

# **National Substance Misuse Strategy 2009-2016**

**Minority Report by**

**Mature Enjoyment of Alcohol in Society Limited**

**16 November 2011**



**Mature Enjoyment of Alcohol in Society Limited**

# MEAS Limited Minority Report

## 1. Introduction

MEAS<sup>1</sup> (**M**ature **E**njoyment of **A**lcohol in **S**ociety Limited) is an alcohol social responsibility organisation committed to tackling the problems of alcohol abuse and misuse.

A registered charity, MEAS works in partnership with Government, with other appropriate bodies, including An Garda Síochána, the Road Safety Authority and local authorities and with the alcohol industry to promote the responsible marketing, retailing and use of alcohol in Irish society.

Established in 2002 by the alcohol manufacturers, distributors and licensed trade associations in Ireland as an independent, not-for-profit company, MEAS supports the *Responsible Serving of Alcohol* training programme, administers the *MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks*, and has developed and delivers the *drinkaware.ie* Social Marketing Communications Initiative.

The *drinkaware.ie* initiative was established in 2006 further to the drinks' Industry commitment under the then Government-sponsored *Sustaining Progress Special Initiative on Alcohol*.<sup>2</sup> Financial support valued at €20m was committed by the drinks industry to the initiative over the five year period, 2007-2011 and the industry has committed to support the initiative beyond this timeframe.

Most regrettably, MEAS has found itself in a position where it is obliged to submit this Minority Report despite supporting many of the Majority Report recommendations.

## 2. Executive Summary

### Background

MEAS was a member of the 2004 Strategic Task Force on Alcohol and was very interested in the Government's establishment of the National Substance Misuse Strategy Steering Group in 2009 "to develop alcohol policies for an overall National Substance Misuse Strategy to cover the period up to 2016". MEAS noted that the membership of the Steering Group was to comprise "representatives of the key statutory, community, voluntary and industry<sup>3</sup> sectors".

Notwithstanding this statement, the composition of the Steering Group, which ran to 33 members, was drawn overwhelmingly from the Department of Health, the HSE and HSE related bodies (these representing a majority of members), other Government Departments, community, and voluntary groups, and included just a single representative of the drinks industry (the Alcohol Beverage Federation of Ireland). Some three months after the establishment of the group, following representations to the Joint Chairs, MEAS/drinkaware.ie also secured membership and joined the Steering Group from its third meeting.

While the initial exclusion of MEAS raised doubts from the outset about the even-handedness of the Steering Group, and, in particular, whether it was committed to accommodating the

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<sup>1</sup>Meas, the Irish word for respect is a core value governing the work of MEAS; alcohol should be respected, and we should respect ourselves and others when we consume it.

<sup>2</sup> This initiative involved all social partners, including the alcohol industry. It was undertaken under the auspices of the Department of the Taoiseach and the Working Group was independently chaired.

<sup>3</sup> MEAS' emphasis

legitimate interests, experience and viewpoints of all stakeholders, MEAS made every effort to contribute to a consensus outcome in the deliberations of the group.<sup>4</sup>

The Majority Report states that “*the alcohol industry and Irish pubs are an important component of the Irish economy, contributing to employment, manufacturing, exports and tourism*”, however, the Steering Group was hostile to exploring how key stakeholders in the alcohol industry could play their part in tackling the problem of alcohol abuse in Irish society. (See section on page 9 ‘*Bias within the Steering Group which MEAS sought to overcome*’ and Appendix 5).

### **MEAS Supports many of the Recommended Actions in the Majority Report**

Consequently, while MEAS supports many of the recommended actions in the Majority Report, it regrets that there are a number of significant recommendations which oblige us to choose this Minority Report route.

### **MEAS does not support the Majority Report’s recommendations in two areas**

Recommendations in the Majority Report relating to two areas in which MEAS has direct experience and expertise are not supported by MEAS. They concern:

(i) A new tax described as “**a Social Responsibility Levy**” to fund an alternative social marketing and communications initiative led by the HSE instead of (or in addition to) the well established and successful *drinkaware.ie* initiative; and

(ii) The proposed **approach** to the regulation of the sale, promotion and marketing of alcohol.

#### **(i) A new tax described as “a Social Responsibility Levy” to fund an alternative Social Marketing and Communications Initiative**

The most significant recommendation that MEAS disagrees with is the introduction of a “Social Responsibility Levy”. The rationale for this levy, the scale of the levy and the basis on which it is to be introduced is not adequately explained or described in the Majority Report. In effect it will be yet another tax on the Irish consumer ‘*to contribute to the cost of social marketing and awareness campaigns in relation to social and health harms caused by alcohol*’;<sup>5</sup> that will be led by the HSE.

MEAS/drinkaware.ie cannot support this recommendation. To endorse this proposal would amount to an admission on the part of MEAS that it has not been discharging its alcohol social responsibility remit (and that this initiative would be more effectively and efficiently discharged by the HSE). The evidence does not support this contention. MEAS has forged many successful partnerships and alliances in an effective communications programme that is securing tangible progress in challenging anti-social drinking behaviour and the culture of excessive drinking in Ireland. Absent, ironically, in this collaborative effort are the very members of the Steering Group promoting the recommendation that a “social responsibility levy” be provided for them in effect to fund an entirely new, alternative social marketing and awareness campaign.

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<sup>4</sup> While significant effort was correctly made to consult with health service providers during the two year period of deliberation, consultation with some other key stakeholders operating outside the health service was inadequate, or in some instances entirely lacking. In MEAS’ view the Steering Group was too large and too unwieldy to operate effectively. It would have benefited from the establishment of, for example, a technical sub-group as it lacked economic expertise, media and marketing expertise and inputs from a number of relevant Government Departments. Complex issues such as minimum pricing and the impact of other measures under consideration such as alcohol marketing bans and the elimination of licenses from mixed trading premises currently holding such licenses were simply not evaluated.

