

15 December 2017

Revd the Hon Fred Nile MLC
Committee Chair
NSW Legislative Council Portfolio Committee No. 1

Re: Supplementary questions from the inquiry into the Alcoholic Beverages Advertising Prohibition Bill 2015

1. When we consider the role of preventing harm from alcohol for young people, where do you think are the areas where we as state legislators could have the largest impact? And why?

A comprehensive approach is needed to have the greatest impact on alcohol-related harm. On the basis of the available evidence for the effectiveness and cost-effectiveness of measures to reduce harms from alcohol, the World Health Organization has identified the three 'best buys' for reducing harmful drinking¹:

- Increase excise taxes on alcoholic beverages.
- Enact and enforce bans or comprehensive restrictions on exposure to alcohol advertising (across multiple types of media).
- Enact and enforce restrictions on the physical availability of retailed alcohol (via reduced hours of sale).

While taxation is a federal responsibility, state legislators have the potential to act directly on the two other 'best buys'. The Alcoholic Beverages Advertising Prohibition Bill 2015 is consistent with the 'best buy' in regard to alcohol advertising.

Other interventions recommended by the World Health Organization include²:

- Establish minimum prices for alcohol.
- Reduce density of retail outlets.
- Restrict or ban promotions of alcoholic beverages in connection with sponsorships and activities targeting young people.
- Provide consumer information about, and label, alcoholic beverages to indicate, the harm related to alcohol.

These measures also have a strong evidence base and are relevant to the roles of state legislators.

¹ World Health Organization. (2017). Tackling NCDs: 'Best buys' and other recommended interventions for the prevention and control of noncommunicable diseases. Geneva: WHO. Available from: <http://apps.who.int/iris/bitstream/10665/259232/1/WHO-NMH-NVI-17.9-eng.pdf>

² Ibid.

A complementary area relates to public education strategies. Sustained, adequately funded, research-based public education approaches can be effective in emphasising the personal relevance of harms from alcohol and generating support for other policies.³ Features of alcohol harm reduction campaigns which have been found to have more potential to motivate reduced alcohol use include: being aimed at the general adult drinking population, including low-risk drinking guidelines, and communicating alcohol's long-term harms.⁴ Alcohol education strategies should be developed and run by governments and health authorities on the basis of the best available evidence. There is cause for concern about the impacts of alcohol industry 'education' programs and other health-related information disseminated by alcohol industry groups.^{5,6,7,8}

We recognise that it is unlikely to be feasible for legislators to act in all of these areas at one time. Progress in restricting young people's exposure to alcohol advertising through the Alcoholic Beverages Advertising Prohibition Bill 2015 will make an important contribution in an area recognised by the World Health Organization as a 'best buy'.

2. What kind of successful strategies have we seen from other Australian states or other countries to deal with regulating alcohol sponsorships in sport. Is a full ban the only safe option?

A legislated ban on alcohol sponsorship is likely to be the most effective way of addressing concerns about alcohol sponsorship. This should be designed in such a way as to be enforceable, with appropriate penalties for breaches, and to avoid any loopholes that would weaken the measure.

France's legislation, the 'Loi Evin', is often pointed to as one of the strictest systems of alcohol marketing regulation and a useful model.⁹ The Loi Evin applies to the marketing of all alcoholic products over 1.2% alcohol by volume, and includes a ban on alcohol sponsorship of sport, alcohol ads on TV, and advertising that associates alcohol with sport. This has not impeded France's ability to host major sporting events, with the country hosting the final of the Heineken Cup rugby competition several times between 1997 and 2014 (it was renamed the H Cup in France). However, alcohol marketers are still able to circumvent the seemingly strict regulations. Carlsberg, a major sponsor of the UEFA EURO soccer tournament hosted by France in 2016, promoted their brand indirectly around

³ Stafford, J., Allsop, S. and Daube, M. (2014). From evidence to action: health promotion and alcohol. *Health Promotion Journal of Australia*, 25, (1), pp. 8-13. DOI: 10.1071/he14001

⁴ Wakefield MA, Brennan E, Dunstone K, et al. Features of alcohol harm reduction advertisements that most motivate reduced drinking among adults: an advertisement response study. *BMJ Open* 2017; 7:e014193. doi:10.1136/bmjopen-2016-014193

⁵ Pettigrew, S., Biagioni, N., Daube, M., Stafford, J., Jones, S. C., and Chikritzhs, T. (2016) Reverse engineering a 'responsible drinking' campaign to assess strategic intent. *Addiction*, 111: 1107–1113. doi: [10.1111/add.13296](https://doi.org/10.1111/add.13296).

⁶ Brennan, E., Wakefield, M. A., Durkin, S. J., Jernigan, D. H., Dixon, H. G. and Pettigrew, S. (2017), Public awareness and misunderstanding about DrinkWise Australia: a cross-sectional survey of Australian adults. *Australian and New Zealand Journal of Public Health*, 41: 352–357. doi:10.1111/1753-6405.12674

⁷ Petticrew, M., Maani Hessari, N., Knai, C. and Weiderpass, E. (2017), How alcohol industry organisations mislead the public about alcohol and cancer. *Drug Alcohol Rev.* doi:10.1111/dar.12596

⁸ N. Maani Hessari, M. Petticrew; What does the alcohol industry mean by 'Responsible drinking'? A comparative analysis, *Journal of Public Health*, <https://doi.org/10.1093/pubmed/fox040>

⁹ Gallopel-Morvan, K., Spilka, S., Mutatayi, C., Rigaud, A., Lecas, F., and Beck, F. (2017) France's Évin Law on the control of alcohol advertising: content, effectiveness and limitations. *Addiction*, 112: 86–93. doi: [10.1111/add.13431](https://doi.org/10.1111/add.13431).

the pitch using phrases from their slogan and the brand's colours and fonts.¹⁰ Even legislated restrictions on alcohol sponsorship of sport need to be strictly monitored and enforced to ensure they are effective.

