

24 July 2018

Liquor Regulation Regulatory Impact Statement
Liquor & Gaming NSW
GPO Box 7060
SYDNEY NSW 2001

“It’s OK to advertise alcohol to kids - it toughens them up against capitalism”

Please find following my submission to the current review of the NSW government’s Liquor Promotion Guidelines.

In the interests of openness, transparency and integrity, I encourage the government to make immediately publicly available on-line, **all** submissions and other representations (regardless of their alleged confidentiality) directly to the Government/Minister relating to the review of the above guidelines.

I also encourage the Department and alcohol industry in tandem when relying upon some narrow indicators to justify their contention that no strengthening of the guidelines is warranted because of apparent declining levels of alcohol consumption and reported levels of violence; to adopted a more balanced, comprehensive and objective analysis of all relevant harm indicators including those produced by NSW Health and the levels of FASD/harm to others in NSW.

The above heading paraphrases¹ the substance and tone of a submission made by Woolworths to Liverpool City Council in 2013 in support² of approval of a big high risk³ Dan Murphy’s bottle shop at Moorebank NSW opposite a large public school⁴.

This advice to an elected public body personifies all that is fundamentally and systemically broken with the regulatory/governance system associated with the promotion and advertising of ethanol (CH₃CH₂OH) for public consumption in NSW. Drinks containing more than 0.05% ethanol are called ‘alcoholic’. The marketing term for ethanol is alcohol.

¹ See pdf p 33/53 of the following submissions to the Council for precise wording of Woolworth’s assertion (Prof Furnham) http://www.liverpool.nsw.gov.au/data/assets/pdf_file/0005/15449/Addendum-Booklet-compressed_Part4.pdf

² <http://www.smh.com.au/nsw/woolworths-claims-liquor-ads-help-to-protect-children-20140110-30mk0.html>

³ The Woolworths’ submissions also included the disturbing assertion that there was no association between alcohol and domestic violence. They suggested “**male patriarchal views of women**” rather than alcohol caused domestic violence. See <http://www.smh.com.au/nsw/watchdog-targets-growth-and-sales-of-bottle-shops-20130920-2u5aj.html> . More recent research from Prof. Peter Miller et al identifies more than 30% of DV is associated with alcohol <http://www.ndlrf.gov.au/sites/default/files/publication-documents/monographs/monograph-68.pdf> .

⁴ <http://www.smh.com.au/nsw/community-rejects-bottle-shop-by-school-20130803-2r663.html>

The human body metabolises ethanol into acetaldehyde by alcohol dehydrogenase. Acetaldehyde is more toxic than ethanol. Acetaldehyde is linked to most of the clinical effects of alcohol⁵.

I support and rely upon several other health/community-based submissions including that from North Sydney Local Health District and NAAPA. The government can either accept the significant volume of independent, peer reviewed scientific evidence from Australia and overseas that establishes beyond any reasonable doubt that exposing kids to all the various forms of pernicious and saturation levels of alcohol advertising and promotion is harmful or; it believes the submissions from the powerful alcohol industry who like the tobacco industry⁶, deliberately distort and deflect the independent evidence in favour of now ludicrous statements such as the one I have highlighted in the title above and others through this submission.

I encourage the NSW government to adopt the precautionary principle to weighing up the evidence and subsequent recommendations in the development and promulgation of new guidelines. To err on the side of caution by giving primacy to the health and safety interests of the most vulnerable and susceptible in our society – our kids and grand-kids over the commercial gains of a highly concentrated industry.

Product information and safety

I encourage the Premier to support a paradigm shift in the way our “Premier” state regulates the advertising and promotion of the availability, supply, service and consumption of ethanol. The alcohol supply market has failed to protect the health and safety of its consumers. As a matter of urgency and to align alcohol with all other commercially provided food and beverage products, all NSW consumers should receive proportional (air time and label size/prominence) warnings that alcohol is:-

1. A grade one **carcinogen** contributing to at least six known cancers including breast and mouth/throat cancers (30%)
2. The most commonly consumed **teratogen** that like “Agent Orange” and thalidomide damages genes of foetuses and unborn children and is a leading contributor to Fetal Alcohol Spectrum Disorder (FASD) – a range of permanent physical, development and behavioural impairments with a prevalence rate of around 5%.
3. A **neurotoxin**
4. Arguably more toxic to the human body than any other pure form of illicit drug⁷
5. A depressant, alters moods and impairs cognitive, reasoning/judgement and motor skills