<sup>5</sup> Majority Report p.20

Public support for *drinkaware.ie*'s activities and consumer "permission" for it to do more is very strong.<sup>6</sup> This is particularly the case with the very hard to reach, young adult consumer. With notable exceptions the majority of the Steering Group is unwilling to recognise the work undertaken by MEAS/drinkaware.ie and its very real contribution to reducing alcohol related harm. MEAS regrets that the opportunity to harness in a genuine way the resources and expertise of all stakeholders to tackle alcohol related harm in Ireland is not being embraced. Instead of building on progress secured to date from the effective and efficient application of significant financial and expert communications resources, it is recommended that the successful *drinkaware.ie* initiative be replaced by a limited and selective approach to consumer communications development; this task is to be led by the HSE whose track record in this area is weak, and is to be funded by a new (additional) tax, a "Social Responsibility Levy".

The exclusive ethos reflected in the Steering Group's approach is at variance with (i) the partnership approach advocated by the 2008 Minister for Health Promotion (see Appendix 1), (ii) the inclusive approach underpinning the *EU Alcohol and Health Forum*<sup>7</sup>, (iii) the recent call for "a modern, dynamic multi-stakeholder approach" to reduce alcohol related harm by the European Commissioner for Health and Consumer Policy<sup>8</sup>, and (iv) the recently launched *U.K. Responsibility Deal* that involves the U.K Government, health interests and business interests working in partnership to achieve specific goals in relation to alcohol misuse, obesity, fitness and positive behaviours.<sup>9</sup>

Efforts to secure an effective, efficient and comprehensive response to critically important cross-cutting and interdependent health and lifestyle issues such as alcohol misuse, mental health and obesity will continue to be sub-optimal unless strategy development and implementation genuinely embraces all stakeholders, and structures are established to harness all of our expertise and resources to generate synergy and real impact.

Health is everyone's business; it is not the exclusive preserve of public health authorities and if, in these economically straitened times we are to actively engage all citizens in health promotion, to harness all of our resources to prevent the on-set of disease, and to create the conditions to enable enjoyment of healthier lifestyles, an inclusive and holistic health promotion strategy is called for.

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<sup>6</sup>91% of all adults have said the drinkaware.ie brand should be used more widely. Millward Brown Lansdowne, January, 2011.

According to independent research conducted by Amárach Research in January 2011, the website supporting the drinkaware communications initiative [www.drinkaware.ie](http://www.drinkaware.ie) was the 'top of mind' unprompted website promoting responsible drinking for **74% of young adults and 54% of all adults**. The response levels for [www.drugs.ie](http://www.drugs.ie), the HSE funded website promoted in the Majority Report, were **less than 1% for both young adults and all adults**.

<sup>7</sup> The *EU Alcohol and Health Forum* was established in 2007 by the European Commission to support the implementation of the EU Alcohol Strategy. The Forum's members include representatives from public health bodies, research institutions, the media and advertising industries, alcohol producers and retailer organisations, and health, consumer and youth NGOs. The Forum welcomes commitments from all stakeholders. Significant elements of the drinkaware.ie communications initiative have been committed to the Forum. The commitments made are published, reporting deadlines are defined and monitored, progress reports are published and commitments are open to review by the Commission.

<sup>8</sup> Commissioner J. Dalli's address to the 9<sup>th</sup> Plenary Meeting of the European Alcohol and Health Forum, 19 October, 2011 [http://ec.europa.eu/health/alcohol/docs/forum\\_flash\\_report\\_en.pdf](http://ec.europa.eu/health/alcohol/docs/forum_flash_report_en.pdf)

<sup>9</sup> Launched in May, 2011, the *U.K. Responsibility Deal* involves the U.K Government, health interests and business interests working in partnership to achieve specific goals. With a view to leveraging the potential synergies from looking at 'health in the round', the *UK Responsibility Deal* is targeting alcohol misuse, obesity, fitness and positive behaviours; partners have voluntarily committed to undertake specific actions to achieve measurable outcomes within an agreed timeframe.

*drinkaware.ie* has an unrivalled track record in the area of alcohol social marketing and communications and remains fully committed to working in partnership with all key stakeholders to contribute to the achievement of this important objective.

**(ii) Approach recommended to Alcohol Regulation is likely to lead to unintended, adverse consequences**

MEAS fully supports the regulation of the sale, promotion and marketing of alcohol but does not support the *approach* recommended by the Majority Report.

Piecemeal and Fragmented Approach

MEAS is concerned that the piecemeal and fragmented approach to date by Government to alcohol regulation is set to continue. A plethora of statutory initiatives is recommended in the Majority Report. At the retailer level, for example, the Report recommends the draw-down of regulations already in place under the *Intoxicating Liquor Act 2008*, the development of new regulations under this Act, the introduction of legislation to establish a Minimum Price per unit of alcohol, and the development of a statutory code for the off-trade sector, while ignoring the provisions enabling establishment of co-regulatory codes under the recently enacted *Civil Law (Miscellaneous Provisions) Act, 2011*.

While there is a role for regulation by statute, it should not be regarded as a panacea; the relative advantages of a comprehensive co-regulatory code approach across all retail channels have not, for example, been explored by the Steering Group.

Research Deficiency

Research should underpin a rationale supporting the Majority Report recommendations in the area of regulation to avoid unintended negative consequences. Research to be undertaken by the Department of Health in 2010 to evaluate the co-regulatory code regime agreed in 2008 was not available to the Steering Group. The fragmented regulatory approach recommended, coupled with a clear research deficiency, is likely to lead to further unintended but potentially very adverse consequences, such as those arising following the removal of the ban on below cost selling of alcohol and the 2006 repeal of the Groceries Order. At the time, MEAS wrote to the then Minister for Enterprise, Trade and Employment and counselled against removing the ban on below cost selling of alcohol. MEAS argued that it would lead to alcohol being used as a loss-leader by the retail multiples to boost consumer footfall, and this is exactly what has happened. (See Appendix 2).

Scientific research and consumer research should underpin the Majority Report's recommendation to reduce the current low-risk weekly drinking guidelines. No such research was available to the Steering Group. The purpose of the guidelines should be clear; if the purpose is to effect a positive change in consumer behaviour then there is ample research evidence to show that the *current* guidelines are dismissed as not credible and nannyish.<sup>10</sup>

Need for Balanced Approach

The Majority Report recommends that alcohol industry sponsorship of sport and other large public events in Ireland should be phased out through legislation by 2016. This recommendation is not only misguided, but also wholly unrealistic, and is not supported by MEAS. Participation in sport supports the broader health agenda of promoting a healthy life-style and care needs to be taken not to diminish participation through lack of resources. Rather than banning sponsorship, and risking loss of the considerable benefits, the emphasis should be on controlling sponsorship activity to minimise any negative impacts.

