



**REVIEW OF  
ALCOHOLIC  
BEVERAGES  
THAT MAY TARGET  
YOUNG PEOPLE**

**7 NOVEMBER 2004**

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## **Letter from the Review Chair**

*The Hon. Faye Lo Po'*  
*Former Minister for Community Services*  
*GPO Box 7060*  
*SYDNEY NSW 2001*

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29 October 2004

The Hon. Grant McBride, MP  
Minister for Gaming and Racing  
Level 13  
55 Hunter Street  
SYDNEY NSW 2000

Dear Minister

I take great pleasure in presenting you with the recently completed Report 'Review of Alcoholic Beverages that may target Young People'.

The review, initiated late in 2003, prepared by Department of Gaming and Racing officers, is based on written submissions from, industry, welfare and community groups. These submissions were augmented by the invaluable input of young people themselves, gathered from forums hosted by the NSW Commission for Children and Young People. A layer of "practical reality", if you like.

The delay in completing the review is regretted. I remain convinced that the decision to wait for pending publication of more contemporary national data on alcohol was justified. The fact that not all such data became available remained out of our control.

The review has, given the volume of unexpected material offered, expanded beyond its initial Terms of Reference. We confronted and examined young people's attitudes to alcohol use, their tastes and importantly, their ideas on ways to help young people become responsible users of alcohol.

Rigid adherence to the original Terms of Reference and avoidance of these issues, would have denied you the opportunity to hear about young people's relationship with alcohol.

Minister – I also feel compelled to present one further issue that stood out/confronted me in the forums and discussions.

The role of parents in helping young people to deal with alcohol.

As a mother, grandmother and through my work in Community Services, I know, from bitter experience how difficult, yet important it is to guide/help teenagers.

During our discussions, many and varied parenting strategies were advanced, but one constant remained – the importance of an active, caring approach from parents and carers in setting boundaries as to what constitutes responsible behaviour. Among those young people who valued the trust and advice of their parents, these boundaries were clear and understandable.

For others, alcohol – its uses and abuses, its social role, its legality was obscured by a myriad of social and peer pressures, factual misconceptions and urban myths.

These kids, and they are at the centre of my concern, outlined sullenly, triumphantly or in a matter of fact way, how their parents knew they were drinking but reacted to this knowledge in one or more of the following ways:

- Turning a blind eye – avoided confrontation, no time to deal with this
- They'll learn the hard way
- It's what I did when I was their age – the occasional binge is OK
- A few beers can't hurt
- Don't get caught – you're under 18
- The 'rite of passage' response
- If you drink at home – I guess it's OK
- What can I do? They get it from TV...it's normal

Minister – it was clearly apparent that for many kids, there was no discussion of the social, legal or health risks, the downsides of underage or irresponsible drinking habits. Many young people indicated that their parents' involvement was so minimal they received little or no consistent guidance. For these kids, responsible role models were few and far between.

It is very important to note that kids struggling through lack of parent guidance came from all parts of the socio-economic spectrum. They were not just "street kids" from the stereotypical "broken-home". They represented a wide range of influences from the financially affluent, the aspirational, the supportive but financially struggling and those reliant on pensions and Centrelink. All were well represented in this dilemma.

Equally vexing was:

- (i) The distress by some parents, frustrated in trying to reach their children;
- (ii) The perception that many parents/carers wanted to avoid the issue and leave it for someone else.

Parental guidance in this matter is vital. While Government programs through schools, police and other agencies have a supporting role, nothing can replace the ongoing, thoughtful involvement of parents/carers.

I realise my immediate concerns are based on a small sample size of young people, possibly exaggerating before their peers. Of course, such concerns could earn me the wrath of the many responsible parents and in our community. However, the

impact of the testimonies of these young people was so strong that I felt compelled to bring this matter to your attention.

Minister – while understanding the constraints of your portfolio, I urge you to consider the recommendations aimed at assisting parents on how to positively advise their children on the responsible use of alcohol.

Now, (after far exceeding my mandate) I would like to thank all those good people who contributed to this review. The material they provided, though limited in supporting evidence and at times utterly subjective, has provided an excellent insight into the issue in question. My thanks also go to the Department of Gaming and Racing staff, who worked patiently, under the demands of competing priorities to conclude this report.

I thank you for the opportunity of participating in this review. I sincerely hope that it may play a small, but positive role in helping our community deal with the complex equation of adolescents and alcohol.

Yours sincerely

A handwritten signature in black ink that reads "Faye Lo Po'". The signature is written in a cursive style with a small flourish at the end.

**The Hon. Faye Lo Po'**

Encl

# Executive Summary

## Introduction

Young people, especially those under the legal drinking age and their use of alcohol, has long been a vexed issue in our community. Concern with the problem was widely canvassed at the Government's Summit on Alcohol Abuse, held in August 2003.

This review of '*Alcoholic Beverages that may target Young People*', was initiated by the Minister for Gaming and Racing, The Hon. Grant McBride MP, prior to the Government's Summit. The overall focus was to be on the current legislation, sections 117I and 117J of the *Liquor Act 1982*, which provides powers to ban products and promotions which may be of particular appeal to minors.

The Hon. Faye Lo Po', former Minister for Community Services, chaired the review which was launched in December 2003, allowing it to take into account the deliberations and outcomes of the Summit. The review process was based upon written submissions, meetings with stakeholders and importantly, consultative forums with young people from metropolitan, regional and rural centres.

The review, given available resources, was always meant to be a guide, an impressionistic profile.

The review team quickly perceived after initial consultations that all groups felt the existing legislation provides the Minister with sufficient powers to curtail and halt the irresponsible packaging and promotion of alcoholic products, especially as directed towards young people. However, there was a view that many stakeholders and the community in general, had little awareness of the legislative options available to the Minister.

The review team, while cognisant of its Terms of Reference, were repeatedly confronted with other issues, which were not explicitly covered by the Terms of Reference, but nevertheless were deserving of consideration. To ignore them, would have done a great disservice to the many people who contributed to the review.

Accordingly, in light of this wider perspective, relevant research has been reviewed to augment overall community perceptions and to look for helpful strategies used in other jurisdictions.

The review notes that concerns, expressed by the community, indicate that many hold a perception that youth/underage drinking is worse than empirical data suggests. However, a problem still exists and requires community attention. There are a number of young people drinking at hazardous levels and any strategies that can be implemented to assist these people should be examined.

## **The Report**

Specifically, Chapter One introduces the overall background of the review, its scope, process and identification of legislative provisions in NSW and other jurisdictions.

Key data outlining, Australian drinking habits and levels of consumption and abuse are outlined in Chapter Two. This summary is augmented by an examination of Ready to Drink (RTD) products, often seen (without evidence) as a cause in the development of irresponsible, adolescent drinking habits, especially among young females.

No broad community support was apparent for the banning or restricting the sale of these beverages. They were seen as legal products, used responsibly by many consumers and further provide a known amount of alcohol per “serve”.

Chapter Three provides a general view, in part, of relevant research regarding the proportion of young people drinking, their drinking patterns, gender difference, pricing and advertising. There is current data to support the fact that a minority of young people are drinking at hazardous levels and that this has been the case for some years. But no real evidence was found that young people are starting to drink alcohol at a younger age. Available evidence suggests that young people who do drink are accessing a range of beverages.

A candid presentation of the views and information gathered from the consultative process is presented in Chapter Four. This information is presented without any analysis or comment from the review team. The views presented are cameos of personal experience, anecdotes and impressions presented without any empirical/“statistical backup” and need to be appreciated as such.

All groups expressed concern about the amount of alcohol consumed by young people and that some young people were abusing alcohol at early ages. Among the issues commonly raised were:

- clearer content labelling
- health-warning labels
- ambivalent societal attitudes towards drinking make setting “rules” (boundaries) difficult
- value of education campaigns
- varying parental attitudes to the drinking habits of young people
- marketing
- the need for further research

Possible strategies to minimise young people’s harmful drinking and related research are presented in Chapter Five. These strategies include clearer content labels, education programs, examining parental attitudes/responsibilities and examining the value of resealable lids.

Chapter Six contains the review conclusions and, as such, forms the basis of the review’s recommendations.

It became clear through the review's consultation process that our community views underage drinking as a phenomenon that, while impossible to eradicate, continues to deserve significant attention. There was general acknowledgement of the need to educate and assist those who fall foul of excessive consumption and to educate and stop the minority who condone and aid the process through "secondary buying", irresponsible sales and failure to provide responsible guidance.

All groups involved strongly felt any real answers or a pathway to ongoing solutions will only be found in a broad scale cooperative approach involving community groups, parents, young people themselves, industry groups and all levels of Government.

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## Recommendations

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### 1. Legislation

- 1.1 That sections 117I and 117J of the *Liquor Act 1982*, continue in their existing form as the basis for ensuring appropriate protection of young consumers from irresponsible promotion and packaging of alcoholic products.
- 1.2 That the Department of Gaming and Racing develop and implement a community education campaign to better inform the community of the existing legislation and its provisions to protect consumers, particularly young people, from irresponsible producers and promoters of alcoholic products.
- 1.3 That the Department of Gaming and Racing establish, for a trial period and as part of the community information campaign, a community hotline to enable consumers, stakeholders and the community to access information about the banning of undesirable alcohol products and promotions and to inform the Department of Gaming and Racing of products and promotions which may contravene the *Liquor Act 1982*.

### 2. Education and Information

- 2.1 That future education and awareness programs developed under the auspices of the Summit on Alcohol Abuse include material aimed at parents to help educate/inform them about adolescent alcohol use and abuse and strategies to deal with these matters.
- 2.2 That all education and information campaigns be oversighted by the Alcohol Education and Information Taskforce to ensure optimum use of resources and tightly focussed campaigns.

### **3. Potential Industry and Legislative Reforms**

- 3.1 That all relevant industry groups be encouraged to adopt and implement a voluntary and interim standard labelling regime, in regards to identifying their product as:
  - 3.1.1 An alcoholic product
  - 3.1.2 That it contains a specified number of standard drinks;  
(A suitable model for this process being the 'Diageo' label as illustrated in Chapter 5 of this report).
- 3.2 That support be sought from Commonwealth, State and Territory Governments for an application to Food Standards Australia New Zealand to enhance the currently mandated content labelling requirements to ensure that all alcoholic beverages are clearly labelled as alcoholic drinks. Additionally, the number of standard drinks contained in the beverage be prominently marked on the container in a standard, easy to read, format.
- 3.3 That industry be encouraged to investigate the use of screw-top resealable capped bottles, especially Ready to Drink (RTD) products, in an effort to curtail drink spiking and to encourage more moderate consumption of individual servings of their product.

### **4. Research Related Tasks**

- 4.1 That the Minister, in liaison with Minister Della Bosca as the Minister representing the Government on the Ministerial Committee on Drug Strategy, support further national research on the role that RTDs may or may not play, as a "gateway product", for adolescents.
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# CHAPTER 1

## 1. Introduction

### 1.1. Events leading up to the review

In June 2003 the NSW Minister for Gaming and Racing directed that a milk based alcoholic beverage be banned under the Liquor Act 1982.

This beverage was a flavoured milk product, called “Moo Joose” which featured a cow hide pattern on the bottles. The product was banned by the Minister for Gaming and Racing because of his concern that the product’s name, the flavours offered and its packaging could result in confusion between this product and existing flavoured milk products popular with children.

At the same time community concern about young people and their use of alcohol was being regularly highlighted in the media and elsewhere.

In August 2003 the NSW Government held a Summit on Alcohol Abuse. The aim of the Summit was to bring together community, industry and government representatives to consider problems caused by alcohol abuse and the best ways to cooperatively address these problems.

One major concern raised at the Summit related to the marketing of alcoholic beverages that may target young people. The following concerns were expressed in submissions to the Summit:

“The array of attractively packaged mixers (pre-mixed alcoholic drinks) is seductive.....Mixers are pushed almost as fruit drinks.” Country Women’s Association

“There is little difference in taste, presentation and packaging of these drinks (pre-mixed alcoholic drinks) to soft drinks.” Salvation Army

“There has been discussion that these heavily promoted and marketed drinks may introduce younger people to alcohol use.” National Drug and Alcohol Research Centre

All relevant submissions to the Summit were used as reference material for this review.

The Summit Communiqué<sup>1</sup> contained several recommendations dealing with young people’s use of alcohol including:

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<sup>1</sup> “NSW Summit on Alcohol Abuse 2003: Communiqué August 2003” accessed [www.alcoholsummit.nsw.gov.au](http://www.alcoholsummit.nsw.gov.au)

1.8 The NSW Government should work collaboratively with industry to explore ways of incorporating socially responsible messages into advertising, sponsorship and promotion....

2.27 There is a need for further research into the role of the media, including the internet and other electronic media in alcohol misuse and harm. Consideration should be given to greater involvement of the Government in regulating the promotion of alcohol use....

The review was in part motivated by the need to examine the perceptions held in the community about young people's drinking habits, and the possible appeal that some types of beverages may have for young people, and whether existing legislation provided the Minister with sufficient power to deal with the issue.

## **1.2. Scope of the review**

At present, section 117I of the *Liquor Act 1982* contains a regulation making power which enables the Minister to declare a specified liquor product, or class of liquor products, to be an 'undesirable liquor product'. Such a declaration may only be made if, in the opinion of the Minister:

- (a) designs, motifs or characters on the packaging are likely to be attractive to minors;
- (b) the products are likely to be confused with soft drinks or confectionery;
- (c) the products are likely to have a special appeal to minors.

Section 117J of the *Liquor Act 1982* provides that an order may be made which prohibits the sale of an 'undesirable liquor product'. (see Appendix 1)

The *Registered Clubs Act 1976* also contains similar provisions at Sections 57C and 57D.

The review's prime focus was on these sections of the *Liquor Act 1982* and the *Registered Clubs Act 1976* and their usefulness in banning undesirable liquor products and preventing the release of undesirable products.

The terms of reference of the review are set out at Appendix 2.

The review was offered much information that fell outside the terms of reference but, where possible, this information and general conclusions drawn from it has been included in the report.

This course of action was taken to ensure the review process was as effective as possible, in terms of resources deployed and information obtained, and to take best advantage of what stakeholders have offered.

Accordingly, this resulted in a more comprehensive review process and dealt with a wider set of issues. Points raised by a large number of people could not in good conscience be ignored and their inclusion, with the Minister's agreement, has assisted in better dealing with some of the complex issues associated with young people and alcohol.

Input from young people was particularly important. The review allowed the Minister and the review team to gain directly from young people a broad understanding of:

- The suitability and relevance of the existing legislation.
- Whether the style of packaging and promotions influences young people in the choice of alcoholic beverages and if "under-age drinkers" are more susceptible to such packaging.
- The need for further, more extensive research into the levels to which young people as consumers are influenced by certain symbols and brand names and if such influences lead to "irresponsible" consumption of particular types of alcoholic beverages.
- The important role played by parents, guardians and carers in assisting young people to learn to deal appropriately with alcohol.

