That alcohol sponsorship of sporting and cultural events is phased out as soon as possible.
- That a portion of the government alcohol excise tax be used to provide alternative sponsorship for sport and cultural activities.
- Because of the conflict of interest industry self-regulation of alcohol marketing ends and an independent body is established to manage this process and monitor and enforce restrictions.
- Regulation should be independent of alcohol and advertising industries to ensure its integrity and effectiveness.

The following document presents the evidence in support of our submission.
Women’s health Action supports further restrictions on alcohol advertising in order to reduce alcohol related harm because we believe there is strong evidence that the current self-regulatory system to monitor alcohol advertising content in Aotearoa New Zealand is not working and that advertising and sponsorship is contributing to increased alcohol consumption with resultant negative health effects.

According to the Code of Advertising Liquor, liquor advertisements are expected to observe a high standard of social responsibility for example by avoiding appeal to the young; to unduly masculine themes; and to suggesting any link between liquor and sexual attraction or performance. Despite this, Alcohol advertisements consistently receive some of the highest number of complaints to the Advertising Standards Authority. We continue to believe that the Code for Advertising Liquor and the related Code for People in Advertising can be neutralised if advertising content that clearly contravenes the spirit of the codes is presented in a humorous, hyperbolic or ironic fashion. As we noted in our previous submission, we consider that liquor advertising is bad for women’s health in particular because of alcohol advertisements which target women as consumers and those advertisements that use negative attitudes towards women to sell liquor to men.

In 2008 the New Zealand Law Commission began its extensive review of our alcohol laws. At the conclusion of their process in 2010 they reported that no single issue galvanised the public to such a degree as alcohol advertising and sponsorship. Having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees, the Law Commission came to the view that greater controls were needed on advertising, sponsorship and other promotion of alcohol. We strongly agreed with the Commission’s finding in the Alcohol in our lives: curbing harm Report ¹ that “the subtle associations embedded in the sophisticated and highly creative alcohol brand advertising campaigns common today are unlikely to be caught by literal interpretations of the codes”.

It has now been four years since the Law Commission’s recommendations were made. We note that Stage 1 of the Law Commission’s recommendations has been implemented by the inclusion on a new clause making it an offence to promote the excessive consumption of alcohol in the Sale and Supply of Alcohol Act 2012. However, we are unaware of any test cases based on this new law. We therefore recommend that the Review Forum consider mechanisms to monitor the impact and effect of this legislation. We also

¹ Chapter 19, pg. 360, 19.82 – 19.83
recommend that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report Alcohol in Our Lives – Curbing the Harm 2010.²

These being:
Stage 2: Setting up an interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly of young people.
Stage 3: Implementing restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

This would mean a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information and that any permitted alcohol advertising is accompanied by health advisory messages.

We Also note that there are a number of practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.
- Setting out what is alcohol advertising is allowed (i.e. objective product information only), and banning all other advertising including all broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/individuals.
- Prohibiting New Zealand companies/individuals from promoting or contributing to any overseas based promotions in New Zealand.
- Establishing a fund from alcohol excise tax to support alternative funding options for alcohol sponsorship, and this is phased out over the next 1-2 years.

What evidence is available to support our view?

Since 2010 there have been numerous studies both here and internationally linking alcohol advertising to harmful effects on health, particularly the health of the young. These effects include addiction and other mental health issues. Family and sexual violence, motor vehicle accidents. The long term effects include significant physical and mental health problems. This includes the a number of recent studies including Babor et al (2010) concluded that the climate created by sophisticated alcohol marketing has facilitated the recruitment of new cohorts of young people to the ranks of heavier drinkers and has worked against health promotion messages; Smith and Foxcroft (2009) who found an association between exposure to alcohol advertising or promotional activity and subsequent alcohol consumption by young people; Anderson and others (2009) who found consistent evidence to link alcohol advertising with the uptake of drinking among non-drinking youth and increased consumption among their drinking peers. In relation to Alcohol Advertising Self-regulation Babor et al (2010) concluded: “...Attempts to control the content of the marketing messages using voluntary codes of content have not decreased their appeal to young people sufficiently to reduce their impact”. Overall, there is no evidence to support the effectiveness of industry self-regulatory codes, either as a means of limiting advertisements deemed unacceptable or as a way of limiting alcohol consumption.

There is also considerable evidence of public support for further restrictions on alcohol advertising and marketing. Of the 2,939 submissions made to the Law Commission 2,281 of these commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions 86% supported banning or restricting all advertising of all alcohol in all media. Over 7000 submitters to the Justice and Electoral Select Committee on the Alcohol Reform Bill made some comment on alcohol advertising and/or sponsorship. The vast majority were in favour of greater restrictions on advertising, and most were also in favour of a ban on sponsorship. In many of the larger public forums there was strong support for applying the tobacco “Smokefree” model to alcohol, with a ban on all advertising and a staged withdrawal of all alcohol sponsorship. Others wished to see the codes covering alcohol advertising overhauled; the hour at which alcohol can be advertised on television moved forward from the current threshold of 8.30pm to 9.30pm, and the responsibility for regulation and complaints handed to an independent statutory body.