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<sup>10</sup> Qualitative research undertaken by Millward Browne Lansdowne each year since 2007 makes this finding. Qualitative research in August, 2011 by Curley Enterprises also reported this finding.

A more detailed description of MEAS/drinkaware.ie's activities and achievements is contained in Section 3. MEAS' concerns in relation to the specific recommendations of the Majority Report referred to above are elaborated on in Sections 4 to 7.

### **3. MEAS/drinkaware.ie achievements**

#### **MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

The *MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks* was published in 2004. It is concerned with the 'get up' of the individual alcoholic beverage, its packaging, as well as its promotion, marketing and merchandising. Its aim is to ensure that alcohol is sold and promoted in a socially responsible way in on and off trade premises, and only to those 18 years and over. (See Appendix 3 for details).

Decisions falling within the remit of the Code are decided by an Independent Complaints Panel comprised of five people. The majority of the members of the Panel are independently appointed: three of the five members are nominated by their organisations, i.e. the Consumers' Association of Ireland, The National Parents Council, Primary and the Drinks Industry of Ireland (DIGI). In the case of the DIGI nominee, s/he cannot be currently employed by the drinks industry. The fourth member is a recognised expert in a relevant field. This position is filled by Professor Mark Morgan<sup>11</sup>. The fifth member, the Chair, is appointed by the CEO of MEAS. This position was held from 2004 until recently, by the late Dr. Gordon Holmes.<sup>12</sup> Dr. Holmes' contribution to the area of alcohol policy and regulation has been considerable.

Sixty four decisions have to date been made by the independent Complaints Panel; twenty nine of these relate to decisions against companies who have funded MEAS, or licensees who are members of organisations that have funded MEAS.

The MEAS Code pre-launch Advisory Service has ensured that a much larger number of complaints have not materialised as they have 'been nipped in the bud'. There has been no complaint from any party about the manner in which the Independent Complaints Panel has performed its role; this includes parties found against by the Panel. At the 29 September, 2011, meeting of the National Substance Misuse Steering Group, the Department of Justice representative stated that the Code had made a positive contribution to public order; it had contributed to the improvement in alcohol related public order offences and to minimising repeated breaches of the Code.

#### **Responsible Serving of Alcohol Programme**

The *Responsible Serving of Alcohol Programme* (the RSA Programme) was developed by the Department of Health with the co-operation of the Drinks Industry Group of Ireland in 2000 for all those serving alcohol in pubs, hotels, restaurants and other on-trade premises throughout Ireland. In 2003 the Department of Health, Fáilte Ireland and MEAS formally agreed to support the Programme. Following the transfer of responsibility for health promotion implementation to the HSE, the HSE supported the programme for a short period and then withdrew its support. A similar programme has been developed by the HSE in Cork, and the North West Alcohol Forum, which receives funding from the HSE, is finalising its own

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<sup>11</sup> Professor Morgan is Cregan Professor of Education and Psychology at St. Patrick's College and acting co-director of *Growing Up in Ireland*, a Government study funded by The Department of Health and Children through the Office of the Minister for Children and Youth Affairs in association with the Department of Social and Family Affairs and the Central Statistics Office. Professor Morgan has overseen the ESPAD research in Ireland since it was initiated and was re-appointed recently by the Department of Health/HSE, further to tender, to undertake the current wave of ESPAD research.

<sup>12</sup> Dr Holmes was appointed by previous Ministers for Justice to chair a range of important bodies, including the Commission on Liquor Licensing, the Government Alcohol Advisory Group, the Garda Parole Board and the Garda Complaints Commission.

responsible serving of alcohol programme at present. Fáilte Ireland and MEAS continue to support the RSA Programme.

Since its establishment MEAS has called for the introduction of a mandatory, industry-wide programme for the responsible serving and sale of alcohol, i.e. licences to sell or serve alcohol should not be issued, or renewed, without proof of completion of such a programme delivered by an approved agency to defined standards. MEAS supported the submission to the Department of Justice, Equality and Law Reform in 2008 from a widely representative group established further to the Government sponsored *Sustaining Progress Special Initiative on Alcohol*<sup>13</sup> which called for mandatory training in the sale and serving of alcohol. MEAS is pleased to note that the Majority Report recommends the implementation of this recommendation by the Department of Justice and the HSE.

Pending development of mandatory training, MEAS and Fáilte Ireland have continued to support the voluntary *Responsible Serving of Alcohol Programme*: a record number of people involved in serving alcohol in Ireland participated in the programme in 2011 to date (957 to 13 October, 2011). Some 12,500 individuals have undertaken the programme since it was established.

### **drinkaware.ie Social Marketing and Communications Initiative**

Through *drinkaware.ie*, a major consumer focused communications initiative, MEAS has made tangible progress in challenging anti-social drinking behaviours and in reducing the culture of excessive drinking in Ireland.

The *drinkaware.ie* initiative was established in 2006 further to the drinks Industry commitment under the then Government-sponsored *Sustaining Progress Special Initiative on Alcohol*. Financial support valued at €20m was committed by the drinks industry to the initiative over the five year period, 2007-2011 and the industry has committed to support the initiative beyond this timeframe.

The initiative is delivered in partnership with a wide range of stakeholders, including Government Departments, the Gardaí, local authorities, the Road Safety Authority, The Digital Hub Development Agency, student representative bodies, NGOs, INMO, college health services, on-trade retailers, drinks companies, supermarkets and most other off-trade outlets, insurance companies, public transport companies, utility companies and entertainment companies. It employs the tools of social marketing and is the largest initiative of its type in Ireland; through implementation of an innovative communications strategy, *drinkaware.ie* has managed to successfully engage the hard-to-reach age groups, 18 to 24, and 18 to 29 year olds.

The communications strategy adopted for the *drinkaware.ie* programme is designed to effect a positive change in drinking culture and drinking behaviour; change at the cultural level is critical to change at the individual/personal level. Both aspects need to be addressed in tandem.