Discussion groups were held with representative groups and young people. Written submissions were also sought. The review team, in this regard, were assisted by the staff and young people involved in forums developed by the New South Wales Commission for Children and Young People.

Additionally, the Commission has re-produced the Review's Terms of Reference, providing a format that is more suited to their needs. This alternate expression of the Terms of Reference is attached (Appendix 3).

The review examined both the perception and the reality of the situation. The review sought to better define the problem to give Government a basis for developing a more comprehensive platform for protecting and informing young people. Additionally, the review aimed to enhance the community's awareness of the issue through providing more information about such alcoholic beverages and their packaging.

### **1.3. Review timeline**

In June 2003, the Minister for Gaming and Racing requested that the Department review the packaging of all alcoholic drinks which may seem to target young people, in particular, milk based alcoholic drinks. After completion of the Government's Summit on Alcohol Abuse and some preparatory research an issues paper calling for stakeholder comment was released in December 2003 followed by stakeholder forums and the receipt of written submissions. The review was to conclude in April 2004, but due to delays in receiving crucial information was extended to

September 2004. In September the ABS published updated per capita consumption data which is included later in this report. After many delays the 2002 Secondary Students use of Alcohol Survey results have not yet been released in September 2004 and it was decided to complete this report without them.

#### **1.4. The review team**

The review process was chaired by Ms Faye Lo Po', former Minister for the Department of Children and Community Services. Ms Lo Po's experience in government and in working with young people provided an invaluable asset for the review. Ms Lo Po' was supported directly by two officers from the Department of Gaming and Racing and indirectly by other Department staff.

Mr Rob Griggs, Director, Communications and Strategic Support Division, Department of Gaming and Racing provided strategic support for the review including overseeing the review process, assisting with industry and community liaison and strategic input to the final report.

The Department of Gaming and Racing was responsible for the provision of Secretariat backup for Ms Lo Po' including, the efficient running of stakeholder and interest group presentations, collation and analysis of submissions, review of available research and the preparation of the final report.

#### **1.5. Existing New South Wales provisions**

At present, section 117I of the *Liquor Act 1982* contains a regulation making power which enables the Minister to declare a specified liquor product, or class of liquor products, to be an 'undesirable liquor product'. Such a declaration may only be made if, in the opinion of the Minister:

- (a) designs, motifs or characters on the packaging are likely to be attractive to minors;
- (b) the products are likely to be confused with soft drinks or confectionery;
- (c) the products are likely to have a special appeal to minors.

Section 117J of the *Liquor Act 1982* provides that an order may be made which prohibits the sale of an 'undesirable liquor product. (see Appendix 1)

The *Registered Clubs Act 1976* also contains similar provisions at Sections 57C and 57D.

In the review's opinion, at this time 117J of the *Liquor Act 1982* is under utilised. It's introduction was prompted by concerns about a particular promotion offering discount liquor vouchers with certain food purchases. It may be that the existence of the legislation prevents the introduction of

such promotions or it may be that the short time period over which many promotions are offered prevents complaints being made and action taken.

The requirements referring to promotions covers any media used for promotions including sms messaging, web based promotions, flyers etc.

## **1.6. A jurisdictional context – other states and beyond**

### **Australia**

In Australia, New South Wales, Victoria, South Australia, the Australian Capital Territory and the Northern Territory can effectively ban undesirable liquor products using existing legislation.

In Victoria, section 118B of the *Liquor Control Reform Act 1998*, allows the banning of undesirable liquor products if the Minister is satisfied that it is in the interest of the community to do so.

In South Australia the *Liquor Licensing Act 1997* enforces a mandatory code of conduct which ensures that a licensee can not engage in promotions that are attractive to minors. This effectively bans licensees from selling products that would appeal particularly to minors.

In the Australian Capital Territory under the Licensing Standards Manual the Liquor Licensing Board can decide whether a product or promotion is an inappropriate drinking practice/promotion and amend the Manual to effectively ban it.

In the Northern Territory, section 33 of the *Liquor Act 1978*, licence conditions can be amended to ensure that wholesalers can not sell undesirable products. At November 2003 no products had been banned using this system but a request that alcoholic iceblocks not be sold was believed to have been successful partly due to the existence of this legislation.

Tasmania, Queensland and Western Australia do not have legislation in place to achieve liquor product banning, but note that where necessary they can make requests to the industry to remove products from the market or to alter them.

In Australia the National Alcohol Beverage Industry Council's Guidelines on Naming Packaging and Promotion of Alcohol Beverages covers some aspects of marketing that are not covered by the advertising codes. This code covers labels, graphics, artwork, brand names, packaging, containers and other marketing materials and techniques which are not covered by the advertising code. The members of NABIC include most of the major alcohol manufacturing groups in Australia. The code provides guidelines to ensure that packaging does not have special appeal to

underage persons, lead to confusion with confectionery or soft drinks, lead to confusion as to the alcohol strength of the product among other things. This code was put in place in 1997. The document was published but never publicised and no complaints have been made to prompt explicit use of the code. It is understood that issues with the Federal Trade Practices Act and administrative problems lead to limited work being done on this code.

Codes to specifically regulate naming and packaging of alcohol products (as opposed to advertising of alcohol products) exist in some other countries, eg the Portman Group's code in the United Kingdom, the Code of Responsible Practices for Beverage Alcohol Advertising and Marketing in the United States. These codes all have many similarities with the NABIC code provisions. This is not surprising as they all aim to address the same issues.

One of the Summit outcomes was to begin discussions on introducing a retailer alert system to eliminate inappropriately packaged alcoholic beverages from the market. This system would be similar to that used in the UK and would supersede the need for the NABIC code. Discussions are underway to work towards this end.

### **United Kingdom**

In the UK products can be banned through a self regulation system, the Portman Code. The code sets out the acceptable standards, complaints can be made to a review panel by anyone. The panel will review the complaint and if it is upheld retailers are alerted and requested not to restock the offending product. Each year a report on the year's complaints and results is published. A pre-vetting service for proposed products is also supplied. There is no legislative power to ban liquor products, this system is purely self regulatory. Multiple products are effectively banned through the retailers alert system each year.

### **New Zealand**

In New Zealand, the guidelines for naming, packaging and merchandising of alcoholic beverages are included in the code for advertising liquor. This code covers the general principles of not encouraging underage drinking or dangerous behaviour, not associating alcohol with sex etc. Complaints can be made to the Advertising Standards Complaints Board, the members have agreed to abide by the determinations of the Board, though an appeals process is also available. A pre-vetting service is also available. There is no legislative power in New Zealand to ban inappropriate liquor products.

### **United States of America**

The Distilled Spirits Council of the United States has its own code of responsible practices for alcohol beverage advertising and marketing.

The code includes brand advertising, consumer communications, promotional events, packaging labels and distribution and sales materials. Members are requested to comply with the spirit as well as the letter of the code. The general principles covered in the code are that underage persons should not be encouraged to drink, excessive drinking should not be encouraged, drinking should not be portrayed together with driving, it should not be suggested that alcohol will provide social, sexual or athletic success. There is a code review board which can review advertisements and advise advertisers, and where necessary other board members, where an ad is found in breach of the code. A limited advice service is offered to companies who seek help with their advertising.

## **1.7. Summary of motivation and aims**

This review has been prompted in part by community concerns expressed in the media, at the Summit on Alcohol Abuse and elsewhere regarding the appeal of some alcoholic beverages to young people coupled with the Minister's aim to test the efficacy of the existing powers available to him.

NSW legislation already contains provisions designed to prevent undesirable liquor products from remaining on the market here. NSW, in comparison to other jurisdictions, seems to have a solid legislative foundation from which to deal with inappropriate industry practices/products, eg "Moo Joose".

There are some practical considerations when applying this legislation. For example, there are differences of opinion about which products are reasonably packaged and which products are not. The Government has had the support of liquor industry and community groups alike in banning the products included in the regulation to date. There are, however, many other products that some feel should be banned while others feel they are acceptable products.

It is also important to carefully describe the banned products in the regulations. Generic descriptions, such as that used to ban alcoholic iceblocks, are useful in some cases while in other cases very specific descriptions need to be used, such as for "Moo Joose".

Novelty products may be designed for a very short production run, there may be a need for very fast action to effectively ban this type of product.

The review examined current provisions and their use through examining available research and listening to stakeholder concerns.

The review, in summary, has examined the efficacy of existing/current legislative provisions available to protect young consumers.

From information obtained through submissions and consultations, the review has identified a number of attitudinal issues/responses relating to young people's involvement with alcohol.

This document is not intended to be a definitive report with absolute answers to the problems associated with young people and drinking, rather it brings together some research evidence, opinions offered by stakeholders and relevant strategies used in the past and in other jurisdictions to essentially encourage further detailed work.

## **1.8. Outline of contents**

This report examines a range of issues that were raised at the Summit and during the consultation process. This was augmented by a cross section of relevant research. The best available data was chosen for inclusion in this report, based largely on sample sizes and relevance to the issue being considered. The problems will be described and possible strategies for dealing with these problems, focusing on the terms of reference of this review, will be discussed.

Chapter 2 provides a summary of background information to help familiarise readers with drinking practices in Australia and the benefits and pitfalls of these practices. Chapter 3 outlines some relevant research in alcohol related areas. Chapter 4 details the information gained through the consultation process. Possible strategies to minimise young people's harmful drinking are reviewed in Chapter 5, together with relevant research. Chapter 6 brings together conclusions from all earlier chapters.

## CHAPTER 2

### 2. Background - Issues behind the review

The fact that problems arise from the irresponsible use and abuse of alcohol is recognised by most people in our community. The Summit on Alcohol Abuse convened by the NSW Government in August 2003 brought together stakeholders from the liquor industry, community and Government. The aim was to discuss these problems to find ways to move forward positively together to reduce alcohol related harm.

The Summit heard the Country Women's Association, Salvation Army and various Community Drug Action Teams (CDATs) expressing alarm about young people and their drinking habits. Issues raised covered perceptions that people may be commencing drinking at younger ages, drinking more and in a more hazardous way.

In particular, anxiety about young women drinking was noted as they may become intoxicated quicker and be more vulnerable to physical and sexual assault or other exploitation. Concern was expressed for underage drinkers and also for those who had turned 18, but were not experienced with the effects of alcohol, hence were also in need of various degrees of protection. There were also views that some particular beverages may be targeted at underage drinkers.

In December 2003 the Australian Division of General Practice Ltd's National Division Youth Alliance were "particularly concerned about the continued emergence of alcoholic products such as alcoholic soda, milk drinks, and alcohol jellies that are particularly appealing to young people in terms of novelty, single drink sales and taste."<sup>2</sup>

#### **Summit and Young People**

Examples of the Summit recommendations which specifically related to young people are:

##### Recommendation 2.19

Greater effort is required to enhance the awareness amongst parents, carers and family members of the importance of their behaviour on the development of their children's attitudes about alcohol.

##### Recommendation 6.12

As an alternative to high risk alcohol consumption, enhance low cost, accessible, safe entertainment and recreation opportunities for young people.

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<sup>2</sup> Press release provided to the review team with Senator Lyn Allison's submission to the review.

#### Recommendation 7.24

Have specialist youth staff who know about alcohol eg adolescent mental health workers, not generalist counsellors.

The range of issues touched on in the many recommendations from the Summit relating to young people included:

- The need for further and more relevant educational material and experiences.
- Greater support to help them avoid or overcome problems with alcohol,
- tightening access to alcohol for underage drinkers.
- The treatment of young people in the legal system as a result of problems with alcohol.

Partly in response to the above-mentioned concerns, the Minister for Gaming and Racing requested a review of alcoholic products that may target young people. As mentioned, the Minister has powers under the Liquor Act 1982 to ban alcoholic products that may target young people. Products which have been banned over the past 4 years include alcoholic iceblocks, aerosol sprays and certain inappropriately marketed milk based alcoholic products, full details of which are in Appendix 1. This review focused on possible improvements to these statutory powers and their use. The full terms of reference are in Appendix 2.

The remainder of this chapter attempts to set the scene by providing the fundamental information available on drinking practices in Australia and associated information.

## 2.1. Drinking in Australia

As noted at the Summit, the large majority of people use alcohol responsibly. It is a legal product and, if used responsibly, plays a legitimate role in the community. Alcohol production and consumption makes an important contribution to the NSW community and economy with over 60,000 people employed in clubs, pubs, taverns and bars<sup>3</sup>. It also provides social and some health benefits according to medical research into responsible alcohol use.<sup>4</sup>

The background paper from the Summit on Alcohol Abuse noted:

*“The acceptance of alcohol by the Australian community may stem from the many benefits associated with its consumption. It is a means of relaxing and stimulating sociability and accordingly features at many social and business occasions. It plays a celebratory role, and is part of a number of cultural and religious ceremonies. Alcohol can also be of*

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<sup>3</sup>Clubs, Pubs, Taverns and Bars, Australia ABS cat. No. 8687.0

<sup>4</sup>National Expert Advisory Committee on Alcohol, Alcohol in Australia: Issues and Strategies, Commonwealth Department of Health and Aged Care, Canberra, 2001 p6, p9.

*therapeutic value in times of stress. Licensed premises are often important meeting places for the community, particularly in rural areas where there are limited alternative venues. The social and cultural importance of alcohol has been acknowledged by the NSW Government. (Hon J Della Bosca MLC, NSWPD, 22/5/03, p 959.)*

*Moderate consumption of alcohol may have a positive impact on the health of a community. It has been shown to decrease the mortality rates associated with cardiovascular disease as well as providing protection against gallstones and the development of non-insulin dependent diabetes. It is also believed to prevent cognitive decline in the elderly.” (National Expert Advisory Committee on Alcohol, *Alcohol in Australia: Issues and Strategies*, Commonwealth Department of Health and Aged Care, Canberra, 2001, p 67.)*

There are three main types of alcohol consumed in Australia; beer; wine; and spirits. The percentage of overall consumption accounted for by each of these beverages has changed over time. Since the early 1990s overall per capita consumption has been relatively stable, following a significant decline in the preceding decade. During this twenty year window the popularity of beer has declined while the popularity of wine has increased. Perhaps the most significant change in the spirits sector of the market in recent years has been a change from consumers purchasing full strength spirits to the current position of approximately half of all spirits sales being in the form of pre mixed beverages, eg bourbon and cola, “cocktails in a bottle” etc.

