Wine and Spirit Trade Association and Scottish Retail Consortium

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill.

Who we are

The Wine and Spirit Trade Association (WSTA) represents 340 companies producing, importing, exporting, transporting and selling wines and spirits in the United Kingdom. Members range from major retailers, brand owners and wholesalers to fine wine and spirit specialists, logistics and bottling companies. We campaign for a vibrant and sustainable wine and spirit industry, helping to build a future in which alcohol is produced, sold and enjoyed responsibly.

The Scottish Retail Consortium (SRC) is the lead trade association for the entire retail industry in Scotland. Diverse and exciting, our membership spans large multiples, independents, high streets and out of town from online to traditional retail premises, selling goods across all sectors to increasingly discerning consumers. Our membership also includes all of the major food retailers, which between them account for over 90 per cent of Scotland’s grocery sales.

General comments

The WSTA and SRC welcome the opportunity to respond to the call for evidence from the Health and Sport Committee on the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill.

We recognise that there are areas in Scotland where alcohol misuse is a problem and are determined to play a positive role with Parliament and other stakeholders in tackling alcohol-related harm. We support locally targeted partnership schemes that are properly evaluated and evidence based, and work closely with our members to ensure that alcohol is sold and marketed responsibly, a responsibility our members take incredibly seriously.

As members of the Scottish Government Alcohol Industry Partnership (SGAIP), we work closely with the Government to deliver a long term collaborative approach to fostering a culture, which recognises that responsible, moderate consumption of alcohol can be part of a healthy society. We believe this particular partnership has been integral to the continued shift in Scotland’s relationship with alcohol to one which is becoming more focused on responsible consumption. This is evident through the recent downward trends in hospital admissions and alcohol-related deaths\(^1\). Challenge 25\(^2\), an industry developed initiative is a prime example of how partnership working and communicating with industry stakeholders can result in tangible positive change for Scotland. Challenge 25 is now mandatory across Scotland\(^3\).

\(^2\) [http://www.wsta.co.uk/challenge-25](http://www.wsta.co.uk/challenge-25)
\(^3\) [http://www.challenge25.org/](http://www.challenge25.org/)
Strong partnership working can be seen through the UK-wide ‘Labelling Pledge’ and ‘Billion Unit Pledge’, both of which have been delivered upon and were undertaken on a voluntary industry basis as a commitment to collaborate with government to promote responsible drinking. 92.8% of labels now voluntarily carry a pregnancy warning (when the target was 80%) and over 1.3 billion units of alcohol were removed from the market between 2011 and 2013 alone.

We also represent an industry that provides significant employment in Scotland - from rural areas to town centres– with over 100,000 people involved in the retail of food and drink and an additional tens of thousands in alcohol production, helping to boost economic growth in Scotland. Scotland has a lot to showcase, in terms of its food and drink offering, particularly Scottish spirits in this ‘Year of Food and Drink’, with rising Scottish gin production following in the footsteps of whisky. This is something that requires government support. It is therefore important that regulations in relation to alcohol not only promote a culture of moderate and responsible consumption, but that they don’t unfairly restrict businesses and add unnecessary administrative burdens in the process.

We are in favour of some parts of the bill including the age-restricted section, for example, which recognises that youth drinking is falling, as well as the alcohol education policy statements section, which recognises that to continue the positive shift in Scotland’s alcohol culture, education and information will be at its centre. However, aspects of this Bill do not articulate well with the Scottish Government’s Better Regulation agenda: that regulations should be proportionate, consistent, accountable, transparent and targeted. Areas where alcohol misuse is a problem should be targeted with measures that can be properly accounted for and which drive successes with those most vulnerable. This should not infringe on the vast majority who enjoy alcohol in a responsible manner and should aim to have as little effect as possible on the high economic value that this industry provides to Scotland, its workers and their families. It is our view that whole of population approaches, whether introduced at a national or local level, are unlikely to effectively target those who misuse alcohol.

