

REVIEW OF THE REGULATION OF ALCOHOL ADVERTISING

MINUTES OF STEERING GROUP MEETING 12 JUNE 2006

Present:

Steering Group

Ashley Bloomfield, Ministry of Health (Chair)

Hilary Souter, Advertising Standards Authority (ASA)

Phil Knipe, Ministry of Justice

Tim Rochford

Alison Taylor, Ministry of Youth Development (MCH)

Nonnita Rees, Ministry of Culture and Heritage

Mike Macavoy, Alcohol Advisory Council of NZ (ALAC) (present for morning session)

Ruth Richards, Ministry of Social Development

Jane Wrightson, Broadcasting Standards Authority (BSA)

Apologies: Tim Harding

Working Group

Chris Laurenson, Ministry of Health (present for morning session)

Wendy Moore, ALAC

Megan Larken, Ministry of Health

Clare van der Lem, Ministry of Health

Jo Burgi, Ministry of Health (present for afternoon session)

1. Introduction

After introductions were made, the Chair spoke to the group outlining the background to the review, and the political and policy context. He noted his belief that the Group is not mandated to judge whether there should or should not be alcohol advertising *per se*. Rather, it is to review the regulation of advertising set against a background of alcohol use/misuse in New Zealand's cultural context, and provide the Minister with useful options for addressing any issues identified. He also noted the Minister's support for the inclusion of the members from the ASA and BSA.

There was discussion about the approach the Group would take, especially in view of the timeframe. There was agreement that the Group's role is to draw out key issues from stakeholders, document them, identify the strengths and weaknesses of the current system and suggest options in a 'stepwise' fashion. If issues come to light that are outside the scope, these will be drawn to the attention of the Government.

Comments from the members in discussion included mention of the seriousness of risky drinking behaviour by young people, the importance of talking to young people about the issues, and the need for the Group to have a vision.

Action: Megan Larken to send members copies of the draft NDP.

2. Interface with Law and Order Select Committee's work on the Sale of Liquor (Youth Alcohol Harm Reduction) Bill

The Steering Group wished to know how the review aligned with the Bill. Phil Knipe outlined the Law and Order Select Committee's progress. The Select Committee is interested in the wider issues around alcohol advertising, and wishes to be informed about the Steering Group's progress. Due date for the Select Committee to report back is 30 September 2006. The Select Committee may seek to delay their report back on the advertising part of the Bill. Chris Laurensen said that, in relation to the parts of the Bill dealing with advertising, most submitters fall into two broad camps – hospitality, liquor and advertising industries that believe the current system works well and there is no need to do anything; and health and community groups that were concerned about alcohol harms and were in favour of further restrictions or a ban on alcohol advertising.

The Steering Group agreed that the submissions to the Select Committee would be relevant to the work of the Steering Group and that many organisations may be unwilling to make separate submissions. Phil Knipe noted that the Law and Order Committee would need to agree to the release of the written submissions.

Action: In the first instance, the Chair and Phil Knipe would request to meet with Ron Mark (Acting Chair of the Law and Order Select Committee), and Martin Gallagher (sponsor of the Bill), and report back to the Group. The Chair will clear this first with Minister O'Connor.

3. Terms of Reference

The Chair noted the minor change to the scope during the Cabinet process – from “sponsorship” to “methods, effects, limitations and conditions of sponsorship”. There was discussion about some inaccurate media commentary, and two matters were clarified. First, the scope of the review includes health messages in advertisements but not health messages on labels. Second, the membership of the review was decided by the Associate Minister of Health and was not influenced by other members of the Steering Group.

The Group then considered the Terms of Reference (TOR) section by section in regard to how they would work in practice. Because the TOR had been through a Cabinet process, no changes would be made to it other than editing errors. Rather, clarifications would be noted in the minutes.

Action: Megan Larken to amend the TOR to correct the page numbering, and the sentence about “accountability” to read “Members will be appointed by the lead Minister and will be accountable to *him*.” (rather than *them*).

There were queries about the **reporting requirements** (Para 3, second bullet point), and this was clarified. IACD is a stakeholder, and will be updated during IACD meetings, as would MCDP (as Chair of MCDP, Hon Jim Anderton is very interested in alcohol policy and is kept informed). It was agreed that Ministers interested in the review should be informed through Minister O'Connor. The Chair meets regularly with the Minister.

Mandate/support from organisation - Hilary Souter noted that the ASA has agreed that she will not consult them about the review, except if major changes are proposed. Other Group members are in a similar position and may also need to consult with their respective boards/organisations (excepting Tim Rochford and Tim Harding). It was agreed that members can consult and report to their organisations “to the extent necessary”.

There was discussion about **declarations of interest**. Group members agreed there is merit in declaring their interests (or perceived “conflicts of interest”), so it was agreed that declarations of interest be tabled and a register kept.

Action: Megan Larken to co-ordinate register of interests.