In 2008, Alcohol’s association with sport was also viewed by many submitters as inappropriate and there was a call for an immediate end to alcohol branding on primary and secondary school sports equipment. Many also questioned why, given the risks associated with alcohol consumption, there was no requirement for advertisers and manufacturers to include in advertisements and product packaging basic consumer

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information such as the number of standard drinks, recommended maximum intake and risks to pregnant women and the young. Similarly, in the Health Sponsorship Council’s 2010 Health and Lifestyle survey: Alcohol Related Attitudes report researchers found **81.9% of participants either supported or strongly supported increasing the restrictions on alcohol advertising or promotion** that is seen and heard by children and young people.\(^5\)

This view is strongly supported by research evidence. In 2004 Hill and Casswell (2004) discussed how sponsorship has become an important vehicle for alcohol marketing. The relationship between effectively marketing alcohol through sports activities that attract young males, and using this relationship to constantly reaffirm the long standing association between national pride, sport and alcohol was highlighted. Sports sponsorship ensures that alcohol companies receive maximum exposure for their brands through the media building a life-long brand allegiance between sports fans and their favourite team’s alcohol sponsor. The links between alcohol–industry sponsorship of sportspeople, in particular, the provision of free or discounted alcoholic beverages, and hazardous drinking had been highlighted in other research. O’Brien and Kypri (2008), found that respondents receiving free or discounted alcohol and respondents who felt they should drink their sponsor’s product and/or go to the sponsor’s premises after practice, games or events reported higher levels of drinking. Studies have also found alcohol related aggression and antisocial behaviour in university students who play sport \(^6\) and that higher AUDIT-C scores, gender and receipt of alcohol industry sponsorship were associated with alcohol-related aggression/antisocial behaviours in university sportspeople.

A number of recent studies in New Zealand have examined alcohol-related promotion during popular sports events.\(^7\) Gee et al (2013) analysed the alcohol-related promotion and consumption of both major sporting events.\(^8\) Their findings suggest that there is an increasingly naturalised alcohol-sport link in the entertainment experience of major sports events in New Zealand. Several recommendations were made including; eliminating alcohol promotions that endorse the party or carnivalesque atmosphere and investigating local and international policies and pathways such as France’s model of Loi Evin.\(^9\) There are also significant effects of sponsorship found in children. For example, Pettigrew et al (2013) demonstrated for the first time in an Australian study that children are likely to be subconsciously absorbing multi-million dollar sports sponsorship messages.\(^10\)

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\(^5\) Ibid.

activity that assessed their conscious and subconscious associations between sporting teams and a range of sponsors. The researchers found that more than three-quarters of the children aligned at least one correct sponsor with the relevant sport. The researchers concluded that this was a concern given the current extent of sponsorship by alcohol and fast food companies and recommended limiting children’s exposure to sponsorship messages of companies promoting unhealthy food and drinks is an important element of public policy efforts.

Terry-McElrath and O’Malley (2011)\(^1\) A that although the relationship is complex, the majority of research in young people shows that participation in sport is associated with greater (mis)use of alcohol, particularly in team sports. Because sport is typically charged with strong emotional valence and social identification that is not present in other activities, products presented within sporting contexts are more likely to be liked and chosen. In addition, heavy episodic drinking is increasing among young people, and appears to be especially problematic in sportspeople where rates of heavy episodic drinking and harm are consistently higher than non-sporting peers and the general population. For example, O’Brien et al (2011)\(^2\) examined found that consistent with work from the US alcohol-related aggressive and antisocial behaviours were greater in male Australian university sportspeople/athletes than in their female non-sporting counterparts.

The substantial increase in alcohol marketing is having powerful effects on young people and there is ample evidence that young people are starting to drink at an earlier age, and drink in ways that put their health at risk and there is an extensive body of research which indicates that alcohol marketing from multiple and multidimensional sources shapes young people’s attitudes and behaviours, encouraging them to take up drinking, and to drink more once they do. Research shows that attitudes and assumptions about drinking are not only shaped by the content of advertising, but also by the sheer volume and variety of marketing. Studies have shown that young people continue to be exposed to alcohol marketing through television advertising, print media with a high youth readership, and product placement in film, music videos, comics and video games. There is also accumulating evidence that young people in New Zealand are encountering alcohol messages, associations and products in a multitude of everyday settings and interactions, including alcohol-sponsored music and sporting events, free gift promotions, alcohol-branded merchandise and interactive competitions.

Alcohol companies have responded to the rise of social media by repositioning their marketing focus. For example, in 2011, Bacardi announced it would ‘shift up to 90% of its digital spend to Facebook as it no longer deems dotcom sites relevant’. During this same year, Diageo stated that the days of lavish websites were over and subsequently announced plans to ‘step up their multi-million dollar partnership with

Facebook’ reporting that their Facebook fan base had increased from 3.5 to 12 million in the preceding year\(^\text{13}\). Accordingly, by 2012, alcohol brands had the highest engagement rate on Facebook.\(^\text{14}\) Nicholls (2012) undertook a content analysis of alcohol industry generated social media marketing material which revealed clear patterns in brand strategies such as real-world tie ins (refer to an actual branded event promoted wholly or in part via social media), interactive game (including using giveaways and competitions of some form), sponsored online events (e.g. a range of television and live comedy resurrecting cult shows and characters to stimulate conversation in an alcohol branded environment) and invitations to drink (e.g. linking consumption to the weekend and also linking brands to early and mid-week consumption).\(^\text{15}\) These activities allow marketers to embed brand-related activities in the routines of social media engagement for large numbers of people, and to use social media to encourage a more routine approach to alcohol consumption.\(^\text{16}\)