## **2.2. Alcohol consumption**

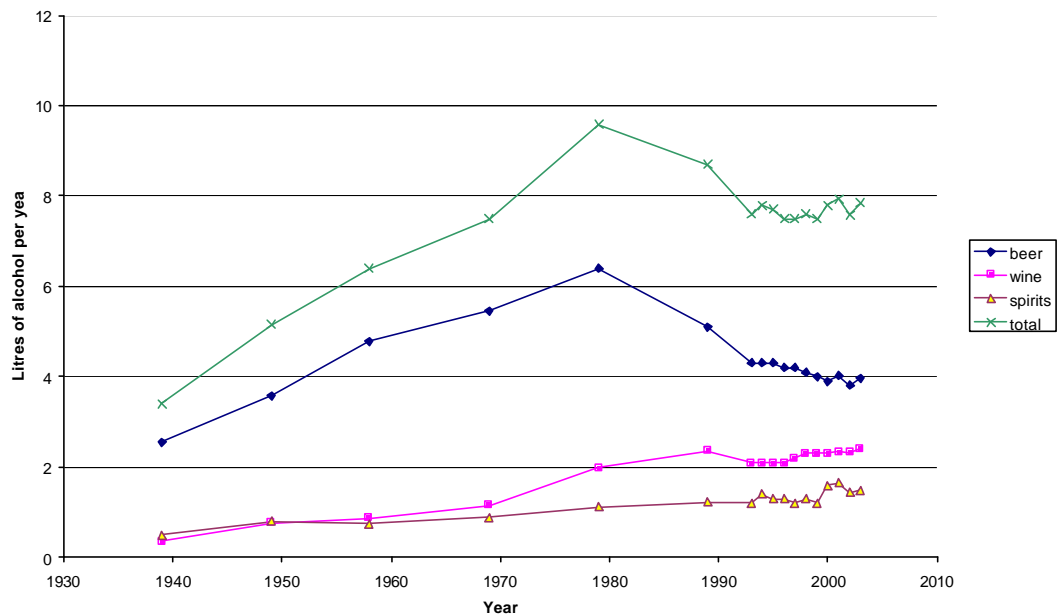
There has been much work done, of varying quality, on alcohol consumption in Australia.<sup>5</sup> As far as possible in this report, the best available relevant data has been used. For example the survey with the largest sample size will be used if there are several comparable surveys available that examine the same issue. It is recognised that care must be taken in interpreting any data source; even the best will have limitations.

Per capita alcohol consumption gives a broad indication of trends in alcohol consumption over time.

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<sup>5</sup> Alcohol Consumption Among Adolescents and Young Adults August 2003 Ian McAllister, Research School of Social Sciences, Australian National University

Per Capita Consumption of Alcohol (Litres of ethanol per year) (ABS cat nos 1329.0, 4306.0, 4307.0.55.001)



As shown in the above graph, overall alcohol consumption rose steadily from 1940 to 1980 and then began to fall. Consumption remained relatively constant through the 90s. Consumption of wine has been slowly growing as has consumption of spirits while consumption of beer has been dropping since 1980.

To compare per capita consumption of alcohol in Australia with consumption in other countries, World Drink Trends 2003 places Australia 23<sup>rd</sup>, with 7.4 litres of alcohol per capita in 2001, behind such countries as Luxembourg, 12.4 l, Czech Republic, 10.9 l, Germany 10.4 l, Austria, 9.2 l, United Kingdom, 8.5 l. The USA per capita consumption was noted as 6.7 l and Canada was 6.6 l in 2001.<sup>6</sup>

In addition to per capita consumption of alcohol, the patterns of consumption and the groups of people consuming the alcohol are of importance. There are two major surveys in Australia which provide relevant information.

The 2001 National Drug Strategy Household Survey (NDSHS)<sup>7</sup> was conducted by the Australian Institute of Health and Welfare on behalf of the Commonwealth Department of Health and Ageing. Similar surveys were conducted for the Commonwealth Government in 1991, 1993, 1995, and 1998. The sample includes people from 14 years of age and up. The sample size of this survey has increased over the years from 2,791 in 1985 to 26,744 in 2001.

<sup>6</sup> World Drink Trends 2003, World Advertising Research Centre Ltd, UK, 2002

<sup>7</sup> Australian Institute of Health and Welfare, *2001 National Drug Strategy Household Survey: Detailed Findings* Australian Institute of Health and Welfare, Canberra, 2002

Using the NDSHS to make comparisons over the years can be difficult due to changes in the way the survey data is presented, however, findings include:

- The alcohol drinking practices of Australians aged 14 years and over was similar in 1998 and 2001.
- The proportion of Australians aged 14 years or older who consumed alcohol daily remained steady between 1998 (8.5%) and 2001 (8.3%).
- The proportion who consumed alcohol on a weekly basis remained about the same in 1998 (40.1%) and 2001 (39.5%).
- The proportion consuming alcohol less than weekly increased slightly to 34.6% in 2001 from 31.9% in 1998.
- The proportions of ex-drinkers decreased slightly between 1998 (10%) and 2001 (8%).
- The proportion of the population who had never consumed a full glass of alcohol remained stable (9.6% in 2001 and 9.4% in 1998).

The National Health and Medical Research Council of Australia has produced alcohol guidelines<sup>8</sup> which indicate the levels of drinking that have a low risk, risky or high risk of leading to harm in the short or long terms. The risk of harm in the short term (eg accident) is associated with excess drinking on a single day and the risk of harm in the long term (eg liver damage) is associated with regular drinking patterns over an extended period of time.

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<sup>8</sup> National Health and Medical Research Council, *Australian Alcohol Guidelines: Health Risks and Benefits*, National Health and Medical Research Council, Canberra, 2001

National Health and Medical Research Council Australian alcohol guidelines			
	Low Risk	Risky	High Risk
		Standard drinks	
Risk of harm in the short term			
Males	Up to 6 (on any one day, no more than 3 days per week)	7 to 10 (on any one day)	11 or more (on any one day)
Females	Up to 4 (on any one day, no more than 3 days per week)	5 to 6 (on any one day)	7 or more (on any one day)
Risk of harm in the long term			
Males			
On an average day	Up to 4 (per day)	5 to 6 (per day)	7 or more (per day)
Overall weekly level	Up to 28 (per week)	29 to 42 (per week)	43 or more (per week)
Females			
On an average day	Up to 2 (per day)	3 to 4 (per day)	5 or more (per day)
Overall weekly level	Up to 14 (per week)	15 to 28 (per week)	29 or more (per week)

The NDSHS 2001 found that 10.2% of males and 9.4% of women drank at risky or high-risk levels for harm in the long term. 39.3% of males and 29.6% of females drank at risky or high risk levels for harm in the short term on at least one occasion in the last 12 months.

This survey also provides information on the types of beverages consumed and relates these to drinking patterns. Risky and high risk drinkers are noted as drinking regular strength beer, bottled spirits and liqueurs and bottled wine.<sup>9</sup>

When considering the subgroup of young people in this survey the sample size drops to hundreds.

Another survey examining the drinking practices of young people was therefore sought.

<sup>9</sup> Australian Institute of Health and Welfare, AIHW cat. no PHE 35 and cat.no PHE 41

The Australian Secondary Students' use of Alcohol (ASSA) survey 1999<sup>10</sup> is another Commonwealth Government funded survey, with cooperation from all states. Similar surveys took place in 1984, 1987, 1990, and 1993. The sample includes school students from 12 to 17 years of age. The sample size has varied between 18,769 and 29,853. There have been some issues with changing sampling methods over the years and the fact that only school students are included, excluding young people who have left school, nevertheless this survey has used as consistent a method as possible over the years and is a good indicator of youth drinking trends.

The ASSA survey findings include that the proportion of 12-15 year olds who had been drinking in the week before the surveys in 1996 and 1999 increased only slightly from 26% to 28%. This survey also found that the increase in alcohol consumption for 16 to 17 year olds from 1996 to 1999 was not statistically significant. However, the proportion of 16-17 year old current drinkers drinking more than 5 drinks in a row, in 1999 was 35%, significantly greater than the proportions found in 1996 (32%), 1990 (27%), 1987 (27%) and 1984 (28%).<sup>11</sup>

In summary, the above are reliable sources of data on drinking in Australia. They indicate that:

- Per capita consumption has been relatively steady for the past decade up to 1999/2000.
- Beverage preference has varied, with beer becoming less popular, wine increasing in popularity and sales of pre-mixed spirits based drinks increasing.
- A significant proportion of people of all ages in Australia drink at levels that would be expected to increase their risk of harm (approximately 30% drink at levels that increase risk of short term harm and 10% drink at levels that increase risk of long term harm).
- A significant proportion of people under the age of 18 do drink alcohol and some of these people are drinking at levels that would be likely to increase their risk of harm. It has been estimated that 50% of 16 and 17 year olds could be classed as current drinkers with 18% of 16 and 17 year olds drinking at levels that increase the risk of short term harm.

### **2.3. Problems associated with alcohol abuse**

There remain, however, significant problems associated with alcohol abuse in our society. Alcohol abuse has been linked to health problems, lost labour and crime. The communiqué from the recent NSW Summit on Alcohol Abuse noted, among other things, that:

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<sup>10</sup> Australian Secondary Students' use of alcohol in 1999, Commonwealth Department of Health and Aged Care Monograph Series No. 45 Canberra 2001

<sup>11</sup> Commonwealth Department of Health and Aged Care, Monograph series No.45

- Between 1992 and 2001, there were 10,369 deaths and 537,742 hospital episodes in NSW related to alcohol.<sup>12</sup>
- Alcohol abuse costs NSW \$7 Million each day, inclusive of lost labour and productivity, crime and health costs and the costs associated with road accidents.<sup>13</sup>
- Alcohol abuse is one of the leading causes of preventable death in Australia.<sup>14</sup>

The relationship between alcohol and crime has been examined in numerous papers, eg “Temporal and Regional Aspects of Alcohol-Related Violence and Disorder” S Briscoe and N Donnelly, NSW Bureau of Crime Statistics and Research, Alcohol Studies Bulletin No 1 May 2001. In this paper several Australian studies which have established that alcohol is significantly associated with crime, especially violent crime, are highlighted. They note that in the 12 months preceding June 2000, NSW police flagged 23% of assault incidents, 58% of offensive behaviour incidents and 6% of malicious damage to property incidents as alcohol-related.

Alcohol use also seems to play a role in the involvement of young people in crime. In a study of school students from year 7 to 12, controlling for all other factors, students who truanted, who were male, who drank alcohol and who used cannabis were more likely than other students to participate in assault, malicious damage and acquisitive property crime.<sup>15</sup>

## 2.4. Ready to Drink Beverages (RTDs)

As indicated, one significant change in the beverage market over recent years is the increase in range and availability of ready to drink products, RTDs, which are premixed drinks of various flavours, from traditional rum and cola type drinks, alcoholic soft drinks to “cocktails in a bottle”. These products are referred to by a range of names including alcopops, alcoholic sodas, etc.

### History

Ready to Drink beverages first entered the market in 1962 with the UDL range, which is still available. In 1985 the range of RTDs was increased with the introduction of more traditional beverages such as cola and rum mixes and a new type of beverage, the wine cooler.

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<sup>12</sup> National Drug Research Institute 2003; National Alcohol Indicators Statistical Bulletin No. 6, NDRI, Curtin University, Perth WA

<sup>13</sup> Collins and Lapsley, Counting the cost: estimates of the social costs of drug abuse in Australia 1998-99

<sup>14</sup> National Drug Alcohol Strategy; Alcohol and your health fact sheet 22, 2003, Commonwealth Department of Health and Ageing

<sup>15</sup> “Juveniles in Crime – Part 1: Participation Rates and Risk Factors” J Baker, NSW Bureau of Crime and Research 1998

The first of the “alcopops”, 2 Dogs lemonade, entered the Australian market in 1994 followed in 1997 by Stollie then in 1998 Sub Zero and by 1999 the range of RTDs available was rapidly increasing to the hundreds of variations available today.<sup>16</sup>

### **Community Views**

Submissions to the Summit, this review and discussions involving the Salvation Army, Country Women’s Association, Parents and Citizens, various Community Drug Action Teams (CDATs) and other individuals and groups raised concerns about some specific styles of drinks. They felt that alcoholic drinks of a soft drink style may be particularly attractive to younger people due to their sweet taste and bright colours.

They also expressed concern about the presentation and packaging of these drinks.

Articles from the press also highlight community concerns about RTDs:

“With Companies introducing more and more lolly drinks aimed at young girls, they’re going to buy them” North Shore Times 10/12/03

“Girls as young as 12 drink up to eight sweet alcoholic sodas on a night out” The West Australian 6/1/04

“The vodka raspberry cruiser – with 5% alcohol- tricked them all. Our teenage testers, ....thought it was a non-alcoholic raspberry fizzy drink” Canberra Times 1/2/03

“It’s the popularity surge of drinks containing rather more alcohol than your tastebuds would have you believe – the alcopops being sold to teenagers (particularly girls) in ever-increasing quantities and with ever-more alarming results.” Herald Sun 16/9/03

While this type of information is purely anecdotal, with all its accompanying problems, it does indicate the tenor of the discussions the review team has had with community groups. Details of these discussions are provided later in this report.

Concerns about these products are perhaps reasonably summarised as follows:

“The sweetness of these drinks may make it extremely likely that adolescents will consume them like soft drinks rather than alcohol, thereby increasing the likelihood of consuming five standard drinks in a row. As this association is speculative at the moment, more research

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<sup>16</sup> National Liquor News, vol 22 no.9 September 2003

investigating the effect of these types of drinks on levels of alcohol consumption among adolescents is needed.”<sup>17</sup>

### **Industry Views**

The industry state that they work responsibly in a legitimate market. It is their role based on market demand to responsibly supply alcoholic beverages to persons 18 years of age and over.

The market at this time demands a constantly changing and large selection of drinks, just as it demands a large selection and changing range with other products such as foods, non-alcoholic beverages etc. Industry research on RTD products indicates that dark spirit RTDs (such as Bourbon and Coke) represent more than half of RTD sales in Australia, though the growth rate for sales of white spirits RTDs (such as vodka cruisers) is high. 40% by volume of dark spirit RTDs are consumed by females while 30% of white spirit RTDs are consumed by males. While 18-24 year olds do represent close to 40% of the RTD market that means that over 60% of the RTD market is not in the 18- 24 age group. <sup>18</sup> Clearly, the industry is working in a volatile market.

They also note the advantage of a known strength of drink, which may not be achieved if people mix their own.

## **2.5. Conclusion**

Drinking is an accepted part of Australian life bringing social, health and economic benefits; as well as problems. There have been changes in the patterns of alcohol consumption in Australia over the years, with per capita consumption and beverage preferences varying.

While alcohol can only be legally sold to persons over 18 years of age it is clear that under age people are drinking, with a minority of these people drinking at risky levels.