*drinkaware.ie* seeks to do this through (i) implementation of an ongoing, overarching messaging campaign challenging the long-standing social permission given for public drunkenness when it impacts on an innocent, sober third party<sup>14</sup>, and (ii) a series of tactical initiatives that are event (e.g. St. Patrick's Day, Easter, Summer festivals, bank holiday weekends, Freshers' Week, Christmas festive season), or 'point of danger' focused (e.g. the morning after a night's socialising).

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<sup>13</sup> This initiative involved all social partners, including the alcohol industry. It was undertaken under the auspices of the Department of the Taoiseach and the Working Group was independently chaired.

<sup>14</sup> Mass media has been employed to communicate the *drinkaware.ie* 'Had Enough' campaign and 'Re-thinking our Drinking' campaign.

One example of these tactical initiatives is 'The Morning After' campaign funded by MEAS and the Road Safety Authority; it involves communication of messages via TV adverts, radio adverts, posters in pubs/clubs and a wallet sized card. The Gardaí and many other bodies, both public and private, support the distribution of this card to the public, over the Christmas holiday period and over the summer festivals period. The 'Morning After' message is included in the expanding range of *drinkaware.ie* "Survival Guides"; recent additions to the survival guide suite are the *Holiday Survival Guide* developed with the Department of Foreign Affairs and the *Student Survival Guide* developed with the Union of Students of Ireland.

Other 'tangible action' messages designed to prompt more responsible drinking behaviour are communicated in these event or 'point of danger' contexts, such as the importance of slowing down your drinking, knowing the low risk drinking limits, and how many standard drinks you have consumed.

### **Acknowledgement of drinkaware.ie by EU Alcohol and Health Forum; DARE2BDRINKAWARE.ie selected as Best Practice Initiative**

This important work undertaken by *MEAS/drinkaware.ie* in the alcohol social responsibility area has been acknowledged by the EU Alcohol and Health Forum (the EAHF) established in 2007 by the European Commission to support the implementation of the EU Alcohol Strategy. The Forum's members include representatives from public health bodies, research institutions, the media and advertising industries, alcohol producers and retailer organisations, and health, consumer and youth NGOs. In November 2008, the CEO of MEAS was invited by the Forum to make a presentation on the *drinkaware.ie* initiative. She was invited again to the Forum, to its meeting on 19 October, 2011, to present the DARE2BDRINKAWARE.ie Short Film and Multimedia Competition which had been identified as a best practice initiative.<sup>15</sup> In Britain, The *Campaign for Smarter Drinking* (a major social marketing campaign involving an alliance of alcohol producers and retailers, working in partnership with the U.K. Government and the Drinkaware Trust) launched in 2009 was modelled on the *drinkaware.ie* initiative.

### **drinkaware.ie Performance Metrics**

*Millward Browne Lansdowne* has undertaken research on an annual basis<sup>16</sup> since the *drinkaware.ie* initiative was established to benchmark and track attitude and behaviour change, to test comprehension and effectiveness of *drinkaware.ie*'s communications, the credibility of *drinkaware.ie* as a brand and a messenger, and to monitor website and other social media interactions. Key findings include<sup>17</sup>:

- there is very strong public support for *drinkaware.ie* 's activities and permission for it to do more - 91% of all adults have said the *drinkaware.ie* brand should be used more widely.
- 89% of respondents said that being drunk in public is becoming less attractive
- 86% of respondents said there is growing awareness of the effects of excessive drinking

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<sup>15</sup> This initiative is in its fifth year and is organised by *drinkaware.ie* in association with the Digital Hub Development Agency.

<sup>16</sup>The research involves a nationally representative sample of over 18s. The sample is uplifted to reflect the fact that the *drinkaware.ie* initiative has a particular focus on 18 to 24/29 year olds

<sup>17</sup> These findings relate to the May, 2010 and January, 2011 research undertaken by Millward Brown Lansdowne.

- The stated frequency of suffering a hangover in the last month in the target audience has reduced by 23% amongst 18 to 29 year olds and by 33% amongst all adults since 2007.
- The stated frequency of 'drinking more than I should have' in the last month reduced by 21% amongst 18 to 29 year olds and by 31% amongst all adults since 2007.

The Millward Browne Lansdowne research findings are summarised in Appendix 4.

#### **4. Bias within the Steering Group which MEAS sought to overcome**

While this research has been shared with the Steering Group, it has not been taken into account and has been excluded from the Majority Report. Research undertaken by another consumer research agency (this agency was also employed by MEAS previously) has been included in the Majority Report.

In July, 2010 a prejudicial, inaccurate document developed by the Steering Group's Secretariat made negative findings on the work undertaken by MEAS and recommended this be addressed "as a priority action." This document (see Appendix 5) was developed without any contact with MEAS, or regard for the findings of the above mentioned research.

MEAS persisted in seeking to overcome this bias, to make a meaningful contribution, and to achieve a consensus based on the expertise of every stakeholder in the matter of tackling alcohol abuse and misuse.

The findings of the 2011 Amárach Research on awareness and usage levels of websites supporting responsible drinking was brought by MEAS to the attention of the Chair in October, 2011. The subsequent draft report contained significantly expanded and supportive text describing the HSE's [www.drugs.ie](http://www.drugs.ie) website, while text provided by MEAS on [www.drinkaware.ie](http://www.drinkaware.ie) for incorporation in the body of the report was relegated to an Appendix to the report. The Majority Report uses language that qualifies how the aim of MEAS is described; it refers to "the stated aim of [MEAS]...". This approach has not been applied to other organisations referred to in the Majority Report.

Research by *Amárach Research*<sup>18</sup> in January, 2011 amongst a nationally representative sample of over 18s found that [www.drinkaware.ie](http://www.drinkaware.ie), the website developed to support the drinkaware.ie initiative, is the 'top of mind' unprompted website in Ireland promoting responsible drinking for 74% of young adults and 54% of all adults. The response levels for the State funded website closest in popularity to [www.drinkaware.ie](http://www.drinkaware.ie), namely [www.HSE.ie](http://www.HSE.ie) was 2% (young adults) and 6% (all adults). Less than 1% of respondents (all adults and young adults) mentioned the [www.drugs.ie](http://www.drugs.ie) website. The website of Alcohol Action Ireland, a body receiving substantial funding from the HSE, is also referred to in the Majority Report; it is described as "*one of Ireland's largest independent dedicated websites for sourcing information around the provision of alcohol services in Ireland*". Less than 1% of respondents (all adults and young adults) to the Amárach Research mentioned [www.alcoholireland.ie](http://www.alcoholireland.ie)

#### **5. MEAS cautions against lowering the current low risk drinking guidelines**

The Majority Report recommends a reduction in the low risk weekly guidelines, from the current 21 standard drinks for a man and 14 standard drinks for a woman to 17 standard drinks for a man and 11 standard drinks for a woman. The reduction is recommended to ensure alignment with the current U.K. drinking guidelines.