The rapid growth in the use of new social networking technologies raises issues regarding alcohol marketing. There is now clear evidence its impact on the consumption of young people. Young people, for example, routinely tell and re-tell drinking stories online, share images portraying drinking, and are exposed to often intensive and novel forms of alcohol marketing. McCreanor et al (2013) conclude that social networking systems are positive and pleasurable for young people, but are likely to contribute to pro-alcohol environments and encourage drinking.\(^\text{17}\) Niland et al (2014) go further and suggest that the ways in which young adults’ talked about and understood their uses of Facebook within their drinking practices meant that young people often depicted their drinking as pleasurable and without negative consequences.\(^\text{18}\) These findings further reinforce the relationship between social learning theory and youth drinking behaviours.

There are a number of recent studies which make similar findings including: Gordon et al (2011) found significant associations were found between awareness of, and involvement with, alcohol marketing and drinking behaviour and intentions to drink in the next year.\(^\text{19}\) Lin et al (2012), found that exposure to all forms of alcohol marketing is associated with drinking by young people.\(^\text{20}\) They also found that having established a brand allegiance at age 13-14, was related to drinking patterns including consuming larger quantities of alcohol.


\(^{14}\) Ibid footnote 5.

\(^{15}\) Ibid.

\(^{16}\) Ibid.


Another cross-sectional study found that exposure to alcohol advertisements among Australian adolescents is strongly associated with drinking patterns. Siegel et al. (2014) compared brand-specific consumption patterns of underage youth and adults and found many alcohol brands that had both a high proportion of youth consumption and disproportionate consumption by underage youth compared to adults, whether measured by prevalence or market share.

**Why Women's Health Action thinks changes should be made now?**

Both the recent research and the Law Commission’s report speak for themselves. In addition, individual clinical experts and organisations who work with individuals and communities affected by alcohol have also produced considerable evidence about the role advertising plays in promoting alcohol as a benign and glamorous product. It is therefore hard to understand why the kind of advertising limitations imposed on tobacco has not also been imposed in regards to alcohol.

Research post 2010 has demonstrated the ineffectiveness of alcohol industry self-regulation. For example: Babor et al. (2013) evaluated advertising code violations using the US Beer Institute guidelines for responsible advertising and found that between 35% and 74% of the ads had code violations. The authors suggest that the alcohol industry’s current self-regulatory framework is “spectacularly ineffective” at preventing content violations but could be improved by the use of new rating procedures designed to better detect content code violations. Jernigan et al. (2013) evaluated the proportion of advertisements that appeared on television programmes in 25 local television markets in the US and found that youth exposure exceeded the industry standard.

One in four alcohol advertisements on a sample of 40 national TV programmes popular with youths had underage audiences >30%, exceeding the alcohol industry’s voluntary codes. Comparable studies in the UK also found that alcohol imagery occurred in over 40% of broadcasts, most commonly soap operas, feature films, sport and comedies, and was equally frequent before and after the 9pm watershed. Brand appearances occurred in 21% of programmes, and over half of all sports programmes, a third of soap

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21 Ibid.
operas and comedies and a fifth of advertising/trailer. The authors concluded that it is likely that this exposure has an important effect on alcohol consumption in young people.\textsuperscript{28}

Recent research (Ross et al 2014) further strengthens the conclusion that self-regulatory systems for alcohol advertising are ineffective. Researchers found that despite high levels of compliance with self-regulatory guidelines, in several countries youth exposure to alcohol advertising on television has grown faster than adult exposure.\textsuperscript{29} Similarly, when Lyons & Britton (2013) analysed the content of tobacco and alcohol in popular UK films they also found heavy exposure of tobacco and alcohol imagery in films classified as being suitable for youth audiences.\textsuperscript{30} After analysing 45 of the most popular films between 2009-2011, researchers found that alcohol branding was far more frequent than tobacco branding, occurring in 22\% of films. When combined with earlier findings using the same methods in films from 1989 to 2008, alcohol was present in 86\% of films.

Smith et al (2013) found that existing codes and regulations were largely followed regarding content but did not adequately protect against content that promotes unhealthy and irresponsible consumption. Additionally, Rhoades and Jernigan (2013) assessed the content of alcohol advertising in youth-oriented U.S. magazines, with specific attention to subject matter relating to risk and sexual connotations and to youth exposure to these ads. They concluded that the prevalence of problematic content in magazine alcohol advertisements was concentrated in advertising for beer and spirits brands, and violations of industry guidelines and addiction content appeared to increase with the size of youth readerships, suggesting that individuals aged <21 years may be more likely to see such problematic content than adults.\textsuperscript{31}

Alcohol branding is also prominent in popular music that young people listen to. Studies have found that alcohol brand mentions in song lyrics are almost uniformly positive or neutral and are heavily concentrated among a small number of brands.\textsuperscript{32} In a New Zealand content analysis of the portrayal of alcohol in televised music videos the findings were similar.\textsuperscript{33} In both studies (2005 & 2010), the portrayal of alcohol in music videos was relatively common and overall the proportion of alcohol content in the music videos was higher in 2010 than in 2005. Brand-authored social media marketing presents a significant challenge to existing regulatory codes.