Other strategies from within Australia highlight opportunities as well as limitations of non-legislative options. The Western Australian Health Promotion Foundation (Healthway) provides sponsorship funding to WA sport, racing, and arts organisations and community groups to support activities and events that encourage healthy lifestyles through the promotion of health messages.¹¹ An objective of the Healthway sponsorship program is to reduce, where possible, the promotion of unhealthy messages or brands, including alcohol. Healthway has a co-sponsorship policy and guidelines which sets out their risk management approach to co-sponsors that promote alcohol, food, beverages, or gambling products or brands.¹² This approach has made a valuable contribution to addressing concerns about unhealthy sponsorship in WA; however, there are a couple of relevant points to note: (i) In regard to sport, as Healthway funding is only available to state-level sporting organisations, a national-level sporting organisation may have an unhealthy sponsorship arrangement where the corresponding state-level organisation does not. For example, Healthway and the health promotion campaign *Alcohol.Think Again* are 'Major Partners' of the WA Cricket Association,¹³ whereas Cricket Australia has beer brand XXXX Gold as its 'official beer' and Hardys wine as its 'official wine'.¹⁴ (ii) While a wide range of state-level sporting organisations have engaged with Healthway's sponsorship funding and limited engagement with unhealthy sponsors, these decisions are at the discretion of individual sporting organisations and it appears that some major sporting organisations in WA have chosen to continue with unhealthy sponsorship arrangements instead.

In 2011, the Federal Government established the Australian National Preventive Health Agency (ANPHA) to drive a national preventive health agenda. ANPHA oversaw the National Binge Drinking Strategy, which included \$25 million over four years for a community sponsorship fund that provided an alternative to alcohol sponsorship for community sporting organisations. Sixteen sporting organisations signed up to receive the alternative sponsorship to help provide a sporting environment that was alcohol promotion-free.¹⁵ Major sports including AFL, NRL, and Cricket Australia did not participate and maintained their alcohol sponsorship. When ANPHA was abolished in 2014, alcohol companies quickly came back to fill the gap left by the discontinued government funding.¹⁶

¹⁰ Purves R, Critchlow N, Stead M. Foul Play? Alcohol marketing during UEFA EURO 2016. Alcohol Action Ireland, University of Stirling, Institute of Alcohol Studies, Scottish Health Action on Alcohol Problems; 2017.

¹¹ Healthway [Internet]. Perth (Australia): Government of Western Australia; 2016. Sponsorship [updated 2016 Jun 7; cited 2017 Sep 5]. Available from: <https://www.healthway.wa.gov.au/sponsorship/>.

¹² <https://www.healthway.wa.gov.au/wp-content/uploads/co-sponsorship-policy-and-guidelines-final-document.pdf>

¹³ <http://www.waca.com.au/waca/commercial-partners>

¹⁴ <http://www.cricketaustralia.com.au/about/partners/commercial>

¹⁵ Australian National Preventive Health Agency [Internet]. Canberra (Australia): Commonwealth of Australia; 2013. National Binge Drinking Strategy [updated 2013 Feb 15; cited 2017 Sep 5]. Available from: <http://www.quitnow.gov.au/internet/anpha/publishing.nsf/Content/NBDS>.

¹⁶ Davey M. Surfing Australia turns to Lion lager after anti-alcohol ad funding dries up [Internet]. The Guardian. 2015 Aug 14. Available from: <https://www.theguardian.com/sport/2015/aug/14/surfing-australia-turns-to-lion-lager-after-anti-alcohol-ads-funding-dries-up>.

3. Do we know anything about the impact of these measures on sport? Do other industries step up to fill the advertising spots previously harmfully filled by alcohol ads?

We believe it is reasonable to expect that, over time, other advertisers would fill available sponsorship and advertising spots. The enormous public exposure and other benefits these sponsorships are associated with are likely to be relevant to a wide range of industries and brands. We support a transitional approach to provide sports with reasonable timeframes in which to amend existing arrangements and seek socially responsible sponsors.

Sporting organisations are already required to continually adapt to changes in the marketplace and would be expected to adapt to changes in alcohol marketing regulation. Concerns about alcohol and sport have been a topic of significant community discussion over a substantial time period, and sporting organisations would be well aware of these concerns. While some sporting organisations have publicly expressed opposition to restrictions on alcohol sponsorship, it is difficult to get a genuine sense of the realistic impacts of sponsorship restrictions on their sports as many of these sporting organisations have contractual commercial arrangements with alcohol companies. Some of the opposition from alcohol-sponsored sporting organisations is reminiscent of the earlier opposition of tobacco-sponsored sporting organisations to restrictions on tobacco advertising and sponsorship.¹⁷ We are not aware of evidence which suggests that sport suffered as a result of tobacco advertising ending.¹⁸

Yours sincerely,



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¹⁷ Quit Victoria. 1995. Tobacco in Australia: Facts and Issues, 2nd edition. 15.5 Sponsorship. Available from: <http://www.tobaccoinaustralia.org.au/fandi/fandi/c15s5.htm>

¹⁸ <https://www.crikey.com.au/2011/03/11/just-chew-it-ban-sports-making-millions-from-junk-food-say-experts/>