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<sup>18</sup> This research can be accessed at <http://url.ie/dca8>

The recommendation to lower the 'low risk' guidelines is made without regard to scientific evidence. In July, 2011 the U.K. Government commissioned the Commons *Science and Technology Committee* to examine the scientific evidence behind the current U.K. guidelines and to compare them with the guidelines in other countries. One of the members of the original guidelines working party is reported<sup>19</sup> on 24 July, 2011 to have said that the current U.K. guidelines were "plucked out of the air" in the absence of any clear evidence about how much alcohol constitutes a risk to health.

Any recommended guidelines should be based on scientific evidence and the purpose of any guidelines needs to be carefully considered.

If a key objective of the guidelines is to effect positive change and promote responsible drinking, MEAS has clear evidence from qualitative research undertaken periodically over the last 5 years that the current guidelines are not credible amongst consumers, particularly young adults; they are dismissed as too low and nannyish. There is a danger therefore that lowering the guidelines will exacerbate this unfortunate but clear perception.

## **6. Need to seize opportunity to harness in a genuine way the resources and expertise of all stakeholders**

Significant funding has been invested to bring the drinkaware.ie brand to its current high level of recognition and acceptance. This has been done both effectively and efficiently and the achievements of the drinkaware.ie social marketing and communications initiative have been outlined above. Duplication and inefficient use of scarce resources has been endemic in our public health service and should not now be repeated as is implied in the Majority Report. A pooling of resources and expertise and a genuine commitment to partnership in this area will deliver the best results.

MEAS regrets that the opportunity to harness in a genuine way the resources and expertise of all stakeholders to tackle alcohol related harm in Ireland has not been used by the Steering Group. This is especially regrettable given the serious problem of alcohol related harm and the unprecedented pressures on the public finances. Instead, a narrow, limited and selective approach to communication with consumers in relation to alcohol is, in effect, what is recommended with this task being led by the HSE and funded by a new (additional) consumer tax.

The selective approach that is effectively recommended by the Majority Report is at variance with the recommendations of the 2006 Sustaining Progress Special Initiative on Alcohol report *Working Together to Reduce the Harms Caused by Alcohol Misuse* and the co-operative approach advocated in 2008 by the then Minister for Health Promotion. (See Appendix 1).

The selective ethos underpinning the Steering Group recommendation is at variance with that adopted by the European Alcohol and Health Forum. This Forum welcomes commitments from all stakeholders. The commitments made are published, reporting deadlines are defined and monitored, progress reports are published and commitments are independently evaluated. In his address to the 9<sup>th</sup> Plenary Meeting of the European Alcohol and Health Forum held on 19 October, 2011, Commissioner J. Dalli, European Commissioner for Health and Consumer Policy called for "*a modern, dynamic multi-stakeholder approach*" to reduce alcohol related harm.

The selective ethos reflected in the Steering Group's approach is at variance with the partnership approach underpinning the recently launched *U.K. Responsibility Deal* that involves the U.K Government, health interests and business interests working in partnership to achieve specific goals. With a view to leveraging the potential synergies from looking at

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<sup>19</sup> The Telegraph, 24 July, 2011 reported "Richard Smith, a former editor of the British Medical Journal, and a member of the college's [Royal College of Physicians] working party on alcohol, recalled that the committee could find "no decent data" on the subject, but felt obliged to make a recommendation nonetheless.

'health in the round', the *UK Responsibility Deal* is targeting alcohol misuse, obesity, fitness and positive behaviours; partners have voluntarily committed to undertake specific actions to achieve measurable outcomes within an agreed timeframe.

Efforts to secure an effective, efficient and comprehensive response to critically important cross-cutting and inter-dependent health and lifestyle issues such as alcohol misuse, mental health and obesity will continue to be sub-optimal unless strategy development and implementation genuinely embraces all stakeholders, and structures are established to harness all of our resources to generate synergy and real impact. Health is everyone's business; it is not the exclusive preserve of public health authorities and if, in these economically straitened times we are to actively engage all citizens in health promotion, to harness all of our resources to prevent the on-set of disease, and to create the conditions to enable enjoyment of healthier lifestyles, an integrated, holistic and inclusive health promotion strategy is called for.

## **7. A piecemeal and fragmented approach to alcohol regulation is set to continue**

The Majority Report recommends a plethora of statutory initiatives to regulate the sale, promotion and merchandising of alcohol at the retailer level, viz. the drawdown of regulations already in place under the Intoxicating Liquor Act 2008, the development of new regulations under this Act, the introduction of legislation to establish a Minimum Price per unit of alcohol, and the development of a statutory code for the off-trade sector, while ignoring the provisions enabling establishment of co-regulatory codes under the recently enacted *Civil Law (Miscellaneous Provisions) Act, 2011*.

A number of Government Departments have been involved in the regulation of the sale, promotion, marketing and merchandising of alcohol. All were not represented on the Steering Group. The piecemeal approach to regulation over the years has led to some very adverse consequences, such as that arising from the 2006 repeal of the Groceries Order, and with it the removal of the ban on below cost selling of alcohol. At the time, MEAS wrote to the then Minister for Enterprise, Trade and Employment and counselled against removing the ban on below cost selling of alcohol. Furthermore, MEAS argued that it would lead to alcohol being used as a loss-leader by the retail multiples to boost consumer footfall, and this is exactly what has happened. (See Appendix 2).

Similarly, in 2008, MEAS cautioned against the introduction of an additional code to address the merchandising of alcohol in the mixed trade sector as there was already a broader code dealing with this area of activity, and other related promotional activities relevant to both the on-trade and the off-trade. At that time MEAS argued for the development of the existing code rather than the introduction of a new, overlapping and potentially competing code.