**Chapter 1 – Alcohol Licensing**

Restrictions on sale of alcohol

1. Minimum price of packages containing more than one alcoholic product

Food and drink retailers in Scotland provide high levels of employment to the economy and are most often part of larger companies that operate throughout the UK single market. To consistently change regulations around what retailers can and cannot do in-store makes business environments unenticing to new entrants and anti-competitive. We strongly oppose any form of price control which limits market pricing freedoms and offers value to hard pressed consumers. In addition, it effectively creates separate and competing markets within the UK, something which could cause economic damage to Scottish retailers and create unintended incentives for consumers. The WSTA and
SRC included this concern in our response at the time of the Alcohol (etc) (Scotland) Bill debates\(^4\) in 2010 but it was not considered carefully enough. We would recommend that there is no further change to this area until at least after the minimum unit pricing case has been decided.

2. Alcoholic drinks containing caffeine

Alcohol should only ever be consumed responsibly and within the legal requirements (e.g. for driving) or recommended drinking guidelines. Provided these requirements are respected the evidence suggests that caffeine is highly unlikely to have an adverse effect on the consumer. A ban would not address problem of the mixing of alcoholic drinks and high-caffeine soft drinks or energy drinks, to which the majority of the footnotes in the policy memorandum refer. We would also point out that the original consultation acknowledges that consumers could continue to purchase alcohol and caffeinated drinks to mix their own, potentially higher, caffeinated alcohol mixture. We believe that the legislative focus should be on dealing with problem drinkers, rather than banning specific alcoholic drinks. The only effective way to change the habits of irresponsible drinkers is to educate and promote moderate consumption to them in a targeted manner.

4. Container marking: off-sales

It should be noted that the numbers of young people drinking continues to drop in Scotland, which saw close to a 50% decline in 15-19 year olds being admitted to hospital for alcohol related illness between 2007 and 2014. In addition, the number of students who successfully purchase alcohol from shops is also in strong decline according to the SALSUS 2013\(^5\) report. This is a significant culture change and has come about without the need for container marking.

In 2013, the WSTA commissioned YouGov to undertake polling on Challenge 25\(^6\) and proxy purchase awareness amongst young people. 73% of Scots polled were aware of Challenge 25, the second highest recording across the UK. Importantly, of those polled, 62% said that the person who purchased alcohol for them was an immediate relative and only 5% reported requesting a stranger purchase alcohol for them. When children receive alcohol from home, container marking is not the solution to this issue. Greater education across the population and awareness of the criminal risk of supplying alcohol to a minor is key. The SGAIP ‘Proxy Purchase Campaign’ is looking to address this directly, as would greater alcohol education.

Through the mandatory introduction of Challenge 25 and initiatives like Community Alcohol Partnerships (CAP) steps have been taken to make it more difficult to buy alcohol as an under 18. Targeted interventions such as

\(^4\) http://www.wsta.co.uk/images/stories/Scotland/alcohol-bill-stage3-briefing-final.pdf
the SGAIP ‘Proxy Purchase Campaign’ and CAPs should be supported as an alternative to this container marking proposal.

A separate issue surrounds how a container marking scheme would work in tandem with a deposit return scheme (DRS), which is currently being proposed by the Scottish Government. Any DRS scheme would encourage children to collect cans and bottles and return them to shops which would undoubtedly make collecting trustworthy data on the container marking difficult.

Community involvement in licensing decisions

5. Applications for, or to vary, premises licence: consultation and publicity

Our members regularly consult communities prior to the opening of premises, actively encouraging engagement from their local areas. It is important that licensing law should not prohibit responsible licensees from entering the market and providing competition. Licensing law should work for communities and responsible business alike. Suggestions by which a licensee might be required to greater publicise their application- for example, by doubling the period of publicity or requiring publicity in two newspapers (which is in many ways an outdated media and not available in all localities)- are burdensome to all businesses and do nothing to further licensing objectives.