Beverage preference has changed significantly over the last decade and the temptation, in the short term, to gain financially by marketing undesirable products can encourage unscrupulous people into the industry from time to time.

This means that a legislative framework allowing banning of undesirable products, remains a responsible position. A recent example of this type of the usefulness of this legislation is the banning of “Moo Joose”. It is very likely that banning one such product sends warnings to others considering producing similarly inappropriate products or packaging.

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<sup>17</sup> “Patterns of Alcohol use among Australian secondary students: Results of a 1999 prevalence study and comparisons with earlier years” V M White, D J Hill, Y Effendi Journal of Studies of Alcohol January 2003 p 15

<sup>18</sup> National Liquor News, vol. 22 no. 9 September 2003

# CHAPTER 3

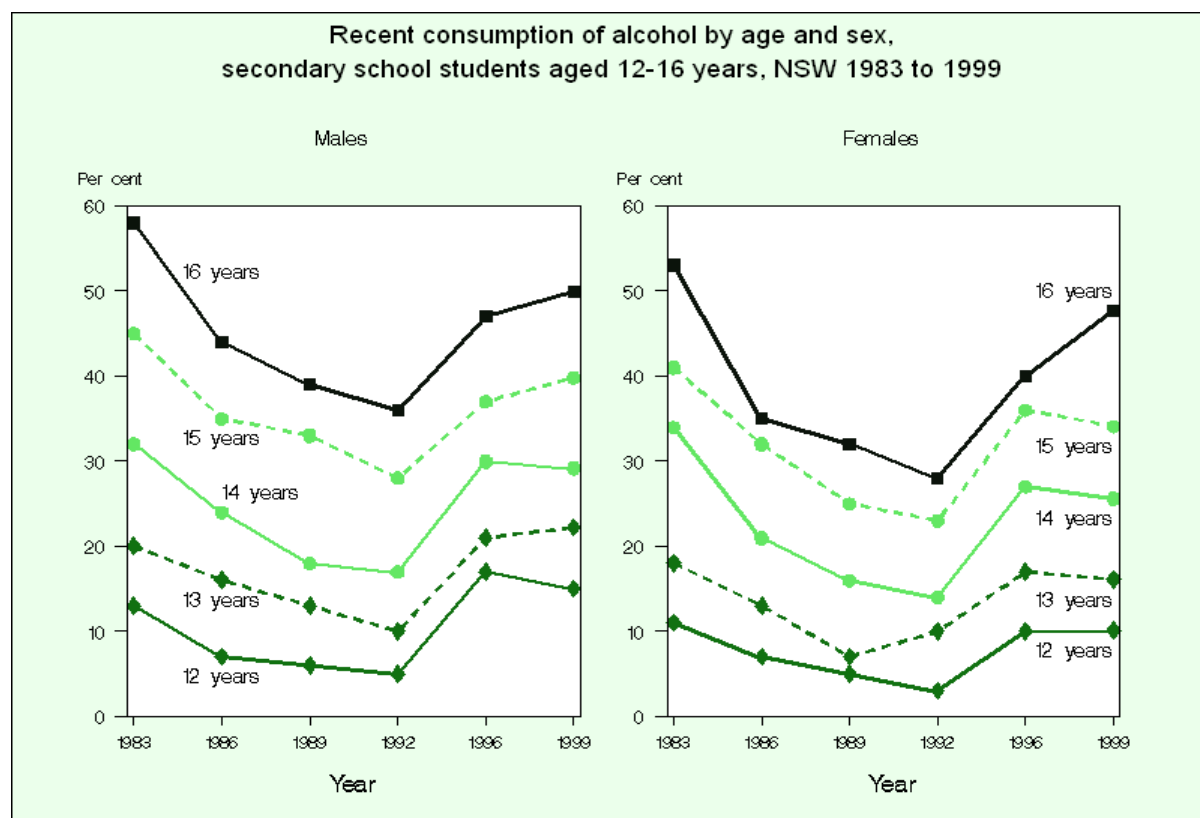
## 3. Relevant Research.

In order to pinpoint the problems caused by alcohol in our community the review team examined work done by other groups in this area. There is considerable research work available on alcohol, in Australia and overseas. It is not possible in the scope of this review to examine all of this work but a selection of the most relevant material is outlined in this chapter.

### 3.1. Proportion of young people drinking

Figures from the Australian Secondary Students' use of alcohol surveys show that for students aged 12-15 years less than 30% identify themselves as current drinkers (someone that has consumed alcohol in the week preceding the survey). For students aged 16-17 years approximately 50% indicate that they are current drinkers.

The graph below shows the age and sex breakdown of NSW students surveyed that indicated that they had had a drink in the week before the survey.<sup>19</sup>

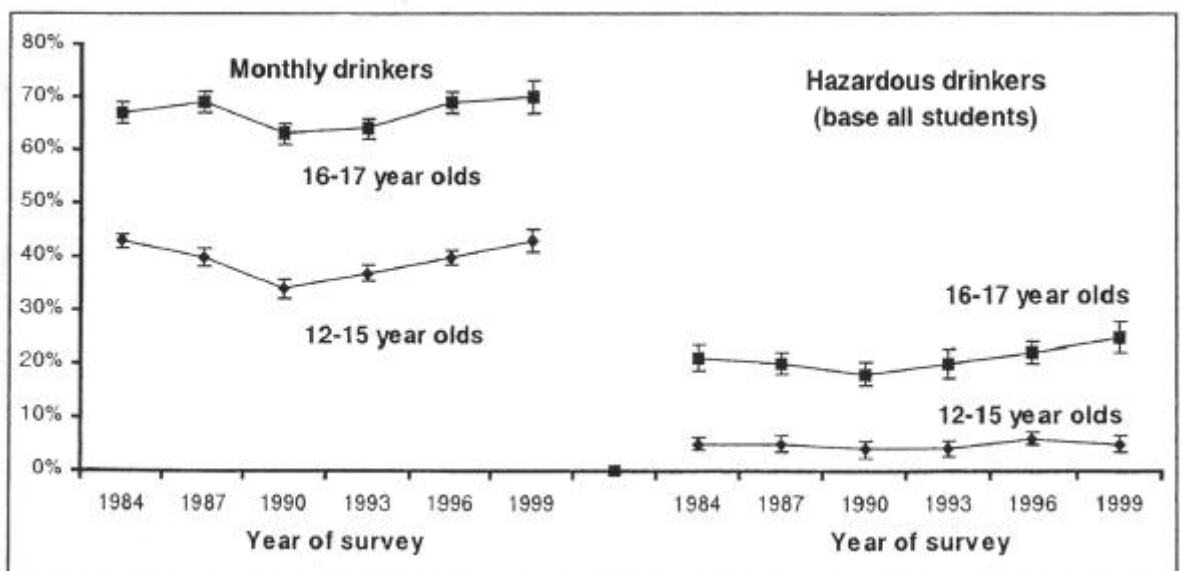


<sup>19</sup> [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

For each age group there is a peak in proportion drinking in 1983 and 1999 with a low point around 1992. The proportion of students drinking increases with age, as would be expected.

Examining drinking in the week before the survey can lead to problems as the week before the survey may be atypical. Examining a longer time period may give more reliable trend results. The proportion of students that indicate that they had a drink in the month preceding the survey does vary over the years as can be seen in the following chart, in a similar way to the weekly data. The percentage who drank in the month before the survey varies from approximately 64% to 70% for 16-17 year olds and 34% to 43% for 12-15 year olds.

There has been an upward trend in this proportion since the early 1990s and it would be interesting to see if this upward trend is continuing. The results from the 2002 survey are not yet available. These results would be of particular interest especially in light of the fact that the popularity of RTDs has increased markedly since 1999.



*“Patterns of alcohol use among Australian secondary students: Results of a 1999 prevalence study and comparisons with earlier years” P18 Victoria M White, David J Hill and Yuksel Effendi Journal of studies on alcohol January 2003 p15-22.*

### 3.2. Hazardous drinking patterns

As discussed earlier, while there is evidence to suggest that alcohol can provide a health benefit; it is just as clear that drinking to excess causes health problems. Accordingly, some studies have defined a hazardous or risky consumption level to enable estimates to be made of the proportion of drinkers that may be causing themselves harm through inappropriate drinking habits.

There are various definitions used to identify hazardous drinking. One of the key difficulties is that people do vary in size and tolerance to alcohol. When measuring trends over time for the purpose of social comment/analysis the important issue is therefore that the definition has been consistently applied over the time period being examined.

For young people, the Australian Secondary Students' use of alcohol surveys provides some relevant data in this area. Of the students surveyed in 1999 aged 12-15 years less than 4% indicate that they had drunk at a hazardous level (here defined as 8 or more drinks in a row for boys and 6 or more drinks in a row for girls) in the week preceding the survey. For students aged 16-17 years the data revealed that less than 18% are drinking at a hazardous level. This data shows that most young people are not drinking at hazardous levels. It is important that this remains the case and that where possible alcohol related harm is further decreased.

Figure 2 above, shows the percentage of students indicating that they had drunk more than 5 drinks in a row in at least one occasion in the week preceding the survey at each survey since 1984. It shows that the proportion of 16-17 year olds in this group has increased since 1990 and it would be very interesting to see the results from the 2002 survey to see if this trend has continued.

To put the drinking patterns of young people in perspective, it is interesting to note that the NDSHS showed the proportion of persons aged 14-17 years who put themselves at risk of alcohol related harm in the short term on at least one drinking occasion during 2001 was 34.4%, the same as the proportion for the whole population.<sup>20</sup>

### **3.3. Age of initiation - age of consumption of first alcoholic drink**

There is limited data available on this issue though many groups have expressed concern that children are now drinking at earlier ages. The NDSHS asks participants at what age they drank their first full alcoholic drink. This relies on people of all ages remembering when they had their first drink and averages over the entire population 14 years old and older. They found that in 1995 the average age of first use was 17.3 years and in 1998 and 2001 17.1 years. When the data for younger people is considered separately sample sizes become considerably smaller, hundreds of people rather than thousands, which makes any trend shown in the results less certain.

For the 14-17 age group, age of initiation was 13.8 years in 1995, 13.0 years in 1998 and 13.8 in 2001. Some variation is apparent but evidence to support a drop in age of initiation is not apparent. Another interesting

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<sup>20</sup> The National Drug Strategy Household Survey 2001 detailed findings p 106 using the NHMRC 2001 definition of hazardous drinking see chapter 1)

note is that the 18-24 age group over the same years gives a higher age of initiation over the 6 years from 1995 to 2001, despite the fact that the people in the 14-17 age group in 1995 will have progressed to the 18-24 age group by 2001.<sup>21</sup>

A study on the reliability of self-reported age of onset of substance use found that people do report older age of initiation to alcohol as they get older.<sup>22</sup>

There is certainly anecdotal evidence that some very young people are drinking, some of these in a hazardous manner, which is an issue for concern, but no empirical data indicating that this is a worsening problem in today's society has been found to date. It will be very interesting to see if any change is shown in the new data from the Secondary Students use of Alcohol Survey of 2002. While this information will not show age of initiation data it will provide information on patterns of drinking of young people, for example, increased drinking among 12 year olds may suggest increased drinking among 11 year olds.

### **3.4. Gender differences**

Concerns for young women in particular have been expressed by various groups. In general women are more susceptible to the effects of alcohol than men.<sup>23</sup> The most commonly noted concern is that young inexperienced women may not realise that, generally, women can not metabolise alcohol as efficiently as men. While drinking no more than those around them, women may find themselves more intoxicated. They may then also be at higher risk of assault and unwanted sexual advances.

In 2003 the National Drug Research Institute brought together data from various sources to examine alcohol use in Australia between 1990 and 2001 in their publication Australian Alcohol Indicators.<sup>24</sup> They note that alcohol-caused hospitalisation rates for females aged between 15 and 19 years increased by 5% from 1998/99 to 2000/01 (this represents an increase of 90 admissions a year). Conversely hospitalisation rates for males aged 15-19 years decreased by about 9%. The drop for young males is encouraging but the increase for young females would be consistent with an increase in drinking within this group of people.

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<sup>21</sup> NDSHS unpublished data

<sup>22</sup> The reliability of self-reported age of onset of tobacco, alcohol and illicit drug use T P Johnson and J A Mott *Addiction* (2001) 96. 1187-1198

<sup>23</sup> Australian Alcohol Guidelines Health Risks and Benefits, October 2001 National Health and Medical Research Council p 45

<sup>24</sup> Australian Alcohol Indicators Patterns of alcohol use and related harms for Australian states and territories 1990-2001 Tanya Chikritzhs, Paul Catalano, Tim Stockwell, Susan Donath, Hanh Ngo, Deirda Young, and Sharon Matthews National Drug Research Institute, Curtin University of Technology, Perth Western Australia, 2003

Australian Alcohol Indicators also includes data that has been based on the NDSHS which shows increased drinking by young women, this appears to be based on a small sample size and further data on this issue would be very useful.

The Australian Secondary students' use of alcohol surveys show an increase in the proportion of 16-17 year old students indicating that they drink at hazardous levels for both males and females between 1984 and 1999. It would be useful to have the latest results from the Australian Secondary students' use of alcohol surveys. The latest data, which has been released, is from the 1999 survey. Changes since 1999 may show effects in the 2002 survey results. Unfortunately the report has not been released at this time.

### 3.5. Beverage types

Some surveys have investigated the beverage preferences of drinkers and tried to determine if some particular beverages are used differently to others. The types of issues explored include the beverage preferences of people that:

- regularly binge drink,
- drink regularly leading to long term harm,
- are the victims of violent crime or
- are the perpetrators of violent crime.

The Federal Department of Health and Ageing provided a report in August 2003<sup>25</sup> that was based on a survey of 800 15-17 year olds. They noted the beverage preferences of male and female high risk and low risk drinkers and compared the findings from 4 surveys from Feb 2000 to Feb 2002.

For low risk male drinkers the February 2002 results showed beer was the most popular beverage (42%), followed by spirits and other liqueurs (31%), then pre-mixed spirits (21%) then alcoholic sodas/cider/coolers and wine (11%). For higher risk male drinkers the same order of preference existed, with the proportions at February 2002 being beer 74%, spirits and other liqueurs 44%, pre-mixed spirits/liqueurs 24%, sodas/ciders/coolers 11% and wine 7%. (Drinkers were able to note more than one preferred beverage)

For low risk females the beverage preferences were more even with spirits and alcoholic soda/cider/cooler being very close at each survey around 30% and with premixed sprits/liqueurs also around 30% also at February 2002, followed by wine and then beer.