⁵ <https://pubchem.ncbi.nlm.nih.gov/compound/ethanol>

⁶ <http://onlinelibrary.wiley.com/doi/10.1111/dar.12399/abstract>

⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4311234/> See also <https://theconversation.com/alcohol-leads-to-more-violence-than-other-drugs-but-you-d-never-know-from-the-headlines-72281> v

The following photograph compares the labelling on a bottle of milk with a bottle of wine. Whose interests are really being served in this unsustainable discrepancy?



Alcohol promotion, advertising and Domestic Violence (DV)

The NSW Coroner released the shattering NSW Domestic Violence Death Review Team Report 2015-2017⁸.

I encourage Departmental staff and the government who following submissions from the alcohol industry, may harbour any doubt about the strong connection between alcohol consumption and domestic violence/homicides, to carefully read the Report, particularly the real-life case studies provided.

You may also note the cover image of the Coroner's Report honours the :-

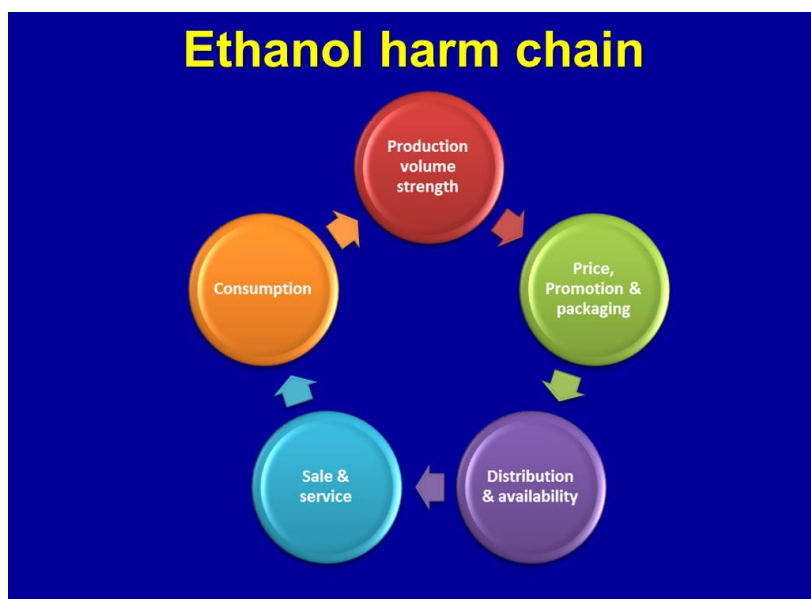
- 179 women
- 99 men
- 65 children

⁸ http://www.coroners.justice.nsw.gov.au/Documents/2015-2017_DVDRT_Report_October2017.pdf

who lost their lives to domestic violence in NSW in the period 2000 - 2014⁹. A high proportion of these murders were linked to alcohol.

Part of the alcohol industry's successful meta-messaging or framing technique is creating and sustain a dominant narrative amongst the general public, parents, politicians and policy makers onto the **consumption** side of the equation. This convenient tool allows the industry to shift all blame onto its consumers for the "irresponsible consumption of alcohol" and "lack of individual responsibility" – phrases that the Department and government would be all too familiar with as part of the industry's hearts and mind propaganda campaigns.

I encourage the government review to consider the Bill within the context of the following complete ethanol harm chain with alcohol and advertising impacting upon all 5 elements



This industry decoy and distraction process that is equally adopted by the National Rifle Association (NRA) and Tobacco industry (also large political donors) glosses over or ignores the fact that consumption patterns are primarily a social/cultural phenomenon or construct that is heavily influenced by exogenous factors such as saturation **industry advertising, promotion** and peer group pressure etc.

A quote from an unknown source in Canada described this process neatly as "blaming kids for binge drinking is like blaming fish from dying swimming in pollute seas".

The alcohol industry must share substantial responsibility for the State's alcohol toll. NSW government can no longer delegate to the Commonwealth government its health and social responsibilities for preventing alcohol related harms derived from alcohol promotions that in 2013 represented a total cost of \$4 billion per annum to the NSW community¹⁰.