In the UK, a group called the Youth Alcohol Advertising Council (YAAC) consisting of young people aged between 16 and 19 years of age have the remit to scrutinise alcohol advertising against the local codes from a younger person’s perspective. After reviewing selected advertising, it is the group’s task to decide whether to make a complaint to the ASA. The process has highlighted a number of important weaknesses in the regulatory controls of alcohol marketing including: being reliant on public engagement, are retrospective and slow, lack meaningful penalties or deterrents, have weak controls of internet advertising and rarely apply the spirit of the codes. From their findings the group proposed a partial, not total, ban on alcohol advertising that places restrictions on where and how alcohol is promoted. The proposals drew on elements of France’s Loi Evin prioritise the protection of young people.

The impact of marketing creates a social environment in which the positive aspects of drinking are dominant and normalised. For example, the ‘drink responsibly’ marketing messages and websites widely promoted by the alcohol companies have been shown to be understood by young people as being about moderation but also communicating positive messages about alcohol in an approach described as strategically ambiguous and that these messages also promote associations with the company conducting the marketing. This ensures that these alcohol brands become synonymous with many positive values and experiences and enhances the perception that the alcohol industry is socially responsible citizens of a community.

Concluding comments
As a recent study by Casswell notes the alcohol and tobacco industries are perceived differently. She suggests globally, producers of alcohol have waged a “sophisticated and successful campaign during the past three decades, including sponsorship of intergovernmental events, funding of educational initiatives, research, publications and sponsoring sporting and cultural events”. Her study found the alcohol industry has promoted the idea that moderate drinkers experience no ill effects and that alcohol policies should only target “heavy drinkers” rather than supply of alcohol promoting the idea that moderate drinkers should be “unaffected by interventions”. This approach, which obscures the contribution supply and marketing make to alcohol-related harm, has also contributed to failure to adopt effective supply-side policies.

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34 Alcohol Concern (2013). Alcohol advertising regulation that balances commercial and public interest. London: UK.
35 Ibid.
36 Ibid.
38 Casswell, S. 2013. Vested interests in addiction research and policy. Why do we not see the corporate interests of the alcohol industry as clearly as we see those of the tobacco industry?
The policy response to tobacco marketing provides a clear contrast to that of alcohol marketing policy. Comprehensive restrictions on tobacco marketing resulted in a decline of 7.4% in OECD countries with some indication that a cumulative effect might occur\textsuperscript{39}. There are a number of existing examples of international and national legislation that could be useful in the alcohol policy setting including The Framework Convention on Tobacco Control. The evaluation of the alcohol marketing regulations of 23 European countries showed that Norway and France have the most effective regulations.\textsuperscript{40} Norway has the most comprehensive volume restriction in Europe; all alcohol marketing is prohibited. In France, the Loi Evin bans the promotion of alcohol on TV and cinemas, as well as alcohol sponsorship of cultural and sports events. These volume restrictions are completed with a content restriction that stipulates exactly what can be showed (instead of what is not allowed). Alcohol advertising is only allowed in press aimed at adults, on billboards, on radio channels (under precise conditions), and at special events or places like wine fairs and wine museums. When advertising is permitted, content is controlled: messages and images should refer only to the qualities of the products like ABV, origin, composition, means of production, patterns of consumption and health messages are required on each advertisement. In Iceland all alcohol advertising and broadcasting is banned, in Finland advertising of mild alcoholic beverages in public places in Finland is prohibited, Sweden prohibits advertising of alcohol over 2.25% abv in all media.

In regards to positive changes to sponsorship, New Zealand’s Health Sponsorship Council which was established in 1990 following the enactment of the Smokefree Environments Act 1990 to provide an alternative to tobacco sponsorship in New Zealand provides an example of how current alcohol sponsorship could be changed. Similarly, under Australia’s ‘Be the Influence’ strategy an increase in tax on Alcopops in Australia was ring-fenced to provide replacement government funding for 12 leading sporting organisations to end all existing and future alcohol sponsorship agreements.

\textbf{As we noted in our previous submission, we believe such changes are strongly mandated by the New Zealand public as evidenced by the responses to the Law Commission’s public consultation in 2009. We believe that this matter has been discussed and reviewed enough. There is a great deal of evidence that links alcohol advertising to alcohol related harm and we believe that that greater regulation of liquor advertising, leading to a total ban of alcohol advertising in all media, would have a beneficial effect. Research which we and others have cited, post 2010 on the effects of alcohol marketing on the drinking of younger people has further strengthened the call for an urgent policy response and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.}


We urge the forum to recommend an action plan which will implement the Law Commission’s recommendations as put forward in their report in 2010. In particular children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Again we urge the forum to recommend that the government act urgently to restrict alcohol advertising and sponsorship.
World of WearableArt Limited (WOW) is the owner and producer of the World of WearableArt Awards Show held annually in Wellington, showcasing garments from New Zealand and around the world.