High risk females preferences have varied significantly over the surveys and in the most recent survey alcoholic soda/cider/cooler and pre-mixed

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<sup>25</sup> "Alcohol consumption patterns among Australian 15-17 year olds from February 2000 to February 2002, Elizabeth King, Jacqueline Ball, Tom Carroll

spirits/liqueurs were the most popular drinks closely followed by other spirits and then beer then wine. The August 2002 data showed continued increase in popularity of RTD type beverages.

Spirits consumption seems to have moved from straight spirits to the pre-mixed beverages. This is in keeping with the sales data for these types of beverages from the National Liquor News, September 2003 where it is noted that RTD sales have grown from 10% to nearly 50% of spirits sales between 1996 and 2003.

The 2001 National Drug Strategy Household Survey Detailed Findings<sup>26</sup> note that of those that drink at long term risk levels, male drinkers of all ages are most likely to drink regular strength beer while females less than 30 years of age are more likely to drink bottled spirits and liqueurs and older women bottled wine. The beverage choices for drinkers at short or long term risk were the same except for males 20-29 years who drink at short term risk levels who preferred bottled spirits and liqueurs. This survey found that pre-mixed drinks were the preferred drink of only one group, 14-19 year old females who drank at low risk levels.

The relationships between consumption of particular alcoholic beverages and crime has been examined. Offences of assault, malicious damage to property and offensive behaviour were found to be more common in postcodes that had higher alcohol sales volume. Furthermore, all four alcohol types investigated (beer, low-alcohol beer, wine and spirits) were found to be equally good predictors of crime rates. When considering where the alcohol was bought and the type of liquor sold, it was found that beer sales was the only variable related to alcohol consumption that uniquely predicted assault rates across postcodes.<sup>27</sup> It would be interesting to see a more recent study on this topic as beverage preference has shifted away from beer and in recent times a large increase has been seen in the sales of pre-mixed spirit based beverages.

From these studies it is very difficult to generalise about any one beverage type being of particular concern.

The beverage preference of young people has also changed over time but, from the available data, it is difficult to say that a single beverage type is the major problem. It appears that ready to drink beverages are gaining in popularity with young people, as indeed is the case with the market generally.

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<sup>26</sup> AIHW 2002. 2001 National Drug Strategy Household Survey: detailed findings. AIHW cat no. PHE 41. Canberra: AIHW (Drug Statistics Series No. 11)

<sup>27</sup> Stevenson cited Temporal and Regional Aspects of Alcohol-Related Violence and Disorder, Suzanne Briscoe and Neil Donnelly, Alcohol Studies Bulletin Number 1 May 2001.) (The relationship between alcohol sales and assault in New South Wales, Australia, *Addiction* (1999) 94(3), 397-410 Stevenson, Lind, Weatherburn

### **3.6. Pricing**

The responsiveness of alcohol consumption to its price is complex. There is a range of alcoholic products available at a range of prices. It is possible for a consumer to switch products, from an expensive wine to beer for example, and still consume the same amount of alcohol. This means that changing the price of alcoholic beverages does not mean that a person with a fixed amount of money to spend on alcoholic beverages will necessarily reduce their intake of alcohol. Of course, there are many factors which will impact on alcohol consumption.

Barbor et al note that despite the impact of a large range of factors, economic studies conducted in both developing and developed countries show that increased taxes on alcoholic beverages lead to decreases in alcohol related harm. Even heavy or problem drinkers seem to reduce their intake in response to price increases.

### **3.7. Advertising**

Alcohol advertising in Australia is covered by the same national self regulatory system that applies to all advertising for any product and, in addition, the alcohol advertising code applies.

The alcohol advertising code includes provisions designed to ensure that irresponsible drinking, including under age drinking is not encouraged. This code was recently reviewed nationally and will be discussed in detail later in this report. (Chapter 5 and Appendix 5)

There have been concerns expressed, during the Summit for example, that certain advertising of alcoholic products is targeted at under age drinkers.

There has been some work done in Australia by Sandra Jones et al specifically on alcohol advertising and on its effects on young people. Their findings broadly suggest that young people's attitudes are affected by alcohol advertising and that there are some problems with self-regulation as it is practiced in Australia.

In one paper by Jones and Donovan the results of questioning two groups of young people, one group aged 15-16, the other aged 19-21, about three specific advertisements for a vodka based pre-mixed drink are reported. The results showed that 25% of the 15-16 year olds stated that the ads were aimed at people their age and that almost half of the 19-21 year olds saw the ads as aimed at people younger than them. Respondents also indicated that they felt the ads' messages related to the product changing moods and providing the drinker with self confidence and relationship success. They note that "Incidental observation of alcohol ads suggests that contravention of the (advertising) code is more

widespread than the number of alcohol advertising complaints would indicate.”<sup>28</sup>

In another paper by Jones and Rossiter<sup>29</sup> the attitudes of people to young women who drink alcohol is indirectly tested. The results indicated that people are more likely to conclude that young women who drink are more interesting and self assured than young women who do not drink. It is suggested that advertising aimed at the female drinker is a likely contributor to this attitude<sup>30</sup>

Looking more generally at the impact of advertising Barbor et al<sup>31</sup> note that annual advertising expenditure showed little impact on total alcohol consumption but some effect was seen where alcoholic beverages were analysed separately.

Saffer<sup>32</sup> notes that when data is examined at a local level and at specific times, increased advertising does appear to increase consumption and that bans on alcohol advertising and counter advertising campaigns do decrease alcohol consumption to some degree.

Barbor et al<sup>33</sup> note that studies in France Germany the Netherlands the UK and Sweden over the 1970s and 1980s found that in each of these countries, advertising did not counter the more general trend toward reduced consumption.

### 3.8. Summary

The main conclusions from the above mentioned research are, in part, as follows:

- There is evidence that a minority of young people are drinking at hazardous levels and that this has been the case for many years. There is also some evidence that there may be an increase in hazardous drinking recently. It would be very interesting to see the results of the 2002 survey but unfortunately they were not available at the time of writing of this report.

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<sup>28</sup> Messages in alcohol advertising targeted to youth. Sandra C Jones and Robert J Donovan Australian and New Zealand Journal of Public Health 2001 vol 25 no 2 pp126

<sup>29</sup> Personality characteristics ascribed to young women who drink alcohol Sandra C Jones and John R Rossiter, Drug and Alcohol Review June 2003 22, 117-123

<sup>30</sup> “Studying the effects of alcohol advertising on consumption” Alcohol Health and research world Vol. 20, No. 4 1996

<sup>31</sup> “Alcohol: No Ordinary Commodity” Oxford University Press 2003 Thomas Barbor, Raul Caetano, Sally Casswell etal p 174

<sup>32</sup> “Studying the effects of alcohol advertising on consumption” Alcohol Health and research world Vol. 20, No. 4 1996

<sup>33</sup> “Alcohol: No Ordinary Commodity” Oxford University Press 2003 Thomas Barbor, Raul Caetano, Sally Casswell etal p 174

- No clear evidence has been found that people are commencing drinking at a younger age now than has been the case in the past.
- When considering beverage types it is not clearly demonstrable that any single type of alcoholic beverage causes more harm than any other. It is clear that beverage preferences do change over time.
- Increased price of alcohol has shown to be associated with a decrease in alcohol related harm.
- In many countries per capita consumption has been dropping or stable over the last 10 years and increases in advertising have not been shown to reverse this trend.

This research suggests that there is a need to protect young people from alcohol, and that this need has existed in our community for some time. It also suggests that advertising controls alone will not solve the problem. Similarly, banning any one style of alcoholic beverage is unlikely to solve the problem.

## CHAPTER 4

### 4. Consultation

Obtaining an impression of the experience and knowledge of a cross-section of major stakeholders was an important part of this review process. Young people, community groups, researchers and industry groups all provided input to the review. Their views were considered as they offered their particular insights into issues as they impacted on them. These dispirit groups offered suggestions about how best to deal with the various issues involved. Meetings were held with youth groups, community groups, industry groups and researchers. In addition, advertisements were placed in newspapers and on the Department of Gaming and Racing's Website inviting written submissions from any interested group or person. (A full list of meetings attended and submissions received is included at appendix 4.)

It is important to state that in this chapter what the stakeholder groups had to say is reported without analysis. The review team have included the comments of the stakeholders in this chapter without judgement, comment or analysis to ensure that an unedited record of the views of all stakeholders is presented for consideration.

The views expressed are often expressions of personal experience, anecdotes and views presented without any empirical support and need to be appreciated and used as such.

Views are presented simply as voiced by each group, individuals have not been identified as a free and open expression of views was sought. Efforts were made to include all points raised during meetings and in submission, though it is possible that during a group discussion some points may not have been recorded and if this has occurred the review team apologises.

Comments on stakeholder views are provided in later chapters. Stakeholder views provide an essential source of information and are made all the more valuable by using them to prompt specific questions and searching for answers in the available research. This process was followed by the review team and the relevant research and analysis are presented later in this report.

#### 4.1. Young People

Several group discussions were held with young people from around the state. It was important to obtain input from young people to ensure that the review focused on issues relevant to them and that any resulting strategies were of use to, and understood by, them. A focus document for young people, based on the review's terms of reference, was prepared by the Commission for Children and Young People (Appendix 3). This document was used as a basis for discussion.

Meetings were held with the Commission for Children and Young People's Reference Group, a school group in western Sydney, an SRC group with members from approximately 20 schools on the NSW coast, and a council youth group from a regional centre in the south of NSW. The young people involved were from a range of backgrounds and aged from 12 to 21. The Young People's alcohol forum, held as a precursor to the Alcohol Summit, also provided valuable input to the review.

### **The real world "culture"**

Perhaps the most predominant idea that was repeated in all settings was that a large proportion of young people involved in the consultation stated that they will drink no matter what social, community, legal or parental restrictions and deterrents are in place.

They felt that drinking for a wide range of reasons including experimentation, fashion, enjoyment, escape and peer pressure was part of the youth culture.

The emphasis for any action would therefore, in the review team's perspective, practically, need to be placed on a range of harm minimisation initiatives.

### **Individual differences – one size does not fit all players**

The range of responses to any given issue highlighted the importance of individual differences. Any strategies introduced would need to be sensitive to the range of factors or influences that encourage young people to drink. For example, while advice against drinking to excess would stop one person from drinking the same advice may tempt another to drink excessively in a spirit of rebellion.

At one group meeting a 16 year old noted that a clear high alcohol content label would attract some people while a younger perhaps less experienced student saw the clear alcohol content information as a useful deterrent.

### **Clearer content labelling**

The value and importance of clearer content labelling of beverage containers was raised without prompts by most. People with experience of RTDs were aware of alcohol content, and the effects of various different beverages. Those with very little experience of RTDs were not aware that the alcohol content of many RTDs was as high as that of average regular beers (around 5%).

At one of the meetings the young people summarised their main suggestions by calling for clearer content labelling, specifically, clear marking of:

- Percentage of alcohol in the beverage,
- Number of standard drinks in the container and
- Type of alcohol contained in the beverage.

Some young people noted that a clearly marked high alcohol content would effectively encourage them to buy that product. These young people, however, already appeared to have a reasonable idea of alcohol contents and their potential effects.

Those young people very interested in drinking high alcohol content beverages already appeared to locate the information on the containers. Less experienced people, who may also be more wary of high alcohol content beverages, appeared to be less easily able to locate alcohol content information on product labels. Some of these people assumed that RTDs, because of their appearance, did not contain much alcohol.

### **Resealable caps**

The value of resealable caps was raised. The reasons being that drinkers can replace caps to protect against drink spiking and also to easily save part of a drink for later, avoiding rushed drinking. Some groups also expressed concern that young children may mistake alcoholic beverages for soft drinks in the family fridge leading to a suggestion that child proof lids be adopted as the standard for RTDs.

### **Education Campaigns**

Young people preferred information to be delivered by means other than brochures, eg forums etc. One boy stated that “you can’t expect us to read brochures.” Young people noted that they would prefer a presenter who had personal experience with alcohol related problems.

Most young people had already experienced some form of education with many feeling bored with this type of initiative stating that it was repetitive. It was thought to be unrealistic to expect kids to listen to a drinker tell them not to drink.

### **Warning labels and advertisements**

The value of shock style warning labels and advertisements was mentioned. An example of a shock type poster was the “pregnant bottle” ad prepared by the Central Coast Area Health Service for their Celebrating do it Safely Project. This ad was noted as being effective and eye catching.



It was felt that the problems associated with drinking to excess depicted in ads or warning labels should focus on negative outcomes for boys as well as those for girls.

### **Parental attitudes as explained by young people**

Parental attitudes described during consultation with young people varied from complete prohibition to parents who supply children with alcohol, reflecting the variety of parenting modes that exist in the wider community.

Points noted included:

- Some young people had the trust of their parents and valued this. The view was expressed that these young people were unlikely to drink to dangerously excessive levels.
- Conversely, young people who were strictly forbidden to drink alcohol were thought to have a higher chance of over drinking when they occasionally got the opportunity.
- Parents who supplied alcohol to their children in the hope of controlling their consumption did not seem to realise that the children were able to obtain alcohol from other sources as well.

### **Drink Driving**

A number of young people noted that their parents ignored their drinking until they got their drivers licence. Once the young people could drive the

most common attitude noted was that the parent simply wanted to know if the young person was drinking, so that they could pick them up. The main concern of the parents was that their child would not be put in danger by driving after drinking.

### **Peer Pressure**

Pressure on young people to fit in with the group was a significant factor in drinking. While some young people who met with the review team were non-drinkers and were happy to admit this; others were shy about admitting that they did not drink or drank very little. Those that drank heavily were either in an experimental stage, finding their limits, or had other issues to deal with.

One young woman who shared her experiences with the review team noted that she had started drinking with older siblings as young as 12, had drunk to the point of requiring hospitalisation on one occasion and while still being under 18 had decided herself that she should not drink beverages stronger than beer in future.

However, the norm seemed to be an initial experimentation phase followed by relatively low risk drinking.

### **Beverage Preference**

Beverage preference seemed to be controlled to a very large extent by cost and availability. Young people had a limited amount of money to spend on alcohol and stated that they would drink almost any beverage. The most commonly mentioned inexpensive beverage was cask wine.

Milk based drinks were noted as being only useful in some circumstances as they were too filling to drink enough of them to get drunk.

It was noted that parents who did supply alcohol to their children were unlikely to supply beverages such as full strength spirits but more likely to purchase products like RTDs. The reason for this appeared to be that the parents were concerned about young people drinking too much of a very strong beverage while supplying a total of perhaps 4 standard drinks were considered to be less harmful.

### **Advertising**

Young people did feel that some products were targeted at them and that the packaging of some products was designed for younger people rather than older adults. They did not seem as concerned about this as about products which may target the very young, say under 13 year olds.