The net result of the fragmented approach to regulation of alcohol at the retail level is that there is a significantly greater burden of regulation on the on-trade in Ireland relative to the off-trade. Regulatory initiatives, including those referred to above, together with lifestyle and economic factors, have resulted in a dramatic increase in recent years in Ireland in drinking in a relatively unsupervised setting, i.e. at home drinking, and, amongst younger adults, an increase in the practice of 'pre-loading' before heading out for a night's socialising.

### **Regulation by Statute only will be sub-optimal**

The Majority Report recommends

- (i) Commencement of legislation (S.9 of the Intoxicating Liquor Act 2008) as a short term measure to address structural separation in mixed trade premises.
  - This recommendation is made without regard to the findings in the third Compliance Report recently submitted to the Minister for Justice, Equality

and Defence on the operation of the Responsible Retailing of Alcohol in Ireland Code (the RRAI Code).

- This recommendation will exclude the 3,206 wine only off-licences that voluntarily subscribe at present to the RRAI Code.
- This recommendation ignores S.17 of the recently enacted Civil Law (Miscellaneous Provisions) Act, 2011 which (a) enables the Minister for Justice, Equality and Defence (the Minister) to prepare and publish a code of practice, or approve of a code of practice drawn up by any other body, for the purpose of setting standards for the display, sale, supply, advertising, promotion or marketing of intoxicating liquor, and (b) affords the facility to strengthen the sanctions applying to a voluntary code, as non compliance with a code approved by the Minister can be taken into account at licence renewal stage.

S.17 is essentially a co-regulatory option allowing the flexibility to strengthen a code approved by the Minister more readily than regulation by statute will allow. It requires compliance in the spirit as well as in the letter and a facility to quickly interpret and respond to market innovation. The recommendation in the Majority Report to provide that the HSE has standing to object to the granting or renewal of a liquor licence in addition to the facility afforded by S.17 for non compliance with a code approved by the Minister to be taken into account at licence renewal stage is a significant potential sanction.

- This recommendation requires the development and the funding of an enforcement mechanism.
  - The recommendation is advanced as a short- term measure. No assessment of the impact of the medium term measure referred to in the Majority Report, i.e. the restriction of the sale of alcohol to standalone off-licenses, in terms of it reducing alcohol related harm, as well as impacts such as retailer premises' viability, consumer purchasing behaviour, retailer concentration etc. has been undertaken to inform the Steering Group recommendations.
- (ii) Development of a statutory code of practice on the sale of alcohol in the off-licence sector.
- This is one of a number of statutory codes recommended by the Majority Report. Its remit is not explained. There is no recommendation for a statutory code on the sale of alcohol in the on-trade sector.
- (iii) Development and commencement of regulations on the promotion of alcohol as provided for under S.16 of the Intoxicating Liquor Act 2008 and develop and implement an enforcement mechanism.
- While some regulations have already been developed under S.16, others have not, therefore, the scope of this recommendation is not yet known.

In summary, the Majority Report recommends an exclusively statutory form of regulation.

**Important role for a co-regulatory code approach: need for a single, comprehensive co-regulatory code governing all retail channels**

Based on its experience of developing and administering a voluntary code on the sale, promotion, merchandising and naming of alcoholic drinks at the point of sale in the on and off trade sectors, MEAS recommends development of a single co-regulatory code governing all purchasing channels and areas of activity at the retail level. S.17 of the *Civil Law*

*(Miscellaneous Provisions) Act, 2011* affords the opportunity to develop such a comprehensive co-regulatory code. This approach will ensure quicker, more effective and less costly enforcement, and a greater capacity to respond to market innovation. Regulation by statute in these areas of activity should be applied only in circumstances where there is an over-arching consideration such as Competition Law.

### **While there is a role for regulation by statute it is not a panacea**

Regulation by statute is not the panacea implied by the Majority Report. For example, legislation introduced in the Intoxicating Liquor Act, 2003 to outlaw 'Happy Hours' has failed; that legislation has resulted in a proliferation of 'Happy Days'. Regulation by statute is rigid, not responsive to an innovative marketplace, is costly to implement and the track record of implementation in this area to date is weak and inconsistent.

The Majority Report will compound current deficiencies in the regulation of alcohol as regulation based on multiple codes is sub-optimal. A multiplicity of codes creates confusion amongst the public who wish to complain, confusion amongst staff responsible for implementing codes, potential for codes of varying rigour and for licensees subject to more rigorous codes opting to leave for the softer code, and potential for inequity between sectors, e.g. between the on trade retailer sector and the off-trade retailer sector.

### **Research deficiency – no evaluation of the co-regulatory codes' regime put in place in 2008**

The Majority Report makes a number of recommendations in relation to the regulation of alcohol advertising. A major difficulty for MEAS in this area is the absence of relevant Irish research, yet a series of very specific recommendations are made in relation to the regulation of a number of media channels. In order to identify the most effective and appropriate regulatory approach in this area, it is essential that the research to be undertaken by the Department of Health to evaluate the co-regulatory code regime put in place in 2008 is available.

A particular advantage of the 2008 - 2010 co-regulatory code regime (this regime was developed by the Department of Health, the media industry and the advertising industry) was the securing of the voluntary compliance of United Kingdom broadcasting channels; 70 % of under 18s in Ireland view these channels.

### **Research should underpin a rationale supporting the Majority Report Recommendations to avoid unintended consequences**

Without offering a rationale, the Majority Report discriminates between media. It is recommended, for example, that all outdoor advertising of alcohol be prohibited. Advertising and media are increasingly global and social, and effective regulation of social media is problematic. Prohibition of one channel can encourage flight to other media channels. The recommendations should be supported by a rationale based on evidence. This was not available to the Steering Group.

For the reasons outlined above MEAS' preference is for a comprehensive, co-regulatory approach to regulation in this area incorporating mandatory copy clearance and appropriate sanction.

### **The Majority Report recommendation on the elimination of drinks industry sponsorship risks loss of considerable benefits**

The Majority Report recommends that alcohol industry sponsorship of sport and other large public events in Ireland should be phased out through legislation by 2016. This recommendation is not only misguided but also wholly unrealistic and is not supported by MEAS.