The WOW Awards began in 1987 as a promotion for an art gallery in rural Nelson. It was an immediate success, and now the show runs in Wellington over a three-week season with 50,000 tickets sold annually. Several hundred people work on the show, which is arguably New Zealand’s largest artistic performance event. An economic impact assessment undertaken by Wellington City Council reported a direct economic contribution of over $22.6 million to the Wellington Region from the 2013 WOW Awards show.

WOW recently received a grant from the Major Events Development Fund to assist the company to create three international touring exhibitions as part of the next stage of internationalising its activities.

Sponsorship and commercial partnership has been a significant contributor to the growth and success of the WOW event since its inception 26 years ago.

WOW has a long partnership history with Montana Wines and more recently with Pernod Ricard Winemakers. From 1996 the show and competition was known as the Montana WearableArt Awards, demonstrating a strong regional connection with the Nelson Marlborough region. When Pernod Ricard purchased Montana in 2005 this relationship continued, with the show being renamed the Brancott Estate World of WearableArt Awards in 2011 and 2012.

Whilst Pernod Ricard Winemakers has relinquished the naming rights, it remains one of a number of commercial partners of WOW, each chosen because their brands add value to the WOW brand and for their operational benefits.

Montana supported the event when it in its infancy, and the World of WearableArt™ Awards would not have grown so significantly in profile and scale without the financial input and support of Montana.

WOW doesn’t consider Pernod Ricard Winemakers as a ‘sponsor’, but more a marketing partner as they work alongside us, with both parties respecting the different business environments each organisation works in. In addition we have worked strategically at a variety of levels during the tenure of our partnership, for example:
- Hosting joint brainstorming meetings to look at the future opportunities for the Awards Show,
- Supporting international mini-shows promoting Tourism New Zealand (Australia and Singapore), and
- Instigating a WOW re-branding process (2001) which enabled us to better protect our Intellectual Property from copycat international events.

As WOW seeks to internationalise its activities, the association with Pernod Ricard Winemakers is expected to continue to bring benefits through the sponsorship funds it provides, the provision of product for promotional functions which are a key part of the WOW brand identity, and working with WOW on strategic developments, both in New Zealand and offshore.

WOW considers it has a responsible attitude to alcohol consumption. It manages alcohol supply and consumption at its functions and events through professional licensed catering companies, and is not aware of any incidents over the past 25 years of shows that have been related to alcohol consumption. In addition, throughout our partnership, we have found Pernod Ricard Winemakers’ attitude to alcohol consumption to be responsible and professional.

Brian Rhoades
Chairman
World of WearableArt Limited
Ministerial Forum on Alcohol Advertising and Sponsorship

Background

Yachting New Zealand (YNZ) is pleased to make the following submission to the Ministerial Forum on Alcohol Advertising and Sponsorship concerning whether further alcohol advertising and sponsorship restrictions are necessary in addition to Section 237 of the Sale and Supply of Alcohol Act 2012.

Submission

YNZ encourages efforts to promote responsible drinking and tackle the issue of binge drinking especially among young people in New Zealand and supports the appropriate regulation of the sale, supply and consumption of alcohol.

Along with our partners, YNZ is committed to ensuring current advertising and sponsorship associated with our sport adheres to the stringent laws already in place.

In addressing question 2 of ‘Questions to guide your submission’, YNZ does not support further restrictions on alcohol advertising or sponsorship (over and above the measures currently undertaken) to reduce alcohol-related harm, particularly where changes could be detrimental to the viability of the wider yachting and boating community, which includes 117 affiliated clubs and some 10 non-affiliated clubs representing approximately 33,000 members.

As with many other sports and events in New Zealand, sponsorship by alcohol brands provides valuable funding streams at all levels of our sport, whether direct
through the alcohol industry or local community bars and restaurants. This in turn allows those organisations to provide significant benefits back to the communities they are located in.

YNZ also notes the finding of Sport New Zealand’s 2010 study, ‘Alcohol and Sport’ which says ‘hard evidence is limited and insufficient to describe the full extent and nature of the problem in sport in New Zealand. Research to date does not provide evidence that sports have more of a problem with the misuse of alcohol than New Zealand society in general. Feedback from this study suggests that what happens in sport, particularly in relation to harmful alcohol behaviours, is a reflection of what is happening in New Zealand society and reflects trends in how New Zealanders are drinking generally’.

National and international events

New Zealand must remain competitive and attractive as a host destination to international sporting events as well as promote our sport on the world stage. The appropriate and responsible use of alcohol sponsorship and advertising is essential to New Zealand’s ability to stage domestic, or participate in, international yachting events by providing a valuable revenue source to offset the costs of hosting, or competing in, international event at the highest level.

YNZ recognises New Zealanders have always enjoyed a drink when watching, participating in, or attending events. Providing a safe and responsible environment for alcohol consumption is a priority and we believe our partners and clubs provide a wide degree of beverage and food choice, while also adhering to strict licensing laws. We encourage the responsible management of sports clubs and facilities.

Community Yachting and Boating

Healthy Clubs fulfilling the needs of communities and members is a key priority in YNZ’s Community and Participation Strategy. In many New Zealand towns and cities, small and large, the local Yacht and Boating club is the social hub of the community, providing sport, education and socialisation for young and old. Commercially strong and community-centric clubs are fundamental to keeping our sport and the local community connected and fulfilling the needs of those involved.