A 12 year old girl at one of the meetings attended by the review team said "I don't drink but when I look at the bright colours of the bottles, I want one."

There was specific mention of the many alcohol advertisements on school buses. Advertising alcohol on school buses was felt to be inappropriate.

Some “special offers” were felt to be inappropriate. For example, a 16 year old boy mentioned that pizzas are very popular with young people and a pizza restaurant in his area offered discount beer vouchers with their pizzas.

A 15 year old girl noted that the offer of free lip gloss would be appealing to young girls, while an older working person might be less attracted to such an offer. She felt that offering free lip gloss with RTDs was inappropriate as it would attract young girls to these products.

The young people had been provided with the young people’s focus document so they had a workable idea of the Minister’s current powers to ban undesirable products and promotions. Most young people felt that the Minister’s current powers were adequate.

#### **4.2. Community Groups**

Meetings were held with the Salvation Army, Parents and Citizens, Teacher’s Federation and Country Women’s Association. Written submissions from various CDATs and individuals in the community were all considered. A list of meetings and submissions is at Appendix 4.

##### **Social Habits and Values**

The main point raised was that in a society where it is acceptable to drink it is difficult to encourage young people not to drink. The role of parents in encouraging young people not to drink was also felt to be very important.

One primary school teacher noted that many of his senior students (11 or 12 years of age) are provided with alcoholic beverages by their parents to take to parties on the weekend.

##### **Long Standing Problem**

It was also generally acknowledged that young people have always used alcohol and binge drinking was not a new phenomenon. Several young high school teachers noted that the drinking habits they saw in their students were very similar to those they practiced at a similar age. Members of a small town community group who were concerned about young people’s drinking in their area also noted that they had themselves had similar experiences in their youth.

The fear was expressed that the problem may be increasing. It was also proffered that young people are more open about discussing their use of alcohol than perhaps 10 or 30 years ago. This may lead to an increase in

awareness of the problem without necessarily any worsening of the problem.

### **Clearer Content Labelling**

After considering comments from all groups, it seems that among adults who do not drink RTD products, there is confusion about alcohol content. In addition to this issue, in a party situation, adults often have difficulty in differentiating between a soft drink or an alcoholic drink.

Many participants claimed that this problem is a direct result of the style of packaging currently popular for RTD beverages. The styles of packaging of soft drinks, sports drinks, and energy drinks were thought by many to be almost indistinguishable from RTDs. The small size of the alcohol content information made it of little help in differentiating these products on first glance, in crowded darkened rooms or from a distance.

Adults, particularly parents, in their role of assisting young people noted a need for clearer content labelling.

Clearer content labelling was also of particular concern for those taking medication that is not compatible with alcohol. There was concern that a person looking for a soft drink in a family fridge or esky at a party could easily mistake an alcoholic beverage for a soft drink.

### **Product Banning**

Some individuals raised the issue of banning all RTDs but there was not any real community support for this position. It was acknowledged that RTDs were a legitimate product that is also consumed by over 18s, young adults and beyond.

Concern about products that are perceived to blur the line between products for young people and alcoholic products was specifically expressed.

Banning of products similar to those already banned was supported. NCOSS noted in their submission that they would like to see community consultation included in the banning process.

As a result of comments made during meetings with community groups specific issues about the packaging of two alcoholic products have been raised with manufacturers.

### **Low alcohol RTD**

There was support for the introduction of a lower alcohol RTD product. The idea behind this was that young people that want to be seen to be fitting in could drink the lower alcohol product, which will be safer than the higher alcohol beverages currently available. The wine cooler type

products contain as little as 3.5% alcohol but may not be perceived as having the same fashionable image as some other beverages.

### **Price**

Increasing the price of RTDs was discussed. Some participants felt that if they were more expensive young people would be forced to drink less. The main concern with this strategy is that if RTDs become too expensive young people would resort to making their own mixes with concomitant problems of drinks containing large amounts of alcohol and little of the mixer eg half a bottle of vodka and a cup of orange juice.

The State Government has no control over pricing of beverages. The Federal Government, through the taxes it imposes, has some control over relative pricing of various beverages. Participants recognised that this was a complex area and difficult to use as a method to control/influence consumption habits.

### **Education**

There was general support for education initiatives, in particular to ensure that young women are aware that, in general, women's tolerance of alcohol is lower than for men. Support was also strong for shock style warning labels, similar to those used on cigarettes.

### **Marketing**

There was a strong concern that many of the RTDs are of particular appeal to young people. The colours of the packaging and the products themselves as seen through clear glass bottles, combined with the sweet taste of many of these beverages was seen as appealing to young people.

## **4.3. Researchers**

Discussions with members of research groups that work in alcohol related areas confirmed the existence of concerns about young people and drinking.

Paul Dillon, University of NSW, Drug and Alcohol Research Centre, noted particular concerns about ready to drink products, their appeal to young people and the need for further research in this area. Sandra Jones, Academic in Marketing, Wollongong University, noted her concerns about the effects of marketing on young people and how they view alcohol. Tanya Chikristzhs National Drug Research Institute, Curtin University of Technology, noted concerns for the drinking patterns of young women. Professor Ian McAllister, Australian National University, noted that rigorous research is important in identifying issues and the action that should be taken to counter any problems.

### **Age of Initiation**

Concern that young people in Australia are starting their drinking at an earlier age now was expressed by some, but not shared by all researchers.

### **Marketing**

There was a feeling that marketing of RTDs will appeal to underage drinkers and that more research should be done in this area. The issue they stressed was that material which appeals to an 18 year old will likely also appeal to a significant proportion of 16 and 17 year olds.

### **Gateway Products**

There are also fears that RTDs with their sweet taste and attractive packaging are acting as gateway products, enticing younger people, who would not drink beer or straight spirits, to drink alcoholic beverages. The lack of research about RTDs as gateway products to other alcoholic products perceived to be more traditional such as beer, spirits and wine was noted.

The Federal Government have recently agreed to fund research by the National Drug and Alcohol Research Centre which will examine the age dependence of taste preference in beverages. The outcomes of this research will be very useful in assessing any role that RTDs may play as gateway products.

### **Clearer Content Labelling**

On the issue of clearer content labelling, it was felt that young people know the various beverages and their relative strengths but many adults do not.

### **Education**

The need for more advertising/education about the difference in tolerance to alcohol between men and women was noted. Many things are changing in our society and women may feel they can/should drink as much as men. There was a feeling that young women may not be aware that, in general, men can safely drink a larger volume of alcohol than women.

### **More Research**

The areas in which more research is needed were discussed and include beverage preference, age of initiation, effects of marketing on young people and including even younger people in studies.

#### 4.4. Industry

Meetings were held with the Distilled Spirits Industry Council (DSICA) and submissions were received from a range of industry groups both manufacturers and retailers (appendix 3).

##### **Support for Current Arrangements**

The industry feedback could be summarised by saying that they feel current arrangements are the best available. They feel that self regulation is the most viable and cost effective system and that the current regulatory system is working effectively. For the purposes of the *Liquor Act 1982*, they do support the preparation of a clear set of guidelines about what would constitute an undesirable product.

##### **Community**

They feel that the problem of youth drinking is due to a large range of societal factors and that it cannot be addressed by simply blaming one type of alcoholic product. The role of parents in supervising and guiding young people was stressed as important.

##### **Marketing**

Industry representatives state that they do not target underage drinkers and that they do not do any research on underage drinkers. Their business is to supply the alcoholic beverages to people over 18 as essentially the market dictates.

##### **Product Banning**

Industry groups noted their support for the banning of the products which have been banned in NSW under the current provisions of the *Liquor Act 1982*.

##### **Clearer Content Labelling**

DSICA feels that current labelling is adequate and there should be no compulsory changes. DSICA also state that one of its member companies, Diageo, has voluntarily introduced a clearer content labelling initiative on its products and made the labelling available to other companies in the liquor industry.

The Liquor Stores Association (LSA) submission included a survey of its members. Comments included suggestions that clearer content labelling would be a good idea. There was a specific suggestion that any products that may be confusing display, prominently positioned on the label, "THIS PRODUCT CONTAINS ALCHOL".

## **Education**

Most industry groups indicated that they would support the idea of more education campaigns to assist adults and young people in assessing the products they are consuming and to understand the relevant laws.

## **Secondary Supply**

The idea that there is a need for more control of secondary supply of alcohol to under age people was commonly expressed together with the idea that parental control is an important and relevant issue and should receive a higher community priority.

### **4.5. Conclusion**

There were many issues noted as of importance by most stakeholder groups with some obvious variety in opinion and responses.

Concerns included the proportion of young people drinking, the amount drunk and the possibility that harmful drinking among young people was a worsening problem in our community. The important issues mentioned include clearer content labelling, general society attitudes, warning labels, education, parental attitudes, beverage preference, marketing, price, product banning and the need for further research.

## CHAPTER 5

### 5. How Can These Problems be Addressed?

What can be done to decrease underage drinking, both in terms of the number of young people drinking and the proportion drinking at hazardous levels?

To begin the task of finding solutions to these conundrums a number of possible strategies are considered.

It has been the case for many years that a proportion of young people, both under and over 18 years of age, drink alcohol. It is likely that this will remain so for some time. Given this social reality it is important to consider any strategies that may assist in minimising the harm resulting from young people drinking, especially those on the cusp of drinking irresponsibly.

It is difficult to measure the outcomes of individual initiatives and strategies. Certain programs are effective for some but may not help others. It is always more likely that a suite of measures will be the best way forward.

The terms of reference focused on the Minister's powers under the *Liquor Act 1982* and *Registered Clubs Act 1976* to ban undesirable liquor products. The general feeling of stakeholders was that these powers are adequate and that any further powers would be unnecessary and may lead towards measures that overtly affect industry and the liberty of responsible citizens. The existing provisions are, however, perhaps under utilised which may imply that an education campaign to increase stakeholder awareness may be needed.

As expressed, during the consultation process a number of issues that were on the periphery of, but in various ways linked with, the terms of reference were raised with and followed up by the review team. Some of these issues were so relevant and commonly noted that the review team felt they needed to be included in this report as they complemented the material directly related to the terms of reference and offered greater insight into the problems at hand, and potential solutions.

#### 5.1. Marketing controls

Marketing covers all activities involved in promoting and selling products, including packaging design, market research etc.

Advertising is one aspect of marketing and in some jurisdictions it is dealt with by separate standards and regulations while packaging is dealt with elsewhere. This is the case in Australia.

In Australia, alcoholic beverage advertisements are covered by a self regulatory system using the same code as any other advertising and also

by the Alcoholic Beverages Advertising Code (ABAC). Complaints can be directed to the Advertising Standards Board (ASB) and where these complaints concern alcohol advertising they can be passed to the Alcohol Beverages Advertising Code adjudication panel. (Appendix 5)

Advertising policies and all their ramifications are currently being examined nationally by the Ministerial Council on Drug Strategy. Accordingly, such issues are not dealt with in this review, while their importance is noted.

### **Marketing**

In Australia, the National Alcohol Beverage Industry Council's Guidelines on Naming Packaging and Promotion of Alcohol Beverages covers some aspects of marketing that are not covered by the advertising codes. (The code was put in place in 1997 by the National Alcohol Industries Council Incorporated, a forum for the producer, wholesalers and retailers of alcohol beverages in Australia with members including Australian Associated Brewers Inc., Australian Hotels Association and DSICA. The document was published but never publicised and no complaints have been made to prompt explicit use of the code. It is understood that issues with the Federal Trade Practices Act and administrative problems lead to limited work being done on this code.) The code covers naming packaging and merchandising of alcohol beverages. It is entirely voluntary and basically requires that labels, graphics, artwork brand names, packaging, containers and other marketing material and techniques should not:

- have special appeal to minors,
- lead to confusion with confectionery or soft drinks,
- lead to any confusion as to the alcohol nature and strength of the product, draw any association with drug culture or illegal drugs,
- encourage irresponsible drinking,
- suggest sexual success or
- encourage antisocial behaviour.

Similar codes exist in other countries, eg the Portman Group's code in the United Kingdom, the Code of Responsible Practices for Beverage Alcohol Advertising and Marketing in the United States. These codes all have many similarities with the Australian Code.

This is not surprising as the codes outlined all address similar issues aimed at ensuring that alcoholic beverages are not marketed to underage drinkers, or in such a way as to encourage irresponsible use of alcohol. This can be achieved by introducing checks, such as establishing a group to review complaints against inappropriate products introduced to the

market. This will allow the identification and public notification of inappropriate products.

In some established systems in other jurisdictions complaints are often made quickly by other industry groups. The requirements of the codes may be voluntary or enforced in some way for example by requiring that retailers not stock identified inappropriate products and fining those that retain such products.

Despite these codes community concern about marketing persists as indicated in the press and elsewhere. Typical concerns about marketing alcohol to young people are expressed in a recent paper by Margaret Jackson et al, which notes that there has been a growth in the value that youth culture attaches to brand labels and symbols.<sup>34</sup> Jackson points out the alcohol industry in the UK has, in her view, responded to this by designing alcoholic beverages that appeal to young people. Jackson argues that further research is needed to establish current industry practice and to enable an effective system for monitoring.

Recommendation 1.13 from the Summit suggest that a retailer alerts system be developed for Australian retailers highlighting breaches of the code and encouraging retailers to remove offending products from sale until the breaches of the code are rectified. This recommendation has been supported and will be followed up as one of the summit outcomes.

This review has concentrated on the specifics of how the New South Wales Government can ensure that packaging and marketing techniques are appropriate. Specifically to ensure that they are not utilised in a manner that may exploit the particular cultural attitudes of young people, especially those under the legal drinking age.

### **Existing New South Wales Provisions**

At present, section 117I of the *Liquor Act 1982* contains a regulation making power which enables the Minister to declare a specified liquor product, or class of liquor products, to be an 'undesirable liquor product'. Such a declaration may only be made if, in the opinion of the Minister:

- (a) designs, motifs or characters on the packaging are likely to be attractive to minors;
- (b) the products are likely to be confused with soft drinks or confectionery;
- (c) the products are likely to have a special appeal to minors.

Section 117J of the *Liquor Act 1982* provides that an order may be made which prohibits the sale of an 'undesirable liquor product. (see Appendix 1)

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<sup>34</sup> "Marketing alcohol to young people: implications for industry regulation and research policy" Margaret C Jackson et al *Addiction* (2000) 95 (Supplement 4), S597-S608

The *Registered Clubs Act 1976* also contains similar provisions at Sections 57C and 57D.

## **Conclusion**

The review team concluded that the Minister's current powers are adequate and that the banning of products that has occurred to date has been supported by both the community and industry. The possibility of producing guidelines to make it very clear what types of products are unacceptable could be further discussed with stakeholders. The promotion of the existing legislation to encourage community input to the banning process should be considered to ensure that the government is quickly made aware of inappropriate promotions and products in the market place.