Participation in sport supports the broader health agenda of promoting a healthy life-style and care needs to be taken not to diminish participation through lack of resources. Bearing in mind the current financial crisis in this country, it is naïve to imagine that sporting organisations, from small parish clubs around the country, to national sporting organisations, would be able to maintain their current level of activities without commercial sponsorship, which can range from support by a local publican to sponsorship of major national and international sporting events by the drinks industry. Rather than banning sponsorship, and risking loss of the considerable benefits, the emphasis should be on controlling sponsorship activity to minimise any negative impacts.

The Majority Report goes on to assert that a “Social Responsibility Levy”, which it wants the drinks industry to fund, “could also be used to contribute to the funding of sporting and other large public events that help provide alternatives to a drinking culture for young people”. This betrays a complete lack of awareness of the commercial realities that apply to all business in the private sector, not least the drinks industry.

## **8. MEAS welcomes many of the recommendations in the Majority Report’s Supply and Prevention Chapter Recommendations**

As stated at the outset MEAS supports a large number of the Majority Report’s recommendations.

MEAS’ concerns in relation to key recommendations in the Supply and Prevention chapters have already been outlined.

## **9. MEAS supports Recommendations in relation to Treatment and Rehabilitation**

The recommended actions in the Treatment and Rehabilitation section involve creation of structures and protocols which, if implemented, have the capacity to improve support for individuals and families affected by the harmful use of alcohol. Brief treatment interventions, in particular, have long been assessed as a most effective intervention in addressing alcohol related harm and action on this front will be especially welcome.

## **MEAS supports Recommendations in relation to Research**

The terms of reference of the Group required it to bring forward evidence based recommendations. The Report does not make clear the deficiencies in the evidence base and especially those deficiencies as they relate to the Irish context. A WHO, Geneva document (2009) is frequently referenced and its recommendations have been applied uncritically to the Irish context, while the more recent (2010) WHO Global Strategy recommendations to reduce alcohol related harm, have not been adhered to; for example WHO’s recommendations in relation to the controlling of alcohol marketing, promotion and sponsorship.

The recommendations in relation to research are welcome as there are many areas currently under-researched in Ireland and not well understood.

## APPENDICES

### APPENDIX 1

**Extract from address by Pat the Cope Gallagher, Minister of State, Department of Health, speaking at the MEAS conference “Working Together to Reduce Alcohol Related Harm”; February 27<sup>th</sup> 2008, Dublin.**

“.....MEAS (is) a group that I have tremendous respect for. I wish to thank them for what they are doing, and wish to assure them that I, and the Department of Health, want to work with them in partnership to move forward to achieve these goals. You have been to the forefront in recent years, and doing one important thing: that is raising awareness through advertising and through your media campaigns. The visibility, and indeed, the penetration of the MEAS campaigns has caused further debate and heightened awareness of this serious problem.

“I had the opportunity after my appointment of meeting with Fionnuala Sheehan, the Chief Executive Officer, and I have no doubt about her commitment as to what she and her colleagues in MEAS are trying to do. Of course, we all may have different approaches to the problem, but I believe that there are areas where there can be and should be co-operation. And I know that the HSE and MEAS have met to identify common ground in their respective goals in raising awareness and disseminating materials. I believe that such co-operation should be based on the factors that unite rather than divide both organisations...”<sup>20</sup>

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<sup>20</sup> Alcohol and Society Annual Conference Series, 2008 *Working together to reduce alcohol related harm* Dublin p.19

## APPENDIX 2

### **MEAS' objection to repeal of ban on below-cost selling as it would pertain to alcohol**

Micheal Martin T.D.,  
Minister for Enterprise, Trade and Employment,  
23, Kildare Street,  
Dublin 2

1 December, 2005

#### **Re. Abolition of the Groceries Order and Implications for Alcohol Pricing and Consumption.**

Dear Minister,

I refer to MEAS's submission dated July, 2005 concerning the Groceries Order, and in particular to paragraph 4.4.1 of this submission which states

*"...it would seem inevitable that the abolition of the Groceries Order would fuel a 'war' on pricing of alcohol products, and that the messages communicated to the public in this context would more than counter efforts to communicate messages about responsibility around drinking. Such an outcome is unlikely to serve the Irish consumer in the short to medium term, or to enhance the quality of Irish society."*

I wish to reiterate MEAS's concern that the abolition of the Groceries Order as it relates to alcohol products will result in below cost selling of alcohol products; international research indicates that this situation is likely to contribute to increased alcohol related harm. There is already evidence that the retail sector is promoting cost price alcohol. I am enclosing, for your information, a copy of advertisements carried in today's edition of the Irish Independent.

I reiterate MEAS's recommendation that alcohol products be excluded from the proposal to abolish the Groceries Order. In the context of the development of the legislation to implement the Government's recent decision in relation to the Order, MEAS requests that Government gives further consideration to the exclusion of alcohol products from the proposals to abolish the Order.

Yours sincerely,

Fionnuala Sheehan  
Chief Executive

## APPENDIX 3

### **The MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

The MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (the MEAS Code) is a voluntary code and an important block within the regulatory architecture supporting the responsible sale, promotion and marketing of alcohol in Ireland.

Published in 2004, the MEAS Code is concerned with the 'get up' of the individual alcoholic beverage, its packaging, as well as its promotion and marketing. Its aim is to ensure that alcohol is sold and promoted in a socially responsible way in on and off trade premises and only to those 18 years and over.

Compliance of the MEAS Code with the following key principles of good regulation has supported its success as an instrument of self-regulation:

#### Transparency

The MEAS Code is transparent with rules written clearly within a procedure that complies with natural justice.

#### Accountability

The MEAS Code is administered by Mature Enjoyment of Alcohol in Society Limited (MEAS Limited), a not for profit organisation, operationally independent of individual drinks industry companies. An Independent Complaints Panel (the Panel) whose membership includes nominees from key stakeholders decides on complaints falling within the Code. The Panel's decisions are published in the media, on the MEAS website and in a widely circulated annual report.

The late Dr. Gordan Holmes, Chairman of the Independent Complaints Panel to December, 2010, stated in his Chairman's Report, incorporated in the 2009 Report on the MEAS Code, that

*"MEAS is fully funded by the drinks industry but I must emphasise that there has been no interference whatever by the industry in the work done by the Independent Complaints Panel. Certain cynics in the media have suggested that the industry merely pays lip service to all organisations dedicated to control the manner in which alcohol is marketed and sold by retail in the country. It is my experience as Chairman of the Complaints Panel and it is the experience of the Panel members that the Code of Practice is tightly drawn and that all bone fide complaints are properly and speedily dealt with. Their independence is, therefore, assured and the Drinks Industry have not made any attempt to alter this."*

#### Consistency

The MEAS Code's rules have been applied consistently to all producers and licensees regardless of size or influence in the market, and using standards compatible with other relevant codes.