⁹ Page 2 of the Report

¹⁰ NSW Auditor General Report

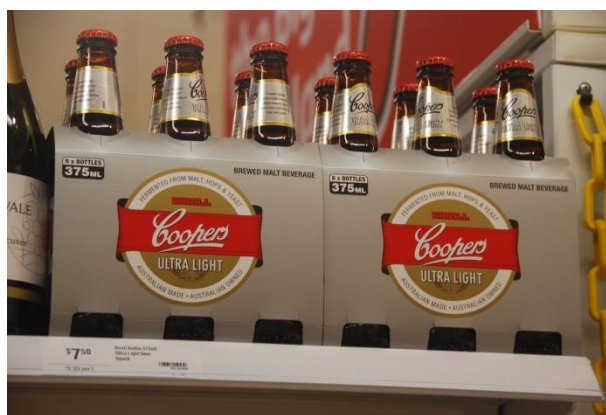
Community examples of inappropriate marketing and promotion

We know from substantial independent studies that ethanol consumption levels are influenced by price, that kids as young as 5 in Western Australia are influenced by the Bundy Bear promotions and heavily promoting well known ethanol brands in non-alcoholic food and drink products such as chocolate biscuits, chips, fruit and soft drinks at supermarkets is wilfully aimed to inculcate children into the one-sided hedonistic pursuit of happiness, peer acceptance and coming of age by the consumption of ethanol (normalisation).

The following pictures were taken by a Casula community member at Casula's Coles supermarket on 12 November 2017.

The following picture reveals how global ethanol suppliers have high-jacked the supply of soft drinks aimed for kids by prominently branding these drinks with their identical brand names. Bundaberg Rum is owned by Diageo – one of the world's largest producers of ethanol for human consumption with a market value of around \$72 US billion¹¹.

Alcohol brand promotion in soft drink shelving section at Coles supermarket Casula



The above picture on the right shows Coopers "Ultra Light" containing 0.05% alcohol placed on Coles' supermarket shelving in the soft drinks section as at 12 November 2017. Note the very close similarity in packaging with Bundaberg and Coopers alcohol products. These insidious "gate-way" promotions and placements must be prohibited within NSW liquor promotion guidelines.

¹¹ <https://www.forbes.com/companies/diageo/>

To further illustrate the seductive ethanol gateway, the following picture of 8% alcohol strength soft drink plastic look alike “SOFI” was taken in a Dan Murphy’s on 12 November 2017.



To gain entry to Liquorland at Casula above, one has to first enter Coles’ supermarket. The alternative entrances were blocked and have been the same for several months. The author was advised that at the time the photographs were taken, the Coles store was frequented by many young children shopping with their parents.

In December 2016, the NSW Land & Environment Court found¹² in rejecting the DA for a high risk liquor outlet, that the area had a very high level of domestic violence and low social economic scores.

As a matter of urgency, the government is encouraged to recommend the complete disassociation between alcohol product brands and any other consumer products, particularly those favoured by children featured prominently in the above photographs.

Secondly, there is abundant evidence that industry self-regulation of alcohol promotion and marketing is an abject failure analogous to putting Dracula in charge of the blood bank. It is recommended that NSW lead that nation in the regulation of the advertising and promotion of ethanol for human consumption and that this responsibility falls under the Department of Health and be driven by the best available independent scientific evidence and the precautionary principle.

Alcohol Grooming

Further to the above images, I bring to the government’s attention the practice of **alcohol grooming** where children under the age of 18 are being attracted to the consumption of ethanol and the larger meta-script of its normalisation and acculturation through saturated ethanol multi-media promotions and gateway products that resemble soft drinks (see above images) – same plastic containers, same colour, similar levels of sweetness, juvenile-like brand names and symbols.

¹² See [Suh v Liverpool City Council and Casula Community Group for Responsible Planning Inc No. 2 \[2016\] NSWLEC 1596](#)

Since an on-line complaint to OLGR in February 2015 relating to the Little Fat Lamb alcohol pop¹³, the range and strength of these alcohol beverages (including various ciders) have only increased whilst the prices appear to have fallen and become even more appealing to children.