YNZ would be gravely concerned should any proposed changes affect the viability of these clubs by stripping them of essential investment.
Opportunities for positive messaging

Sporting stars, including yachting Olympic medallists and personalities are important influencers, particularly to young people. It would be concerning if any additional restrictions to advertising and sponsorship removed the opportunity to engage sports people in promotions that encouraged a responsible approach to alcohol consumption.

International experience

YNZ is aware of a small number of international examples where advertising and sponsorship restrictions have been put in place in relation to alcohol in a sporting environment, however we have seen no evidence that such restrictions have had the desired effect of reducing problem drinking, but instead put significant costs onto the tax payer to replace the funding stream.

Conclusion

In conclusion, Sailing provides significant benefits to New Zealand on an international and community level. YNZ Would be concerned about the impact on the future of our sport should restrictions remove an important funding stream.

Sport New Zealand’s Alcohol and Sport study concludes that ‘based on the actions that responsible clubs and sports organisations are already taking, it is evident that sports and sports clubs are already part of the solution to managing harmful alcohol behaviours in New Zealand, and there is potential to strengthen this role in future’.

Rather than interventions which will disadvantage sport, Yachting New Zealand welcomes solutions that target and address the particular harms caused by alcohol in society. YNZ remains committed to playing its part in initiatives that promote responsible drinking across the community.

Yours sincerely,

David Abercrombie
Chief Executive
Yachting New Zealand
Making a submission

Submissions close on Monday 28 April 2014 at 5pm.

- If you would like further information during the submission period please email alcoholadvertisingforum@moh.govt.nz and put ‘Forum information’ in the subject line.

Please detach and return.

Name: Alex Lawson

If this submission is made on behalf of an organisation, please name that organisation here: ZenithOptimedia

Address/email: Alex.lawson@zenithoptimedia.co.nz. c/o 125 The Strand, Parnell, Auckland. 1010

Please provide a brief description of your organisation (if applicable): Media Agency providing strategy, planning and buying of advertising services.

There are two ways you can make a submission.

- Forward your comments, with the detachable submission form at the back of this document, to:
  Nick Goodwin
  Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship
  Ministry of Health
  PO Box 5013
  Wellington 6145

- Electronically complete the submission form available at the back of this document, add your comments and email to:
  alcoholadvertisingforum@moh.govt.nz
- Please put ‘Forum Submission’ in the subject line.

Your submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), your personal details will be removed from the submission if you check the following boxes:

☐ I do not give permission for my personal details to be released under the Official Information Act 1982.

☐ I do not give permission for my name to be listed in the published summary of submissions.
Submission to Ministerial Forum on Alcohol Advertising and Sponsorship

28th April 2014
1.0 This submission is on behalf of ZenithOptimedia NZ Ltd (ZenithOptimedia). ZenithOptimedia is based in Auckland (Level 3, 125 The Strand, Parnell).

1.1 The key contact for this submission is Alex Lawson (021 566 808/ alex.lawson@zenithoptimedia.co.nz).

2.0 Executive Summary:

2.1 As a responsible member of the NZ advertising industry ZenithOptimedia supports the principles of the ASA and believes industry self-regulation is the most effective and responsive method for preventing misleading, offensive or otherwise inappropriate advertising.

2.2 ZenithOptimedia is a member of CAANZ (Communication Agencies Association of NZ) and supports the industry level submission that CAANZ has provided. Specifically we reinforce the following:

- The newly established co-regulatory alcohol advertising regime, including the Sale & Supply of Alcohol Act and supported by the Advertising Standards Authority’s Codes and industry pre-vetting provides a framework which protects consumers through the imposition of sensible codes of practice supported by a complaints process, while allowing alcohol advertisers to communicate responsibly to consumers.
- That the purpose of alcohol advertising is to influence brand choice, not to increase per occasion or total consumption. The effect of investment in brands over the past two decades has been to de-commoditise alcohol to a very real degree and increase the average unit price.
- Unintended consequences from any restriction or ban would likely include an increase in alcohol consumption as brand owners move away from brand building and innovation to competing on price. This could lead to the re-commoditisation of alcohol, or at least to lower pricing, something that is obviously not in the best interests of those most at risk of harm from alcohol, or of society more broadly.
- Restricting or banning alcohol advertising would also have significant economic consequences for the advertising industry, one of New Zealand’s most important creative industries. Consequences would include significant job losses, reduced revenue for the industry and the potential closure of some agencies, as well as reduced tax revenue for the government. Job losses would also be likely in industries that support the ad industry, most notably film production and related sectors.
- The industry already has an effective self-regulatory model in the form of the ASA. Complaints to the ASA about alcohol advertising have declined in recent years.

2.3 ZenithOptimedia on behalf of its client Lion NZ, also currently applies a number of additional, self-imposed restrictions to minimise potential risk factors associated with alcohol advertising and this we believe demonstrates a responsible approach.

2.4 ZenithOptimedia believes that with the current situation of media proliferation and the ongoing emergence of social media that it is important to keep advertising agencies central to the self-regulation process. The application of a ban on advertising and sponsorship would likely result in the
increased use of owned media channels, such as Facebook, and social media and the moderation of this will become increasingly difficult.