#### Proportionality

The MEAS Code is proportionate, offering a preventative pre launch Advisory Service, a code training service, a naming and shaming sanction, and a period of time within which action to ensure compliance with the Panel's decisions can be undertaken.

#### Targeted

The MEAS Code is targeted: its specific purpose is the maintenance and improvement of standards of social responsibility in the naming, packaging, merchandising and promotion of alcoholic drinks.

Companies and organisations who have committed to the MEAS Code are drawn from those responsible for the supply and sale of alcohol in Ireland and are listed below.

Beverage Council of Ireland  
BWG Foods  
C&C Group plc  
Cider Industry Council  
Diageo Ireland  
Drinks Industry Group of Ireland  
Edward Dillon & Co. Ltd.  
Heineken Ireland  
Irish Distillers - Pernod Ricard  
Irish Hotels Federation  
Irish Spirits Association  
Licensed Vintners Association (until 2011)  
National Off-Licence Association  
Restaurant Association of Ireland  
RGDATA  
Superquinn  
The Musgrave Group  
Vintners Federation of Ireland (until 2011)  
Wine and Spirit Association  
Lidl Ireland GmbH  
Richmond Marketing  
Tesco Ireland (until 2010)

## APPENDIX 4

### Millward Browne Lansdowne Research relating to drinkaware.ie Communications Initiative (18+ year olds) January, 2011\*

<b>Behavioural Change</b>	<b>2011* results</b>
Stated frequency of suffering a hangover in the last month in the target audience of 18 - 29 year olds has reduced by ( <i>benchmark Jan 2007</i> )	23%
Stated frequency of suffering a hangover in the last month in the general population has reduced by ( <i>benchmark Jan 2007</i> )	33%
Stated frequency of 'Drinking more than I should have' in the last month in the target audience of 18 - 29 year olds has reduced by ( <i>benchmark Jan 2007</i> )	21%
Stated frequency of 'Drinking more than I should have' in the last month in the general population has reduced by ( <i>benchmark Jan 2007</i> )	31%
 <b>Key Advertising Messages</b>	 <b>2011* results %</b>
Makes you realise the unacceptability of public drunkenness has increased by ( <i>benchmark Jan 2008</i> )#	15%
Highlights the impact of public drunkenness on others has increased by ( <i>benchmark Jan 2008</i> )	12%
Knowledge of a 'Standard Drink/Unit' has increased by ( <i>benchmark Jan 2009</i> )	21%
 <b>Consumer Attitudes to drinking</b>	 <b>2011* results %</b>
Respondents in the total population who agreed with the statement that 'Excessive drinking is becoming less acceptable'	85%
Respondents in the total population who agreed with the statement that 'Being drunk in public is becoming less attractive'	89%
Respondents in the total population who agreed with the statement that 'There is growing awareness of the effects of excessive drinking'	86%
Respondents in the total population who agreed with the statement 'Being drunk in public is unattractive to the opposite sex'	91%
 <b>Awareness of drinkaware.ie</b>	 <b>2011* results %</b>
Awareness of websites providing information regarding responsible alcohol consumption for the target audience of 18 - 24 year olds ( <i>results for drinkaware.ie</i> )**	93%
The drinkaware.ie brand should be more widely used (all adults)	91%
Awareness of drinkaware.ie has increased by ( <i>benchmark Jan 2008</i> )	35%
Awareness of drinkaware.ie in the target group of 18 -29 year olds has increased by ( <i>benchmark Jan 2008</i> )	32%
Awareness of drinkaware.ie advertising has increased by ( <i>benchmark Jan 2008</i> )	39%
Advertising awareness level within the target group of 18 - 29 year olds has increased by ( <i>benchmark Jan 2008</i> )	37%
*Millward Brown Lansdowne, 2011	
#Millward Browne Lansdowne, May 2010	
**Amárach Research, January, 2011	

## APPENDIX 5

### **Section entitled *Role of the Alcohol Industry in Education & Media Initiatives* in draft Prevention Chapter prepared by the Steering Group's Secretariat and circulated in advance of the 16 July, 2010 Meeting of the Steering Group**

#### **"ROLE OF THE ALCOHOL INDUSTRY IN EDUCATION & MEDIA INITIATIVES**

There is evidence that social responsibility messages, whether stand-alone or when added to product advisements, benefit the reputation of the sponsor more than public health and create a sense of good-will towards the company and the product. Alcohol advertising frequently places alcohol within a social, fun and glamorous context. Although the commercials may include a brief message regarding responsible drinking, alcohol is positioned as 'normal'. One study found the messages in alcohol industry social responsibility spots to be ambiguous, especially for 16-18 years olds. But that the source of the message (Alcohol Company) was favourably perceived. Over two-thirds of the sample agreed that the spots suggested beer drinking was fun.

There is also evidence, that alcohol companies are more circumspect about their messaging than a public health source. They tend to avoid the negative consequences of irresponsible drinking and set their messages within a 'drinking as normal' context. They also co-opt social responsibility messages to serve product marketing objectives. This, seemingly, pro-health messages can end up serving to subtly advance both industry sales and public relation interest, while having little impact on reducing harmful drinking.

The Alcohol Industry in the Irish context run education programmes, web-sites and add tag lines urging people to drink responsibly to print, radio and television advertising. It is clear from a number of studies that education activities undertaken or funded by the alcohol industry are ineffective in reducing excessive consumption and alcohol related harm. Taking lessons from tobacco control it is known that industry funded programmes are unlikely to reduce harm and may in fact improve the public's perception of the industry while having no effect on drinking patterns or intention to change behaviour thereby undermining efforts to reduce alcohol related harm.

There is a clear conflict of interest with industry involvement both directly and through their advocacy groups in the Irish context. The efforts of the industry may clearly be undermining the public health agenda in addressing alcohol related harm and therefore has to be addressed as a priority action."