## **5.2. Education**

Providing education programs is often recommended as the best course of action when dealing with youth drinking problems. Members of every major stakeholder group mentioned education programs during the consultation process. The types of programs suggested included traditional school education about alcohol, advertising, education for parents and education for any person that may consider supplying alcohol to underage people.

There are already quite a number of education initiatives in place from school courses to advertising to educational web sites. In NSW Drug education, which covers alcohol and other drugs, is currently taught in every NSW government primary and secondary school from kindergarten to year 10 and is also a major focus in the Crossroads course for students in years 11 and 12. The Personal Development Health and Physical Education (PDHPE) syllabuses provide the curriculum context for drug education.<sup>35</sup>

### **A review of education campaigns by Barbor et al**

In a study of the efficacy of education campaigns Barbor et al<sup>36</sup> note that there is a large number of education programs, many of which have not been properly evaluated to assess their success in achieving their goals. These programs include:

- School based programs of various types,
- Counter advertising and
- The promotion of drinking guidelines.

From an analysis of education programs, where evaluation data is available, they conclude that there is not adequate basis for

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<sup>35</sup> [www.schools.nsw.edu.au](http://www.schools.nsw.edu.au)

<sup>36</sup> "Alcohol: No Ordinary Commodity" Oxford University Press 2003 Thomas Barbor, Raul Caetano, Sally Casswell et al p 189-203

recommending expansion of efforts in the area of education. The evaluations show the impact of education programs to be small at best and most effects do not persist.

Barbour et al proceed to outline the main issues with the various types of education approaches.

The main problem with counter advertising is likely to be that the budget for such counter advertising will be much lower than the budget for alcohol advertisements resulting in lower quality ads which will be less well placed and appear less frequently.

Publicising low risk drinking guidelines is another often used strategy. The NHMRC guidelines in Australia reproduced in Chapter 2 of this report are an example of this. The idea is that health benefits can be associated with moderate drinking while problems result from excessive drinking and guidelines may offer assistance to people in deciding how much to drink. There is little research on the impact of these messages and it is unclear whether such messages would decrease or increase alcohol consumption. It is possible, for example, that some non-drinkers may decide to commence drinking in the hope of gaining some health benefit.

School based programs use a variety of approaches. Providing information may actually increase drinking among some young people. Affective programs, which seek to clarify values, self-esteem and general social skills, have also shown no evidence of decreasing drinking. Providing alternative activities to drinking, which has been suggested by many groups, has also not proven to be effective in reducing drinking. Helping students to improve their resistance skills seems to be, at best, effective in the short term. Alternatively, normative education approaches, where students are provided with objective information on the drinking practices of their peers, to counter the sensational claims and focus on extremes common in the media, has reported some behavioural changes.

### **An example of an Australian School based program**

One school based program has recently been trialed and evaluated in Australia with promising outcomes.<sup>37</sup> This program was conducted over a 2 year period and evaluations of the effects were conducted at 8, 20 and 32 months after the base line. The comparison group was given the normal school alcohol related education, which also includes some harm minimisation training. The evaluation showed not only increased knowledge but also a reduction in alcohol related harm to the participants of the McBride course. The two groups were converging on most measures at the last evaluation (32 months). The evaluation was positive however finding time and resources to expand this program into a

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<sup>37</sup> Harm minimization in school drug education: final results of the School Health and Alcohol Harm Reduction Project (SHAHRP) N McBride, F Farrington, R Midford, L Meuleners and M Phillips *Addiction*, 99,278-291, 2004

stretched school system may be difficult. One suggestion is that schools may be able to choose to introduce programs that meet the needs of students in their local area.<sup>38</sup>

### **Throne Magazine**

An example of a project aimed at increasing awareness of potential for alcohol related harm specifically for young women is the Throne magazine produced by a group of teenage girls in the Blue Mountains (supported by the Western Sydney Drug and Alcohol Resource Centre). The magazine addresses the negative impacts of alcohol use and is freely available over the internet, [www.wesdarc.org.au](http://www.wesdarc.org.au).

The confines of this review preclude a wider examination of available programs.

In conclusion, there is a range of educational approaches available which have been used with mixed results. The case for any specific education campaign would have to be carefully examined and procedures for evaluation of the campaign established before proceeding with any new, expensive community or school based education initiatives. Staff resources remain a vexed issue.

### **5.3. Parental attitudes**

Nearly all stakeholders that contributed to the review raised the fundamental role of parents in assisting children to avoid the harmful effects of alcohol abuse.

A number of studies have examined the role of parental attitude in determining drinking practices with a range of outcomes. For example, Kuther and Higgins-D'Alessandro<sup>39</sup> studied late high school and college students in the USA. Their findings showed that parental attitudes were significant predictors of alcohol consumption for college students but not for the high school students. A recent Dutch study showed that children whose parents forbade or discouraged alcohol use were at lower risk of early onset of alcohol use.<sup>40</sup>

Plant and Miller,<sup>41</sup> after examining the results of the 1999 European School Survey Project on Alcohol and other Drugs (ESPAD) made the following observation:

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<sup>38</sup> Commentaries on McBride et al L Hill et al *Addiction*, 99,292-298, 2004

<sup>39</sup> "Attitudinal and Normative Predictors of Alcohol Use by Older Adolescents and Young Adults" T Kuther, A Higgins-D'Alessandro *J. Drug Education* 33(1) 71-90, 2003

<sup>40</sup> "Progress from a first drink to first intoxication: age of onset, time-windows and risk factors in a Dutch national sample of secondary school students" K Monshouwer, F Smit, W De Zwart, I Spruit, E Van Ameiden *Journal of Substance Abuse* (September 2003) 8(3), 155-163

<sup>41</sup> "Young People and Alcohol: An International Insight" M Plant and P Miller *Alcohol and Alcoholism* Vol. 36, No. 6, pp513-515, 2001

“...countries in which teenagers drink less and with fewer problems are those in which parents typically teach their children to drink from an early age within the context of a controlled home environment. This may be a powerful way of ensuring that the young learn to drink in a moderate and sensible manner. Even so, it should be emphasized that drinking styles are the result of centuries of tradition and are influenced by a host of subtle and powerful social and psychological factors. In short, it may prove difficult to ‘export’ drinking styles, at least in the short-term. It is also a problem that in some countries in which youthful heavy drinking is widespread (such as Ireland and the UK), many adults strongly believe that it is wrong to teach children to drink. The consequence of this appears to be that they will drink anyway, though often in risky situations and without constraint.”

The results of the 1999 Australian Secondary Students use of Alcohol Survey indicate that, while young people access alcohol by various means, parents were the most common source of alcohol for 12-17 year olds. 38% of boys and 32% of girls indicated that their parents gave them their last drink. The same survey showed that the most common locations at which alcohol was consumed was at home, a party or a friends home.

This evidence certainly supports the clear importance of the parental role in helping young people to learn to properly use alcohol.

Discussions with both young people and parents highlighted the difficulties faced by both groups in this area. It remains clear that this is a very important area and parents need to be encouraged to keep trying to help their children to negotiate problems associated with alcohol use.

The importance of parents was also discussed at the Summit. The outcomes of the Summit<sup>42</sup> included many initiatives to improve assistance to parents including:

- Department of Community Services research on improving support for parents and carers.
- Department of Gaming and Racing information leaflets.
- NSW Health information and education program for Aboriginal families and carers of people with an alcohol or drug problem.
- Materials for non-English speaking background parents and students at school entry and transition to high school education.
- A new primary school ‘big book’ kit on alcohol issues, including parent materials.
- Expansion of Schools as Community Centres.
- Information for parents through the school system.

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<sup>42</sup> *“Outcome of the NSW Summit on Alcohol Abuse 2003: Changing the Culture of Alcohol Use in New South Wales” Published by the New South Wales Government May 2004, ISBN 0 7313 5424 9*

- The Commission for Children and Young People will research and produce an information sheet on young people and alcohol use as part of its *Ask the children* series.

This issue is of such importance that the review chair has discussed it in her letter to the Minister accompanying this report.

#### 5.4. Warning labels

During the consultation process several groups suggested that warning labels on alcoholic products packaging may assist in reducing the problems of young people drinking.

In other jurisdictions warning labels on packaging of alcohol have already been used in an attempt to reduce harmful drinking.

In the United States compulsory warning labels on alcoholic beverage containers were introduced in 1989 and several studies have been conducted on the results. There is some evidence to suggest that users of alcoholic products do recall the warning labels' messages but this recall does not result in reduced drinking.<sup>43 44</sup>

In 1998 The Australia New Zealand Food Authority (now known as Food Standards Australia New Zealand) received an application from the Society Without Alcoholic Trauma (SWAT) to make the inclusion of a particular warning label on alcoholic beverages compulsory, through the food standards code. The application was not successful for a range of reasons, including that research did not indicate that warning labels would lead to a reduction in the negative outcomes of alcohol abuse.

It seems that this strategy is unlikely, in isolation, to be effective in achieving any reduction in youth drinking.

#### 5.5. Clearer content labels

Clearer content labels were requested by many groups during consultation.

The increase in the popularity and range of RTD type beverages and the style of packaging used for soft drinks, energy and sports drinks currently on the market makes this issue of importance today. Similar containers and label styles are used for all drinks and products tend to change frequently to provide consumers with variety choice and novelty in drink

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<sup>43</sup> "Alcohol: No Ordinary Commodity" Oxford University Press 2003 Thomas Barbor, Raul Caetano, Sally Casswell et al p192

<sup>44</sup> "Longitudinal Relationship between the Alcohol Warning Label and Alcohol Consumption" Journal of Studies on Alcohol March 2001, 62:221-227, 2001 David MacKinnon, Liva Nohre, Jeewond Cheong, Alan Stacy, Mary Ann Pentz

products. This means that it is likely at any given time there will be a range of new drinks, both alcoholic and non-alcoholic, on the market that few consumers are familiar with.

Labelling on alcoholic products is regulated by the Food Standards Australia New Zealand which administers the Food Standards Code. Currently alcoholic beverages are required to be labelled with the percentage of alcohol and also the number of standard drinks in the container. The groups consulted felt that the labels are often very small and not in a prominent position on the containers.

If change is desired then there is a lengthy formal process to be followed to request changes to the food standards code.

A recent UK report on alcohol harm reduction strategies examined the issue of alcohol labelling and determined the best approach in their situation was to encourage clear content labelling of alcohol content but not to enforce this requirement at this time.<sup>45</sup>

In the USA there are some requirements for labelling of alcoholic content and these vary for different types of alcoholic beverages in different states. As an example of one of the labelling requirements wine with an alcohol content of more than 14% must have the alcohol content on the label while wine with a lower alcohol content can either state the alcohol content or label the wine as a "light" or "table" wine.<sup>46</sup>

The review team, taking into account the consultation, feel that a voluntary practice would be advantageous. It is noted that one company, DIAGEO, have commenced a voluntary relabelling of their products to include a large clear symbol stating the number of standard drinks in the container.



DIAGEO have also indicated that they would make this symbol available to any other company that wishes to be involved in this initiative. The

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<sup>45</sup> Alcohol Harm Reduction Strategy for England, Cabinet Office, Prime Minister's Strategy Unit, March 2004, [www.strategy.gov.uk](http://www.strategy.gov.uk)

<sup>46</sup> Alcohol Marketing and Advertising, A report to congress September 2003 [www.ftc.gov](http://www.ftc.gov)

review team feels that this is a positive step and should be utilized by all manufacturers.

## 5.6. Lids

Many groups noted that they preferred to use RTDs with resealable lids to minimise the risk of drink spiking and also for the convenience of drinking as much of a bottle as desired with out waste due to spillage. The evidence supporting the danger of drink spiking is limited at this time, though there may be under reporting on this issue. There are obvious difficulties in obtaining data in this area because victims may not be able to access help and testing until after the effects of drugs have worn off and they may also not wish to report incidents to avoid distress. Nevertheless, there is strong support from community and young people's groups in particular for resealable caps on beverages. This is an issue well worth raising with industry. There would appear to be no problem resulting from these types of caps.

Safety childproof lids for drinks were suggested by some groups. The concern was that young children may mistake RTDs in the family fridge for soft drinks with resultant problems. Hospital admissions data available at this time shows no evidence that this is a large problem. It is suggested that a watching brief be placed on this issue so that child proof lids could be reconsidered should evidence supporting this action become available.<sup>47</sup>

The review team recommend that consultation with the industry be commenced to consider the adoption of resealable lids as a standard on all RTDs as a security measure against drink spiking and also to allow people the opportunity to slowly consume a drink.

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<sup>47</sup> unpublished data supplied by the National Drug Research Institute

## CHAPTER 6

### 6. Conclusion

After considering the issues raised during the consultation process and examining the available research, it is clear that there are concerns in the community about young people's drinking. The empirical evidence available confirms that a minority of young people are indeed drinking and at levels that would be expected to lead to increased risk. (The Secondary Students use of Alcohol Survey in 1999 estimated that approximately 18% of 16-17 year old school students drank at a hazardous level). This is not just a contemporary phenomenon, the evidence suggests that this has been the case for decades. The issue has been of concern in NSW for some time, and also in other similar jurisdictions. This means that experience gained in the past, both here and elsewhere, can be used to inform the outcome of this review.

The community recognises that many of the beverages which are used by underage drinkers are also used by legal age drinkers. Therefore, the community would not support the banning of these products, provided they are marketed appropriately.

There is continued support for the banning of novelty style products that manifest a particular appeal to children and any inappropriately marketed products. The consultation process clearly revealed that the Minister has the support of all stakeholder groups to continue to ban undesirable products through the use of existing legislation.

The current legislation provides the Minister with the scope to ban inappropriate products based on their appeal to young people. To date, all stakeholders have expressed support of the Minister's actions in banning certain products and, as outlined, feel that the existing legislation is adequate for current circumstances.

The Director's power to ban inappropriate promotions is currently under utilised.

There may be a need to increase awareness of the existing legislation and improve stakeholder input to the government to enable more use to be made of these provisions.

The development of a set of guidelines to assist manufacturers, retailers and the community in assessing the suitability of a product or potential product is a possibility. Alternatively, the current legislation together with the examples of products already banned here and in other jurisdictions could be used as guides to manufacturers and retailers. Some support exists for increasing community input into the product banning process. Certain groups expressed concern that guidelines could become a limitation removing the Minister's current flexibility. The issue of guidelines should be subject to further industry and community consultation.

There may be potential to expand the awareness of and use of the existing NABIC code.

The consultation process indicated that awareness levels of the potential problems associated with alcohol abuse are already high in the community, the challenge is to find ways of encouraging people to change or re-think risky behaviours. Evaluation of education campaigns has shown mixed results indicating that any new campaigns would need to be very carefully designed, constructed and evaluated.