3.0 About ZenithOptimedia:

3.1 ZenithOptimedia is a Media Agency owned by Publicis Groupe. Publicis Groupe is one of the world’s largest Advertising and Communications Holdings companies and also owns Saatchi & Saatchi and Starcom in NZ.

3.2 ZenithOptimedia is engaged by its clients to provide media strategy and media buying services across all media including digital channels. Lion NZ is one of ZenithOptimedia NZ’s largest clients. We currently transact approximately $45m per annum in media billings on behalf of our total client base.

3.3 ZenithOptimedia employs 23 people in NZ and approximately one quarter of our team are employed to some degree to provide services to Lion NZ.

3.4 ZenithOptimedia takes its role as a responsible member of the advertising industry seriously and fully supports the ASA and other regulatory body’s active. We actively support all the ASA Codes of Conduct and in particular due to our existing client base we are currently engaged with:

- Code for Advertising and Promotion of Alcohol
- Code for Advertising to Children
- Children’s Code for Advertising Food
- Code for Advertising of Food
- Therapeutic Products Advertising Code

3.5 ZenithOptimedia is an active member of CAANZ and as such adheres to the industry Code of Ethics, Practises and Obligations. The following section from the code is important in this context

*SUPPORT OF SOCIETY, CONSUMERS, SELF REGULATION & EMPLOYEES*

- *CAANZ members recognise an obligation to create communications that are consistent with the laws of New Zealand, and/or any international treaties and agreements undertaken by the Government of New Zealand, relating to the social, economic and environmental principles of sustainable development.*

- *CAANZ members recognise that consumers are entitled to rely on our member agencies to operate not only within the law and within the letter and spirit of global, national and sectoral codes of practice, but also within accepted ethical norms.*

- *CAANZ supports the principle of self-regulation and a portion of members’ fees are allocated each year to the Advertising Standards Authority, on behalf of all members. Members agree to support both the spirit and the letter of various codes and guidelines that are developed and administered by the ASA.*

- *CAANZ members are also expected to take their turn, when asked, to provide volunteer personnel to serve on the self-regulatory committees of the ASA.*
Breath of the Code of Ethics, Practices and Obligations can lead to a member’s suspension of expulsion from the Association

4.0 Supporting the Industry Based Submission

4.1 As mentioned above ZenithOptimedia is a member of CAANZ and as such we support the industry level submission that CAANZ has made to the Forum.

4.2 Specifically we would like to reinforce the following:

- The Sale and Supply of Alcohol Act 2012
  ZenithOptimedia fully supports the Sale and Supply of Alcohol Act 2012 which is central to this Forum.

4.3 ZenithOptimedia also supports the CAANZ position that in terms of advertising evidence shows that the self-regulatory advertising regime concerning the sale, supply, and consumption of alcohol is being undertaken safely and responsibly, and there is no compelling empirical evidence to suggest that a ban on alcohol advertising would minimise the harm caused by the excessive or inappropriate consumption of alcohol.

4.4 The role of Advertising and Brands

- ZenithOptimedia has worked with Lion NZ for many years and has good understanding of how media and advertising influences alcohol brand choice and alcohol sales.

4.5 To that end ZenithOptimedia reinforces the CAANZ position that the primary role of advertising is to build brand awareness and brand preference. This will result in a brand shift and an increase in share of occasion for that brand. Advertising very rarely aims to increase the total consumption of alcohol versus win an increased share of occasion or trade a consumer up to a higher value purchase.

4.6 In our experience we have not been able to see a direct correlation between total volumes sold and advertising influence/expenditure (certainly not like we can across other categories). There is a much stronger correlation between volume and a number of other non-direct influences such as weather, national events and importantly pricing.

4.7 On that basis it is the strong premise of ZenithOptimedia that implementing advertising bans for Alcohol is unlikely to have significant impact on alcohol related harm.

4.8 Unintended Consequences of a Ban

- ZenithOptimedia believes that should a ban on advertising be implemented this would encourage greater commoditisation of alcohol and result in an increased level of discounting and price promotion to encourage sales.

4.9 As per the CAANZ submission and the above comment, we do not believe there is a direct correlation between brand based advertising and volume. However we do support the proposition that as alcohol becomes increasingly value oriented that this will increase volume and the potential for harm.
4.10 Ongoing self-regulation

- ZenithOptimedia believes that the current self-regulation model works well and is well supported by members of the advertising industry who are involved in the Alcohol category.

4.11 From our experience this model works well and ensures that the intention of the Code is closely followed and that there are consequences if not.

4.12 We support that self-regulation is an effective approach and that whilst this has room for improvement that this should remain integral to managing advertising in this category versus enforced bans.

5.0 Additionally Implemented Responsibility Measures by Lion / ZO

5.1 ZenithOptimedia takes our social responsibility for alcohol advertising very seriously. In addition to the existing enforced and self-regulatory guidelines that are in place for the alcohol advertising industry for all Lion advertising we have additional self-imposed regulations.

