

Liquor Promotion Guidelines review
Liquor & Gaming NSW
GPO Box 7060
Sydney NSW 2001
Email: policy.legislation@liquorandgaming.nsw.gov.au

Your ref S18/352

Dear Policy and Legislation Team

Thank you for the opportunity to contribute to the review of the *Liquor Promotion Guidelines*.

Please find attached NSW Health's advice.

Our feedback recognises the complex environment of alcohol beverage marketing and advertising that operates at the national and jurisdictional levels. NSW Health acknowledges the *Liquor Promotion Guidelines* are aimed at licensees to provide them with guidance on promotions within their businesses and do not capture the broader national frameworks such as the Alcohol Beverages Advertising Code.

NSW Health generally agrees with the seven key promotional principles outlined in the Guideline. The principles remain relevant; however improvements are warranted in the following areas:

1. The Guidelines could be improved regarding risks in different settings

The current Guidelines are generally a 'one size fits all' approach and are not individually tailored or nuanced to reflect the different types of settings where alcohol is promoted. For instance, Category B licences are considered more 'high impact' than Category A licences. Consideration should be given for nuancing the promotion guidelines to licence types, especially 'high risk' Category B licences.

Consideration could also be given for how alcohol is promoted in areas that are at higher risk of alcohol related harm. This could include areas with a low Socio-Economic Indexes for Areas (SEIFA) score; high rates of domestic violence; or a higher concentration of at risk populations, such as Aboriginal people.

2. The Guidelines place the onus of health related responsibility on the licensee

The Guidelines place the onus of health related responsibility on the liquor retailer. There is an inherent conflict of interest in requiring the retailer promoting the sale of alcohol to assess the risk their product has on the community, and to promote it accordingly. Consideration could be given to supporting liquor retailers to maintain a health focus in promotional activities.

3. The Guidelines could be reframed in more positive terms

The principles and examples are all framed negatively. They identify types of promotions that are problematic, and feature examples of unacceptable promotions. Liquor and Gaming NSW could consider reframing the Guidelines in terms of what licensees should do, rather than just what they shouldn't do.

4. The Guidelines could better consider social media alcohol promotions

The current Guidelines do not adequately capture emerging trends in promotion of alcohol via social media platforms such as Facebook, Snapchat and Instagram. Some online promotions may exist only for short discreet time periods online, making it difficult to monitor whether the Guidelines are being adhered to. Consideration should be given to how fleeting online promotions can be monitored effectively.

Young adults and minors are generally heavy users of social media platforms. In light of the risk of appealing to minors, Principle 1 should include examples or case studies of what constitutes acceptable and unacceptable alcohol promotions on social media platforms.

5. Specific but de-identified case studies could be provided of acceptable and unacceptable promotions

It would be useful to include de-identified case studies about alcohol promotions that have been deemed inappropriate by the Secretary, along with examples of acceptable alcohol promotions.

A further detailed NSW Health response to the Liquor & Gaming NSW *Review of the Liquor Promotion Guidelines* is attached to this letter.

If you would like to discuss this matter further, please contact Dr Marianne Gale, A/Director Alcohol and Other Drugs Branch on 9391 9251.

Yours sincerely



Dr Jo Mitchell PSM
Executive Director, Centre for Population Health

2/8/18

NSW Health Response to the Liquor & Gaming NSW *Review of the Liquor Promotion Guidelines*

Prepared by

**Centre for Population Health
Division of Population and Public Health
NSW Ministry of Health**



Health

This submission

NSW Health welcomes the opportunity to contribute to the Review of the *Liquor Promotion Guidelines – Discussion Paper – June 2018*. Please find following the Ministry of Health responses to the key issues section of the Discussion Paper (pages 8, 9 and 10).

Question 1: Are the objectives of the Guidelines still appropriate, and do the Guidelines in their current form remain appropriate for securing these objectives?

Comment:

The objectives appear appropriate, although they are not clearly stated in the Guidelines. To aid clarity, NSW Health recommends the objectives are clearly stated and placed at the front of the document.

Question 2: Do the Guidelines effectively facilitate the responsible promotion of liquor at licensed venues, including takeaway liquor stores in NSW?

Comment:

The current Guidelines are generally a 'one size fits all' approach and are not individually tailored or nuanced to reflect the different types of settings where alcohol is promoted. For instance, Category B licences are considered more 'high impact' than Category A licences. Consideration should be given for nuancing the promotion guidelines to licence types, especially 'high risk' Category B licences.

Consideration could also be given for how alcohol is promoted in areas that are at higher risk of alcohol related harm. This could include areas with a low Socio-Economic Indexes for Areas (SEIFA) score; high rates of domestic violence; or a higher concentration of at risk populations, such as Aboriginal people.

Question 3: Does the current Guideline format assist licensees in managing and addressing the risks associated with running liquor promotions?

Comment:

The Guidelines place the onus of health related responsibility on the liquor retailer. There is an inherent conflict of interest in requiring the retailer promoting the sale of alcohol to assess the risk their product has on the community, and to promote it accordingly. Consideration could be given to supporting liquor retailers to maintain a health focus in promotional activities.

Question 4: Do the seven principles of undesirable liquor promotions and activities remain appropriate?

Comment:

The principles remain appropriate, however, improvements could be made.

The principles and examples are all framed negatively. They identify types of promotions that are problematic, and feature examples of unacceptable promotions. Liquor and Gaming NSW could

consider reframing the Guidelines in terms of what licensees should do, rather than just what they should not do.

Principle 4 'emotive descriptions or advertising' could be better worded and clarified. Most advertising is emotive and designed to elicit desire for a product. The examples provided for Principle 4 all relate to excessive consumption, which appears to duplicate Principle 6. Clearer examples for Principle 4 may be required.

Question 5: Are the examples of unacceptable promotions and harm minimisation measures included with each principle useful?

Comment:

Generally the examples provided are helpful. It would be useful to include de-identified case studies about alcohol promotions that have been deemed inappropriate by the Secretary, along with examples of acceptable alcohol promotions.

The Guidelines are silent on how or where alcohol can be promoted within supermarkets. For instance, alcohol displays near the entrance of supermarkets make alcohol highly visible to minors and more prominent to shoppers than essential grocery items. The Guidelines should include examples about acceptable and unacceptable alcohol promotion in supermarkets.

Question 6: Do the Guidelines effectively capture harmful liquor promotions and practices by licenced venues, including takeaway liquor stores in NSW?

Comment:

As above (per questions 5)

Question 7: Do the Guidelines effectively capture new forms of marketing and developing technologies, including social media?

Comment:

The current Guidelines do not adequately capture emerging trends in promotion of alcohol via social media platforms such as Facebook, Snapchat and Instagram.

Some online promotions may exist only for short discreet time periods online, making it difficult to monitor whether the Guidelines are being adhered to. Consideration should be given to how fleeting online promotions can be monitored effectively.

Young adults and minors are generally heavy users of social media platforms. In light of the risk of appealing to minors, Principle 1 should include examples or case studies of what constitutes acceptable and unacceptable alcohol promotions on social media platforms.

Question 8: Have the Guidelines had any unintended positive or negative impacts on the community or industry?

Comment:

Having a set of Guidelines rather than a strict set of standards for promotion can allow for room in licensee interpretation of those guidelines. Clear criteria that can be utilised in Liquor and Gaming NSW investigations and the Secretary's decisions would enable the community to understand when a licensee oversteps the mark in alcohol promotion.