Prof. Sally Casswell¹⁴ as early as 1995 identified the pernicious influence of alcohol advertising on **behaviour and culture** and the ineffectiveness of mass media campaigns on moderating drinking behaviour. She further identified how alcohol promotion conveys a “meta – message” of the appeal of extensive and uncritical partying (good times).

Caswell identifies a quote from an alcohol industry psychologist

“...It isn’t selling bottles, glasses or even liquor. It’s selling fantasies ... (lifestyles)...”

The traction of this pernicious, almost subliminal, marketing message in today’s youth psyche and their need to belong to such a “popular” identity/peer determining lifestyle in turn, contributes ironically to the ineffectiveness of education/individual responsibility programs so strongly and paradoxically advocated by the industry.

NSW Liquor Promotion guidelines

Section 102 of the NSW Liquor Act¹⁵ is the current limited utilised avenue to regulate the promotion of alcohol in NSW.

I bring to the Department’s attention the existence of documentary evidence¹⁶ obtained under FOI provisions that confirm in 2013 the NSW government allowed the major bottle shop owners to rewrite the important legal provisions of the above guidelines word for word and excluded any public/community or independent health expert input.

¹³ https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwi99-Lr4bXXAhWJUbwKHWtQDMwQFggoMAA&url=http%3A%2F%2Fwww.dailytelegraph.com.au%2Fnews%2Fnews%2Fnew-range-of-alcopops-that-appeal-to-kids-leaves-parents-fuming%2Fnews-story%2Ffe359ab097a0e0aa4516d919d0adbb481&usg=AOvVaw1Q8HWo85acsrQHWhpf_h8o

¹⁴ Casswell C “Public discourse on alcohol: implications for public policy” Cptr 8 in *Alcohol and Public Policy: Evidence and Issues* Eds. Holder H & Edwards G; Oxford University Press 1995

¹⁵ http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/la2007107/s102.html

¹⁶ <http://www.smh.com.au/nsw/government-bows-to-liquor-industry-on-discounts-20130713-2px3h.html>

The big NSW liquor stores suggested that ethanol was just like any other consumer product. They compared it to **breakfast cereal and toilet paper**¹⁷.

The same bundle of information revealed a serious complaint from the (then) OLGR Director of Compliance Mr Newson to the (then) Departmental Secretary against the alcohol industry, alleging bullying and intimidation of his staff.

At the very least, the documented abrogation of due process and integrity undermines the public's trust and confidence in responsible government and the regulatory of alcohol in NSW – and we still live with the adverse consequences of ineffective and emasculated harm prevention (alcohol advertising and promotion) laws literally written by the alcohol industry – for the alcohol industry¹⁸.

I would encourage the government to reconsider and adopt the independent research and recommendations it obtained from Professor Sandra Jones into the promotion and advertising of alcohol (including shopper dockets) in NSW.

I respectfully submit that the current liquor promotion guidelines are demonstrably tainted by undue alcohol industry influence. The existing scope of legislation is insufficient to address the broad scale and pervasiveness of the advertising and promotion of ethanol in NSW – and consequential burdens of harm. I encourage the government to recommend that responsibility of these statutory functions and preparation of new legal provisions and guidelines be urgently transferred to the Department of Health and driven by the best available independent scientific evidence in collaboration with the community.

I would be pleased to provide the Department with any additional recommendations and material on request.

This review provides an exciting opportunity for the betterment of public health and safety particularly for younger and future generations. It also would enable budgetary savings.

A 2013 NSW Auditor General Report into the impact of alcohol found that each NSW household was paying on average \$1565 per annum for the total (including social) cost of the oversupply, availability and consumption of alcohol in NSW (\$3.87B pa). This provides 1565 good reasons why the sensible regulation of the advertising and promotion of ethanol for human consumption in NSW should be further strengthened to substantially reduce these primarily preventable public costs¹⁹.

¹⁷ See <http://www.smh.com.au/comment/liquor-logic-might-as-well-be-written-on-toilet-paper-20130716-2q288.html>

¹⁸ See http://www.justice.nsw.gov.au/Documents/Media%20Releases/olgr/2013/rel_stoner_20130718_liquor_promotion_guidelines.pdf

¹⁹ <http://www.audit.nsw.gov.au/publications/performance-audit-reports/2013-reports/cost-of-alcohol-abuse-to-the-nsw-government>

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