Education about alcohol use and the problems associated with alcohol abuse is already in place in schools and through other strategies such as advertising, for example the dangers of drink driving. Evaluations of these types of programs show mixed results, with awareness of issues commonly being raised, while changes to behaviour acknowledged as being difficult to achieve. Any expensive extensions of education programs or community targeted information strategies would need to be carefully considered.

Warning labels are often suggested as an appropriate strategy to assist in informing the public. However, evaluations of their effectiveness in changing behaviour show that they may be less useful than hoped. For this reason the review team does not recommend enforcing compulsory warning labels on alcoholic beverages at this time. Nevertheless, it would prefer to keep the option open, in case, a carefully targeted warning process can be developed.

Discussions with both young people and parents highlighted the difficulties faced by both groups when considering how to deal with alcohol related problems. It remains clear that parents need to keep trying to help their children to negotiate problems associated with alcohol use. The parental role remains fundamental to success in helping young people to drink moderately. The review team ponders the possibility of community education programs directed in this area. Any new work in this area should, of course, be coordinated with the work already commenced as a result of the Summit and work underway by the Federal Government.

The review team is of the view that the role of parents in supervising/assisting their children to learn to use alcohol appropriately is very important and can not be replaced by education or regulation. Debate on this issue is to be encouraged and any strategies that can offer assistance to parents in this vital role should be considered.

While there is only anecdotal evidence available at this time, it has been suggested that some people are having difficulty in differentiating between soft drinks and alcoholic beverages.

The review team supports the introduction of clearer content labelling, such as that commenced by DIAGEO. As the packaging of RTD products has become, in recent times, very similar in style to the packaging of soft drinks, sports drinks and energy drinks this issue may need to be re-examined in the future. It is

hoped that the voluntary introduction of a clear content label, similar to the DIAGEO concept, on alcoholic products will help to eliminate this confusion.

## Acknowledgements

Thanks go to all the individuals and groups that provided submissions to the review team or discussed the relevant issues with them.

Discussions with researchers in alcohol related areas have been invaluable. Special thanks go to the National Drug Research Institute for their work providing data.

Industry groups have provided valuable input which has been much appreciated. DSICA in particular have made their staff available for discussions and also facilitated meetings with relevant organizations with in Australia and from over seas.

Community groups have also very generously contributed their time and knowledge to assist in the review process.

Thanks especially to the young people who made themselves available to share their own experiences and ideas with the review team. Their openness and intelligence has been essential in this review process and is very much appreciated.

## APPENDICES

## APPENDIX 1 LEGISLATION

### Liquor Act 1982 – Sect 117I

#### Sale of undesirable liquor products

#### 117I Sale of undesirable liquor products

- 1) The regulations may declare a specified liquor product or class of liquor products to be an undesirable liquor product.
- 2) The licensee is guilty of an offence if any such product is sold or supplied on licensed premises to any person.

Maximum penalty: 50 penalty units.

- 3) The Minister may recommend the making of a regulation under this section only if, in the opinion of the Minister:
  - a) designs, motifs or characters on the packaging of the liquor products concerned are of such a kind that the products are, or are likely to be, attractive to minors, or
  - b) the products are likely, for any reason to be confused with soft drinks or confectionery, or
  - c) the products, for any other reason, have or are likely to have a special appeal to minors.
- 4) The Minister must, before recommending the making of a regulation under this section, consult with relevant liquor industry representatives and the manufacturer of any liquor product proposed to be prescribed (where the manufacturer is known to the Minister).
- 5) The validity of a regulation under this section is not affected by any want of compliance with subsection (3) or (4).

## **Liquor Act 1982 – Sect 117J**

### **Director may prohibit undesirable promotion of liquor**

#### **117J Director may prohibit undesirable promotion of liquor**

- 1) The Director may, by order in writing served on a licensee, prohibit the licensee from carrying on or being involved in an activity involving the promotion of liquor described in the order if the Director considers:
  - a) that the promotion is likely to have a special appeal to minors:
    - i. because of the use of designs, motifs or characters in the promotion that are, or are likely to be, attractive to minors, or
    - ii. for any other reason, and
  - b) that it is desirable in the public interest to prohibit the carrying on of or involvement in the activity.
- 2) Before making an order under this section, the Director must have regard to any relevant guidelines concerning the making of orders or the promotion of liquor approved by the Minister for the purposes of this section.
- 3) A licensee who, without reasonable excuse, fails to comply with an order under this section is guilty of an offence.

Maximum penalty: 50 penalty units.

## **Liquor Regulation 1996 – Sect 86D**

### **Sale of undesirable liquor products**

#### **86D Sale of undesirable liquor products**

- 1) For the purposes of section 117I of the Act, the following are declared to be undesirable liquor products:
  - a) alcoholic iceblock – a product that is sold in an individual package or individual packages for consumption in frozen form and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
  - b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
  - c) any milk product that is sold or supplied under a name that consists of, or includes, the words “Moo Joose” and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume.
  - d) any alcoholic vapour that is sold or supplied for consumption in that form.
- 2) In subclause (1) (c), “milk product” includes any product made from reconstituted milk (that is, any substance in the nature of milk that has been prepared from milk concentrate or milk powder).

## APPENDIX 2 TERMS OF REFERENCE

The aim of the review is to address concerns raised at the Government's recent Summit on Alcohol Abuse relating to the marketing of alcoholic beverages that may target young people. Relevant submissions to the Summit will be used as reference material for this review.

The review will focus on sections 117I and 117J of the *Liquor Act 1982* and sections 57C and 57D of the *Registered Clubs Act 1976*. These sections provide the Minister with power to ban undesirable products/promotions that may reach the New South Wales market. Products/promotions can be banned under the conditions described in the Act.

Advertising is currently being reviewed by the Ministerial Council on Drug Strategy and will not be covered by this review.

The Minister invites submissions with reference to the existing legislation as to whether this legislation is:-

- i. Adequate and suitable protection for minors and young people who may find certain types and styles of packaging/promotions of alcoholic beverages as an inducement to drinking (if under age) or to excessive consumption (if legal age).
- ii. As presented, a satisfactory balance between the need to protect minors and young people and allowing the industry to effectively promote the benefits of their products.
- iii. In need of review or being expanded to ensure that packaging techniques do not create confusion between alcoholic and non-alcoholic drinks especially as it relates to minors and young people.
- iv. Providing clear and sufficient instructions to both industry and consumers.
- v. In need of presenting other issues that should be covered in such enabling guidelines, eg product information.

Comments relating to the need for further research required to assist the community/Government to ascertain whether particular beverages, their content, packaging and marketing, are potentially detrimental to young people are also invited.

## APPENDIX 3 FOCUS DOCUMENT FOR YOUNG PEOPLE

### Review of Law – Undesirable Alcoholic Products

#### Background

The NSW Government hosted a Summit on Alcohol Abuse from 26-29 August 2003. Many of the issues raised at the Summit related to young people and how alcohol abuse harms young people, their families, friends and the community.

Some of the issues discussed at the Summit were about how alcohol is marketed or advertised.

Currently, there are laws that enable the Minister to ban an alcoholic product that he/she feels is targeted at or likely to be attractive to minors (young people under 18 years of age). The Minister may consider banning the product if:

- The packaging has designs, patterns, logos, or images that would make the product attractive to young people.
- Young people are likely to confuse the alcoholic drink with soft drink or confectionary.
- The product, for any other reason, has or is likely to have special appeal to young people.

In the past, the Minister has used the law to ban the following alcoholic products because they were considered appealing to young people:

- Alcoholic iceblocks
- Alcoholic aerosol spray cans and mouth sprays
- Some alcoholic milk beverages eg “Moo Joose”.

#### Reviewing this Law

A review of this law is being undertaken by the government. This means that the government would like to re-consider whether the law is balancing the need to protect young people and allow the industry to market alcoholic products. Different groups in the community are being asked to provide their ideas and opinions in regard to how effective they think this law is.

#### For you to Consider

1. Do you think the banned products above are appealing to young people? Why/why not?

2. Which different alcoholic products appeal most to young males and which appeal most to young females?
3. If the products were not banned, do you think some young people might be drinking more?
4. Why might young people prefer to drink the banned products over products such as beer or spirits?
5. Do you think banning products that may be appealing to young people reduces the harm they could experience?
6. Does the way alcohol is packaged create confusion between alcoholic and non-alcoholic drinks for young people?
7. If so, what should be done to make sure young people can clearly differentiate between alcoholic and non-alcoholic drinks?
8. Do you think the law balances the need to protect young people and allow the liquor industry to promote their products?
9. Do you think the law sends the right message to the liquor industry? Or should they have more specific rules/instructions about what packaging to use and what products to make?
10. Should more research be undertaken into whether different alcoholic products, their packaging, and marketing tactics are a negative influence for young people?

## APPENDIX 4 CONSULTATION

Meetings were held with:

### **Young People's Groups**

- ★ CCYP's young people's reference group
- ★ Albury Youth Group
- ★ Gosford area Student Representative Council
- ★ Eagle Vale High School

### **Researchers**

- ★ Paul Dillon, University of NSW, Drug and Alcohol Research Centre
- ★ Sandra Jones, Academic in Marketing, Wollongong University
- ★ Professor Ian McAlister, Australian National University

### **Community and Government Stakeholders**

- ★ Yvonne Korn, Premier's Department, CDATs
- ★ CWA
- ★ Salvation Army
- ★ Wyong Teachers' Federation
- ★ Culcairn CDAT
- ★ Parents and Citizens representatives
- ★ Federal Department of Health

### **Industry Groups**

- ★ Swallo Vodka Jel Manufacturers
- ★ LMA and DSICA
- ★ Glen Wiggs, CEO of the NZ Advertising Standards Authority and Jeremy Irwin, Executive Director of ANZA (Association of New Zealand Advertisers)

Fourteen **written submissions** to the review have been received from:

- ★ Thomas Klein, Youth Liaison Officer, Oxley Local Area Command
- ★ Country Women's Association
- ★ Clubs NSW
- ★ Liquor Stores Association

- ★ Liquor Merchants Association
- ★ Susan Russell
- ★ NCOSS
- ★ Killarney Vale Bateau Bay Tumbi Umbi Community Building Network –  
Incorporating KBT CDAT
- ★ ADF, Geoff Munro
- ★ AHA
- ★ Illawarra Region Community Drug Action Teams
- ★ Clarence Valley Community Drug Action Team
- ★ Australian Consumers' Association
- ★ Senator Lyn Allison and Dr Arthur Chesterfield Evans
- ★ Goulburn CDAT, Susan Harris
- ★ John Watts for Dubbo Youth Council
- ★ DSICA

## APPENDIX 5 ADVERTISING CONTROLS

In Australia alcoholic beverage advertisements are covered by a self regulatory system using the same code as any other advertising and also by the Alcoholic Beverages Advertising Code (ABAC). Complaints can be directed to the Advertising Standards Board (ASB) and where these complaints concern alcohol advertising they can be passed to the Alcohol Beverages Advertising Code adjudication panel. Appendix 5)

Since the establishment of the ASB in 1998, 361 complaints have been received about a total of 48 different alcohol advertisements. None of these 361 complaints have been upheld.

The ABAC adjudication panel was also formed in 1998 and between 1998 and 2003 heard 20 complaints, five of which were upheld. A pre-vetting system has been in place for alcohol advertisements since 1992. To 2003 a total of 1388 advertisements were pre-vetted with approximately 10 per cent rejected. (Report to the Ministerial Council on Drug Strategy, Review of the Self-Regulatory System for Alcohol Advertising, by the National Committee for the Review of Alcohol Advertising, August 2003 [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)).

In a recent paper Jones and Donovan discuss the results of complaints against advertisements as determined by the Advertising Standards Board and compares these determinations with determinations made by two alternative panels, one of expert judges and one of university students. Care was taken to choose alternative panels that were not biased against alcohol advertising. The two alternative panels found breaches of the codes of practice in the majority of the nine advertisements they examined while the same nine advertisements were all judged acceptable by the Advertising Standards Board. The paper notes the importance of objectivity and expertise in judging advertisements. (Self-regulation of alcohol advertising: is it working for Australia? Sandra C Jones and Robert J Donovan, journal of Public Affairs August 2002; Vol.2 No. 3 2002 pp153-165).

### **Ministerial Council on Drug Strategy**

The Ministerial Council on Drug Strategy (MCDS) brings together Australian Government, State and Territory Ministers responsible for health and law enforcement to collectively determine national policies and programs to reduce the harm caused by drugs. The MCDS ensures that Australia has nationally coordinated and integrated approaches to reducing the harm arising from the use of drugs.

At the MCDS meeting 18 July 2002, the concern was raised that while the specific influence of alcohol advertising is difficult to measure, there is no doubt that advertising stimulates alcohol consumption by both adults and young people. The existing self regulation of alcohol advertising was discussed and it was decided that a review would be undertaken to examine the effectiveness and continuation of the self-regulatory system for alcohol advertising. This review was recently completed.

The review has made recommendations to strengthen the self-regulatory system including that all advertising complaints relating to an alcoholic product be referred to the ABAC adjudication panel, that internet advertising be covered, that compliance be assessed in terms of the whole advertisement bearing in mind the spirit of the code (the code clearly aims to avoid misleading statements, ensure that irresponsible and dangerous practices are not encouraged and to ensure that young people are not the target of advertising campaigns for alcohol products), that complaints be decided within 30 days and that a protocol outlining a policy regarding the promotion of alcoholic beverages at events targeting young people be developed. (Report to the Ministerial Council of Drug Strategy Review of the Self-Regulatory System for Alcohol Advertising August 2003 [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au))

The Summit was supportive of the above review as noted in recommendation 10.5 in the Summit Communiqué.

## APPENDIX 6 ACRONYMS

ABAC	Alcoholic Beverages Advertising Code
ABS	Australian Bureau of Statistics
ASB	Advertising Standards Board
ASSA	Australian Secondary Students Use of Alcohol
CCYP	Commission for Children and Young People
CDAT	Community Drug Action Team
CWA	Country Women's Association
DSICA	Distilled Spirits Industry Council Australia
ESPAD	European School Survey Project on Alcohol and other Drugs
LSA	Liquor Stores Association
MCDS	Ministerial Council on Drug Strategy
NABIC	National Alcoholic Beverage Industry Council
NDRI	National Drug Research Institute, Curtin University, Perth WA
NDSHS	National Drug Strategy Household Survey
NHMRC	National Health and Medical research Council of Australia
PDHPE	Personal Development Health and Physical Education
RTD	Ready to Drink Beverage
SWAT	Society Without Alcoholic Trauma

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