5.2 For every media property that we use we (to the best of our ability using the industry provided surveys, audience statistics or traffic counts) ensure that at least 75% of the audience will be 18+. In fact the majority of the media that we use would sit within the 80%+ threshold. As an example it is only now that Twitter in NZ can provide audience demographic statistics to us, that we are able to look at using the media from a paid perspective as we can now ascertain that 75% of its audience is over the age of 18. Up to this point we have not engaged it as a paid media channel due to this.

5.3 To be featured in alcohol advertising or promotional material, or win any competition, any subject has to be over the LDA and have an appearance of 25 years or older.

5.4 We are a supporting member of the Cheers! (TM) programme and ensure that the logo is represented wherever is required or deemed appropriate by Lion or their associated agencies.

5.5 We ensure that all our online presences are (where possible) actively age gated or have sign up requirements that allow us to exclude potential fans or followers that are below the LDA such as Facebook.

5.6 We enforce a voluntary ban on alcohol advertising alcohol on broadcast radio between 8.15am and 9am and then 2.15pm and 4pm to avoid school run times when a larger amount of children would be naturally present in the car and likely to be exposed to our messaging. We also work to ensure that our OOH advertising is kept away from schools or other areas where higher levels of under LDA’s may be present. We fully comply with the Auckland restrictions around using Adshel and Bus media.

5.7 Lion is already a supporter of an alcohol moderation message and has undertaken recent campaigns to promote moderation as a better choice for consumers, specifically young males, with the 2013 campaign “Be the Artist, not the canvas”. This was a digital, OOH and Print campaign that encouraged party goers to limit their alcoholic intake by reducing the number of drinks they consumed or by drinking a lower alcohol product. This won praise from many sectors and served to put an important message in front of a particularly ‘at risk’ binge drinking group.
5.8 Lion NZ has an ongoing responsible corporate citizen policy that ZenithOptimedia is a partner in enforcing. We wholeheartedly believe in the necessity to regulate ourselves and to ensure that people are using alcohol responsibly and within accepted limitations to not cause harm to any member of society. We will continue this programme and therefore believe that it is sufficient and that further regulation is not required at this time.

6.0 Impact of Digital Proliferation

6.1 In recent years the advertising and media landscape has changed dramatically driven by rapid digital fragmentation. Central to this has been the emergence of new media (like mobile) and the dramatic increase in the use of social media.

6.2 This means that brands no longer need to use paid media channels to connect with consumers and they are increasingly engaging in direct dialogue.

6.3 As a media agency we are actively encouraging all of our clients to embrace non paid media channels, to create content to share via social media and to actively build direct brand dialogue between their brands and consumers. This change will only continue to have increased importance in terms of how consumer/brand interaction.

6.4 It is the view of ZenithOptimedia that further restricting the ability of alcohol advertisers to market their products will only force more use of owned and earned channels to continue the brand messaging.

6.5 At present agencies are in the middle of this dialogue with regard to the responsible use of digital media and the application of the current ASA new media codes. Should a ban on alcohol advertising be implemented this will result in the reduced use of 3rd party agencies such as ZenithOptimedia.

6.6 We believe that this is likely to have unintended consequences in that the ongoing monitoring of digital media will only become more difficult and without third parties, with vested interest, practically impossible. This will allow brands to connect directly with consumers in a potentially unregulated manner.

6.7 We believe the best way to control and manage Alcohol advertising in the new world of digital and social media is to maintain an approach of self-regulation. Keeping the agencies in the middle of this process will be essential.
Summary

2.1 As a responsible member of the NZ advertising industry ZenithOptimedia supports the principles of the ASA and believes industry self-regulation is the most effective and responsive method for preventing misleading, offensive or otherwise inappropriate advertising.

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4.3 ZenithOptimedia also supports the CAANZ position that in terms of advertising evidence shows that the self-regulatory advertising regime concerning the sale, supply, and consumption of alcohol is being undertaken safely and responsibly, and there is no compelling empirical evidence to suggest that a ban on alcohol advertising would minimise the harm caused by the excessive or inappropriate consumption of alcohol.

**4.8 Unintended Consequences of a Ban**

- ZenithOptimedia believes that should a ban on advertising be implemented this would encourage greater commoditisation of alcohol and result in an increased level of discounting and price promotion to encourage sales.

**4.12** We support that self-regulation is an effective approach and that whilst this has room for improvement that this should remain integral to managing advertising in this category versus enforced bans.

**4.13** It is the view of ZenithOptimedia that further restricting the ability of alcohol advertisers to market their products will only force more use of owned and earned channels to continue the brand messaging. This would have a negative impact, in our opinion, being that with a large percentage of alcohol advertising being controlled by advertising agencies we already police the industry effectively. By removing the ability to place advertising or reducing our role in the process, the effectiveness of the agency in this area would be severely restricted.

5.7 Lion is already a supporter of an alcohol moderation message and has undertaken recent campaigns to promote moderation as a better choice for consumers, specifically young males, with the 2013 campaign “Be the Artist, not the canvas”. This was a digital, OOH and Print campaign that encouraged party goers to limit their alcoholic intake by reducing the number of drinks they consumed or by drinking a lower alcohol product. This won praise from many sectors and served to put an important message in front of a particularly ‘at risk’ binge drinking group.

**6.6** We believe the best way to control and manage Alcohol advertising in the new world of digital and social media is to maintain an approach of self-regulation. Keeping the agencies in the middle of this process will be essential.