It should be noted Scottish food and drink retail supports over 100,000 jobs and that there is a need to support them in this 2015 ‘Year of Food and Drink’. It is important to judge each licensing decision on its merits and not to restrict the entry of responsible retailers to the market, especially in times of economic hardship. Food and drink retailers form the core of urban and high street economic growth. Alcohol is but a small part of their offering, but for a retailer to consider opening a premises, the market demands it to offer a ‘one-stop-shop’. Without an alcohol licence, it is unlikely a food and drink retailer would willing open a store.

Chapter 2 – Restrictions on Advertising of Alcohol

Advertising near premises used by children

6. Schools

The Alcohol industry takes very seriously its responsibility in relation to advertising of alcohol and as part of the Public Health Responsibility Deal, the industry has pledged not to advertise alcohol within a 100m area of schools7. This demonstrates the way in which much can be achieved through working with the industry and there is not always a need for regulation to bring about changes. In this case, advertising restrictions have been brought in quicker than legislation would have achieved and is working well. Business report annually on the way in which they are meeting this restriction.

7 https://responsibilitydeal.dh.gov.uk/plegde/pledge/?pl=6
This is in addition to the successes of the labelling pledge and billion unit pledge, both of which have already been delivered on. As with the container marking section, it should be noted that youth drinking continues to fall in Scotland, with hospital admissions related to alcohol almost halving in seven years for the 15-19 year bracket.

Advertising within licensed premises

7. Advertising within licensed premises

Advertising within store environments is already regulated by the codes and practices of the large retail chains, as well as by the Alcohol (etc) Bill 2010. The major retailers operating in Scotland are part of the ‘Retail of Alcohol Standards Group’ (RASG), a self-regulatory body that has been at the forefront of responsible retail for over ten years. The group was the instigator of the Challenge 25 scheme and continues to implement ever more in depth codes to ensure the responsible sale of alcohol continues across the UK to a high standard in all major supermarket chains.

Regulations within store currently prohibit the promotion of alcohol outside of the BWS aisle. This includes the pairing of products as part of a meal deal even though it promotes responsible and moderate consumption with food, especially as more people will now begin to consume alcohol in the home due to more stringent drink driving limits. Tighter restrictions than those already imposed would be impractical and could be seriously damaging to the Scottish food and drink industry. Would it suggest that haggis and scotch could not be promoted together around Burns’ Night, on a food and drink magazine cover, for example? Would that publication have to now have a ‘wraparound’ cover?

Advertising at sporting and cultural events

8. Advertising at sporting and cultural events

It is important to note that there is no clear evidence for alcohol advertising having any clear effect on encouraging non-drinkers to drink or how much any consumer drinks. The main purpose of advertising is for brand differentiation and to increase consumer brand loyalty. Alcohol advertising does not, under its industry codes of conduct, encourage irresponsible or excessive drinking.

It is important to take into account that there is a clear net benefit to society from alcohol advertising at sports and cultural events in the form of sponsorship. The revenue generated through alcohol sponsorship helps to pay for many things within society, including supporting sport at professional, amateur and youth levels and start-up cultural and fringe events. Without this strong funding base, not only will Scottish national and professional teams suffer, but many youth programmes run by the Scottish sporting organisations will experience funding difficulties. This will lead to not only a loss of future athletes for national and professional sports teams, but a fall in activity of those participating in youth sports and damage general levels of health.

Alcohol companies do not sponsor events for underage audiences – or audiences which consist of a majority of underage viewers - for it would be in breach of the Industry’s ‘Code of Practice on Alcohol Sponsorship’ to do so. This code ensures that the industry has taken steps where possible to obtain data that shows 75% of both the participants in the event, as well as the intended audience are over the age of 18. In addition, it makes no sense for an alcohol company to target expensive advertising at people who are not in a position to buy their products.

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9 Sections 3.2-3.5, ‘Code of Practice on Alcohol Sponsorship’, The Portman Group.
http://www.portmangroup.org.uk/docs/default-source/recruitment-jds/sponsorship-code-booklet.pdf?sfvrsn=0