

# DOCUMENTS RELATING TO THE GUILD'S SUBMISSION TO THE ALCOHOL AND ADVERTISING SPONSORSHIP FORUM, APRIL 2014

Email to: [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz); [Nicholas\\_Goodwin@moh.govt.nz](mailto:Nicholas_Goodwin@moh.govt.nz)

23 Apr. 14

Three Attachments

- 1) Brewers Guild Submission on Alcohol Reform Oct 2009
- 2) Email to Forum from Guild re online submission template Apr 2014
- 3) Submission to the Alcohol Advertising and Sponsorship Forum Apr 2014

**The Brewers' Guild of New Zealand would like the Ministerial Forum on Alcohol Advertising and Sponsorship to consider this document as a submission on the Consultation on Alcohol Advertising and Sponsorship.**

As the organisation representing the majority of breweries in New Zealand, we have found it difficult to comply with the submission requirements as outlined in the downloadable submission form from the website <http://www.health.govt.nz/publication/consultation-alcohol-advertising-and-sponsorship>

The Guild's major concerns on the submission process are outlined in the attached letter that was sent to the Forum on 15<sup>th</sup> April 2014.

The Guild firmly believe that input from the industry should be an important part of this consultation process but that the forum is geared towards submissions that are solely in favour of increased restrictions to alcohol advertising and sponsorship.

The Guild is not "anti-restriction", as shown, for example, in the following extract from the Guild's submission on the Law Commission document "Alcohol in Our Lives - An Issues Paper on the Reform of New Zealand Liquor Laws" which indicates that the Guild considers that restrictions on some forms of alcohol advertising may be beneficial to the promoting a socially acceptable approach to alcohol consumption in New Zealand.

***(Question 22) The Brewers Guild supports initiatives and policy that encourages safe and sensible drinking and, as such, The Brewers Guild believe that restriction on alcohol marketing especially in the "broad distribution" mediums of television, radio and newspaper will to some extent alleviate problems associated with alcohol being used as a "loss leader" or attractant for consumers.***

However, the Guild would also consider that restrictions on some forms of advertising and sponsorship may be detrimental. As a simple example, a significant number of our brewery members donate product to non-profit and charitable organisations without the requirement for significant acknowledgement. These types of donation and charity acts are not unique to the brewing industry and are part of everyday charitable acts by industry that help support as examples, sports, schools and arts etc.

The Guild feels however, that the current forum does not allow for the adequate consideration of any positive aspects of advertising or sponsorship to be debated in a fair and representative manner.

The Brewers' Guild of New Zealand would like this letter and the two attached documents to be considered as a submission to Ministerial Forum on Alcohol Advertising and Sponsorship. However, we would also like to be given further opportunity engage with the Forum.

Ralph Bungard  
President  
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021615688  
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## ATTACHMENT 1: Brewers Guild Submission on Alcohol Reform Oct 2009

Submission from **The Brewers Guild of New Zealand** on the Law Commission document “Alcohol in Our Lives - An Issues Paper on the Reform of New Zealand Liquor Laws”

### BACKGROUND:

The Brewers Guild of New Zealand (2006 Incorporated) was instigated primarily to support and give a collective voice to the burgeoning number of local breweries in New Zealand. A key strength of the Brewers Guild is that membership is open to every brewery in New Zealand and each brewery, regardless of size, has equal voice and ownership of The Brewers Guild.

The Brewers Guild represents a significant evolution of the brewing industry in New Zealand and aims to support and represent a healthy, vibrant, diverse and, importantly, socially responsible local brewing industry.

At present there are over 50 breweries that are members of the Brewers Guild of New Zealand.

This submission is based on the Brewers Guild of New Zealand policy “**Safe, Sensible, Sustainable - Social Alcohol Policy of the Brewers Guild of New Zealand**”

***‘Safe, Sensible, Sustainable’ is the Brewers Guild of New Zealand alcohol policy statement that commits all Guild members to work together to tackle social issues around alcohol and, at the same time, build a healthy, vibrant and diverse local brewing industry.***

#### ***Safe, Sensible, Sustainable Social Alcohol Policy of the Brewers Guild of New Zealand***

The Brewers Guild commits to supporting clear goals and actions that promote sensible drinking and reduce antisocial behaviour and harm that alcohol can cause. At the same time The Brewers Guild aims to ensure that people are able to enjoy alcohol safely and responsibly and that they benefit from a diverse and vibrant local brewing industry. The Brewers Guild is committed to consulting and interacting in a positive manner with policy makers and organisations involved with social issues around alcohol.