A question came up about **delegation** of attendance at meetings to someone else if a member was not available for a meeting. The Chair proposed no delegation for the sake of continuity, but that if a member had to miss a meeting, the Chair would update them separately. This was agreed.

Action: The Chair to meet with Tim Harding to brief him about this meeting.

Confidentiality – it was noted that media queries should be referred to the Chair.

The section on **Scope** was discussed, including the issue of the level of exposure of advertising to young people. Volume and exposure are different, but are both relevant, as is the content of advertisements. The scope includes the ability to make rules around placement of advertisements. Currently the only 'placement' rule in the Code for Liquor Advertising is for televised advertisements. It was agreed that consideration of the volume of alcohol advertising and exposure to alcohol advertising, especially by young people, are important.

4. Presentation

Hilary Souter presented on the current regulatory framework, including the role and make-up of the ASA, the Advertising Standards Complaints Board (ASCB), the Advertising Standards Complaints Appeals Board (ASCAB), and pre-vetting. She highlighted examples of the types of complaints received. During the discussion that followed, Hilary Souter was asked what she and the ASA Board believed to be areas of the system that may need improving. She said that the lack of an enforcement mechanism for the packaging guidelines is a problem, and that price and product advertisements (which do not get pre-vetted) are tending to become cluttered. Continual education of the industry is needed because of high turnover amongst marketing staff, and corporate affairs departments do not always have a good awareness of what marketing staff are planning.

Afternoon session

5. Work programme

Wendy Moore presented the proposed work programme and sought input from the Steering Group. There were a number of suggestions.

- Virtual Groups – would need to ensure that people have key information to enable them to understand the context of the review so that we get meaningful interaction; bonding of groups – may need an open consultation meeting to get key groups together and encourage interaction. Need face to face process. (*Further about consultation below*)
- Research – In 2002 the World Health Organisation commissioned a literature review to examine the influence of alcohol advertising on young people's alcohol consumption. Should this review be updated, and how? It is possible to do a systematic review/literature review of New Zealand research. The Steering Group would like the Working Group to develop options. Research on sponsorship also needed to be commissioned.
- Regulation of advertising outside the ASA – what, where, how?
- Dunedin City Council's Manager's Guide – would be useful for Steering Group's knowledge of Sale of Liquor Act as it relates to advertising/promotions
- Good sports – ALAC/ACC project should look at this alongside alcohol sponsorship of youth events particularly in context of the sponsoring of school sports teams; need to consult at sports club level both rural and urban. NB: note that sponsorship is not just of sports events; it can be concerts and youth-oriented events. Identified ClubsNZ as a good place to start to engage with sports clubs.
- Ethnicity – important that we also cover Māori and Pacific sporting interests also
- Noted Health Sponsorship Council may have relevant information regarding sponsorship
- Foundation for Advertising Research (FAR) – Hilary advised that FAR has completed a systematic review of alcohol advertising research
- Need paper on right of freedom of expression, what it means and how it impacts on the Review.
- Expert presentations at Steering Group meetings – there was discussion and suggestions.
- Stakeholders – the structure diagram was used a starting point to discuss stakeholder groups. A number of additional ones were identified.

Actions:

- Members to forward to Wendy Moore questions they would like the research to address.
- Phil Knipe to prepare paper on freedom of expression and present at next meeting.

- Megan Larken to provide copies of Dunedin City Council's Manager's Guide for next meeting.
- Megan Larken to provide the members with copies of the 2002 WHO Review.

Members expressed a desire to begin the **consultation process** as soon as possible. A timeline for consultation would be needed. It was agreed that there was no time for oral submissions to the Group. Using existing networks is effective and will save time. The Chair will seek the Minister's agreement to this approach.

Different groups would need to be engaged in different ways, and special care would be needed to engage community stakeholders in a meaningful way. For instance, Maori would be best consulted via hui, Pacific people via fono (one of each, perhaps in Auckland), and young people would need an appropriate forum.

It was agreed that stakeholder group participants would need to first be provided with information on the context, issues and questions for them. Then they should meet together. There was potential for discussion to continue through 'virtual' on-line discussion groups (closed ones). Preferably, participants should have a choice of ways to have input.

Written submissions would be called for in addition to targeted consultation.

Actions:

- The Working Group will develop the work programme and Megan Larken will send it to the Steering Group as paper for discussion at next Steering Group meeting. This will include a detailed consultation plan, options for literature review/research, and a draft proposal for commissioning research on sponsorship. The Working Group may be in contact with members to follow up their suggestions, eg regarding stakeholder groups.
- The Chair to brief the Minister on the key points from the meeting.

6. Next meetings

These were confirmed as:

17 July 2006 – should have up to three presentations from experts
 16 August 2006
 11 September 2006
 9 October 2006
 13 November 2006
 11 December 2006

Stakeholder meetings

These would likely be held in August.