The Brewers Guild is committed to encouraging individual brewery actions, social opinion and government policies that:

- Support the enforcement of policy aimed at illegal and irresponsible behaviour associated with alcohol
- Focus policy, support and information on those most at risk from harm associated with use, misuse and abuse of alcohol
- Support initiatives and policy that creates an environment which promotes sensible drinking
- Promote and encourage a healthy, vibrant and diverse local brewing industry

### SUBMISSION:

The following submission follows the structure and questions in the “Questions for the Public” section of the document “Alcohol in Our Lives – A Summary of the Law Commission’s Issues Paper on the Reform of New Zealand’s Liquor Laws”

#### **The Harm:**

The Brewers Guild of New Zealand is committed to encouraging individual brewery actions, social opinion and government policy that focus policy, support and information on those most at risk from harm associated with alcohol:

(Question 2) The Brewers Guild encourages drinking in moderation but does not believe that drunkenness in public should be an automatic offence. There are many examples where an intoxicated individual may be in a public space for legitimate and sensible reasons that may include, for example, walking home or waiting for a taxi etc.

However, The Brewers Guild supports clear goals and actions that promote sensible drinking and reduce antisocial behaviour and harm that alcohol use, misuse and abuse can cause. As such, The Brewers Guild strongly considers that antisocial behaviour by any individual in public as a result of intoxication (Question 3) is unacceptable and that police resources should be used in an effectively strong manner to discourage any individual's antisocial behaviour.

## **Object of the Law:**

(Question 6) The Brewers Guild of New Zealand supports the enforcement of policy aimed at illegal and irresponsible behaviour associated with alcohol. The Brewers Guild believes that the current laws associated with On-licence and Off-licence premises are adequate and should continue to be rigorously enforced. However, The Brewers Guild believes that in recent years individual responsibility has been given inadequate weight.

As mentioned above (The Harm), The Brewers Guild strongly considers that antisocial behaviour by any individual in public as a result of intoxication is unacceptable. The Brewers Guild believes that there must be greater individual responsibility for antisocial behaviour in public. The Brewers Guild would support effectively strong measures to encourage individual responsibility.

(Question 16) The Brewers Guild recommends that it should be an offence for anyone other than a parent or guardian to supply alcohol to someone under the purchase age.

(Question 18) The Brewers Guild of New Zealand aims to promote and encourage a healthy, vibrant and diverse local brewing industry. The Brewers Guild does not specifically consider that the sale of alcohol in supermarkets and grocers is at odds with this aim. However, The Brewers Guild considers that, specifically, the price minimisation associated with these outlets does not encourage a healthy, vibrant and diverse brewing industry. Moreover, the Brewers Guild believe that limiting advertising of alcohol pricing in the broad-based media of television, newspaper and radio may to some extent alleviate over-competitive pricing and price cutting.

## **Demand Reduction:**

The Brewers Guild is broadly in support of the sorts of policies that will make a difference in reducing the harm of alcohol consumption. We believe this is best achieved in a sustainable way by altering drinking culture away from simply drinking for the consumption of alcohol (and ultimate intoxication) towards consumption that is based on quality and the enjoyment and social benefits associated with alcohol products consumed in a safe and socially acceptable manner.

In this respect, The Brewers Guild wishes to voice concerns over the issue of demand reduction through broad-brush application of tax or alcohol excise

(Question 19) The Brewers Guild understands that there is a relationship between price and consumption volume. However, The Brewers Guild believes that using a broad-brushed approach to increase price through taxation (Question 21) will have a long-term detrimental effect on the maturity of the drinking culture in New Zealand.

The Brewers Guild are concerned that although an across-the-board increase in alcohol pricing may reduce consumption volume, it is also highly likely to drive consumers towards the consumption of mass-produced alcohol products with lower production costs and economies of scale.

We suggest that this will almost certainly result in a negative change in drinking habits and culture as product quality becomes of reduced importance and consumer choice is driven increasingly by the alcohol to price ratio.

The Brewers Guild, as a brewers' organisation whose members are dominated by micro-breweries, largely pride themselves on the production of "high-end" products using labour-intensive and ingredient-costly methods. It is the nature of the microbrewery industry that business focus is on quality rather than quantity and outlet pricing is almost always higher than that of large volume producers and multinational competitors.

Microbreweries seldom have economies of scale but instead produce high-value, high-cost product designed for enjoyment in small volumes and often in association with sensible drinking culture such as enjoyment with food.

In this respect, The Brewers Guild believes that a “broad brush” approach to alcohol tax will inadvertently harm a burgeoning micro-brewery industry. The micro-brewery industry (whose members dominate the Brewers Guild of New Zealand) is rapidly establishing itself as a healthy, vibrant and diverse local brewing industry with a strong social responsibility. These attributes should be encouraged in the alcohol industry.

(Question 22) The Brewers Guild supports initiatives and policy that encourages safe and sensible drinking and, as such, The Brewers Guild believe that restriction on alcohol marketing especially in the “broad distribution” mediums of television, radio and newspaper will to some extent alleviate problems associated with alcohol being used as a “loss leader” or attractant for consumers.

### **Problem Limitation:**

The Brewers Guild of New Zealand supports the enforcement of policy aimed at illegal and irresponsible behaviour associated with alcohol.

(Question 24, 25, 26) The Brewers Guild believes that current liquor laws relating to On-licence and Off-licence sales are adequate, and should continue to be rigorously enforced. However, The Brewers Guild believes that in recent years individual responsibility has been given inadequate weight within alcohol legislation.

As previously outlined, The Brewers Guild strongly considers that antisocial behaviour by any individual in public as a result of intoxication is unacceptable. The Brewers Guild believes that there must be greater individual responsibility for antisocial behaviour in public. The Brewers Guild would support effectively strong measures to encourage individual responsibility.

(Question 30) The Brewers Guild does not believe that drunkenness in public should automatically be an offence as there are many examples where an intoxicated individual may be in a public space for legitimate and sensible reasons which may include, for example, walking home or waiting for a taxi etc.

However, The Brewers Guild strongly considers that antisocial behaviour by any individual in public as a result of intoxication is unacceptable and that police resources should be used in an effectively strong manner to discourage any individual’s antisocial behaviour.

Submission ends.

Contacts:

The Brewers Guild of New Zealand

<http://brewersguild.org.nz>

Individual contact:

Ralph Bungard

105 Port Hills Road, Christchurch 8022

pH 021 615 688

## ATTACHMENT 2: Email to Forum from Guild re online submission template

15 April 2014

(Email sent on behalf of The Brewers' Guild of New Zealand to [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz) via website)

To Whom it concerns,

The Brewers' Guild of NZ (2006 Incorporated) was instigated primarily to support and give a collective voice to the burgeoning number of local breweries in NZ. A key strength of the Brewers' Guild is that membership is open to every brewery in NZ and each brewery, regardless of size, has equal voice and ownership of the Guild.

The Guild is looking to make a submission to the Ministerial Forum on Alcohol Advertising and Sponsorship.

However, looking at the downloadable submission form from the website

<http://www.health.govt.nz/publication/consultation-alcohol-advertising-and-sponsorship> it seems that the form is heavily biased towards submission that are in favour of change to the current law.

- Firstly questions 2 and 6 are too restrictive. The Guild, as an example, may support some further restrictions of alcohol advertising but be strongly opposed to others. A simple answer of *Yes* or *No* is misleading
- If a submitter chooses to answer *No* to question 2 or 6, then only the following two questions are relevant before the remaining questions become biased to those submitters in favour of further restrictions. For example Question 5 and 9 are not applicable if the submitter believes no change should be made to current law. While questions 10 to 27 are all based on the assumption that the submitter is in favour of further restrictions (rather than no change or changes that may not be restrictive). There is little to no space for comments and evidence from submitters not in favour of restrictions.

For a submission process to truly represent the views of all the stakeholders it should be designed on an unbiased platform. This submission form is not designed in that manner.

The brewers' Guild represents more individual stakeholder than any other voluntary organisation in the alcohol production industry. The Guild is not against law reform in itself - as evidenced by the Guild's submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm*, in which "the Brewers' Guild commit to supporting clear goals and actions that promote sensible drinking and reduce antisocial behaviour and harm that alcohol can cause". And further evidenced in that submission by the Guild which supports of measures that limit alcohol price advertising that leads to price minimisation.

With that in mind, the Guild would like to ask that the submission form is altered to be less biased towards submitters in favour of legislation change. Alternatively, a submission process similar to the current one should be put in place that is equally biased to those less in favour of a change to the status quo.

I look forward to your assistance and hearing back with your comments.

Cheers

Ralph Bungard

on behalf of the Brewers' Guild of NZ

021615688

## ATTACHMENT 3: Submission to the Alcohol Advertising and Sponsorship Forum, Apr 2014



23 Apr. 14

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The Guild firmly believe that input from the industry should be an important part of this consultation process but that the forum is geared towards submissions that are solely in favour of increased restrictions to alcohol advertising and sponsorship.

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However, the Guild would also consider that restrictions on some forms of advertising and sponsorship may be detrimental. As a simple example, a significant number of our brewery members donate product to non-profit and charitable organisations without the requirement for significant acknowledgement. These types of donation and charity acts are not unique to the brewing industry and are part of everyday charitable acts by industry that help support as examples, sports, schools and arts etc.

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