



28 June 2012

**SUBMISSION TO THE SCOTTISH LABOUR PARTY CONSULTATION ON SHIFTING THE CULTURE – A PROPOSAL FOR A BILL TO BRING FORWARD MEASURES TO CHANGE CULTURE IN RELATION TO ALCOHOL IN SCOTLAND.**

HEINEKEN is the UK's leading beer and cider producer and the name behind drinks brands such as Foster's, Strongbow, Kronenbourg 1664, Bulmers, John Smith's and Heineken®. We also own circa 1,400 pubs and directly employ 2,400 people in our UK business, 1,100 of which are based in Scotland. We operate from sites in London, Edinburgh, Manchester, Tadcaster and Herefordshire.

As a responsible alcohol producer, HEINEKEN is committed to playing its role in tackling alcohol misuse and encouraging people to drink responsibly. We want our products to be made, sold and enjoyed responsibly.

Alcohol consumption in the UK has declined by 12% since 2004 and the majority of people drink responsibly. Alcohol policy should be targeted at the minority who misuse alcohol.

Our commitment to working with Government and NGOs can be demonstrated through our work as a founding member of the Scottish Government Alcohol Industry Partnership (SGAIP) and the pledges we made under the Department of Health Public Health Responsibility Deal. This includes our individual commitments to:

remove 100 million units from the market each year from 2013 by lowering the abv of a major brand ; and

improve unit awareness by introducing 11 million unit labelled glasses into the on trade.

**Tightening the quantity discount ban in the Alcohol etc. (Scotland) Act 2010**

When debate was taking place on the Alcohol etc. (Scotland) Act 2010 HEINEKEN and other members of the alcohol industry were very clear in highlighting the limitations of the quantity discount ban, namely that retailers may stop stocking single units of a product, or stock different product sizes in multiple packs.

However, the original intention was that the quantity discount ban would be introduced in conjunction with minimum pricing, which would negate the current limitations. As Parliament has now approved plans for minimum pricing we do not see any benefit that would come from further amendments.

**Public Health Interest and Child Protection**

One of the main principles behind the 2005 Licensing Act was to devolve control and interpretation to local Licensing Boards to allow them to take into account conditions in their local area. We therefore believe that additional Scottish Government guidance could take away from this local flexibility. We do however recognise that there is no national forum for Licensing Boards to share best practice and we therefore support the suggestion that a National Licensing Forum be established. We believe this may be a more effective way to help achieve this proposal.

In principle we are supportive of the suggestion to require Ministers to report to Parliament on the effectiveness of the 2005 Act although we are mindful of any additional burden this may place on Licensing Boards' resources.

HEINEKEN is not convinced that it is necessary for the Scottish Government to formally respond to Alcohol Focus Scotland report 'Re-thinking Alcohol Licensing'. It would be unusual for Government to formally respond to NGO reports. The Scottish Government provides significant levels of funding to AFS and we do not see what can be gained by a Government response.

### **Restriction on Alcohol Marketing**

We do not believe there is any evidence to suggest a ban on alcohol advertising would be a proportionate or effective response.

The UK already has some of the strictest restrictions on alcohol advertising and marketing in the world. The industry's self-regulation through the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks works to ensure that products do not encourage irresponsible consumption or appeal to children. Alongside this, the Advertising Standards Authority enforces strict standards in all 'paid for' space such as television and radio.

A further commitment has been made by industry as part of the Department of Health Responsibility Deal: *"We commit to further action on advertising and marketing, namely the development of a new sponsorship code requiring the promotion of responsible drinking, not putting alcohol adverts on outdoor posters site within 100m of schools and adhering to Drinkaware brand guidelines to ensure clear and consistent usage."* HEINEKEN is working with our agencies to deliver this pledge.

The consultation specifically refers to alcohol advertising in cinemas. The Cinema Advertising Association has data to show that CAP rules are working and children are not over exposed to alcohol advertising.

### **Caffeine limit in pre-mixed alcohol products**

HEINEKEN does not produce any caffeinated alcoholic products. We are not aware of any evidence relating to drinks containing 150mg of caffeine per litre or more. However we believe producers have an important role to play in tackling alcohol misuse and encouraging people to drink responsibly. We want our products to be made, sold and enjoyed responsibly.

Following HEINEKEN's takeover of Scottish and Newcastle, one of the first things we did was delist White Lightening in March 2010. We followed this by delisting Strongbow Black in November 2010.

### **Alcohol Education**

We believe that better education to help people make sensible choices about their consumption is very important. In recent years there have been concerted alcohol education and information campaigns by government, industry and NGOs and evidence suggests this is having an impact. HEINEKEN has played a part of this by:

Providing support to Drinkaware, the alcohol education charity. This includes financial support and support in kind by including Drinkaware branding on our packaging, print advertising and TV end frame advertising.

Providing unit-labelled packaging for our brands and supplying 11 million unit-labelled glasses to our on-trade customers.

Integrated responsible drinking campaign as part of our sponsorship of the John Smith's Grand National.

Recent cases studies show that consumer education is an effective measure:

The Drinkaware "Why let the Good Times Go Bad" campaign challenges the acceptability and desirability of drunkenness among young adults. Independent research among 18-24 year olds shows that after seeing the Drinkaware 'Why let good times go bad?' campaign, 56% claimed it made them consider drinking differently and 80% claimed to have adopted at least one of the campaign's tips to help them moderate their drinking.

### **Alcohol discrimination against under 21 year olds in off-sales**

HEINEKEN is supportive of proposals that would prevent Licensing Boards restricting sales to 18-21 year olds. The law currently sets the legal age for sale of alcohol at 18, regardless of whether this is in the on-trade or off-trade. If Boards were given the power to raise the age to 21 this could lead to confusion for consumers, retailers and the Police.

If there is an issue in a community of under-age sales or alcohol related anti-social behaviour we would prefer to see agencies work together on projects like Community Alcohol Projects (CAPs). HEINEKEN is a supporter of CAPs as part of our commitments under the Department of Health's Responsibility Deal, providing £70 million of funding. This a collective pledge to work with local communities, retailers and local stakeholders such as the Police, trading standards, licensing teams to tackle underage drinking and anti-social behaviour.

HEINEKEN also supports the Best Bar None scheme providing £150 million over the next three years. The aim of Best Bar None is to reduce alcohol related crime and disorder in town centres by building a positive relationship between the licensed trade, police and local authorities.

### **Community involvement in licensing decisions**

HEINEKEN believes community neighbours already have ample opportunity to engage in the licensing process through local licensing forums, community councils and alcohol drug partnerships. We do not therefore support building in further consultation processes.

We do not believe time limits should be put on licences. If premises are fulfilling the conditions of their licences we see no reason why there should be added bureaucracy and cost of reviewing them more frequently. This would add further complication and cost when premises are already paying significantly more for their licences under the 2005 Act. The on-trade in particular is struggling with rising costs and falling sales and would find extra cost and complication an enormous burden to absorb. We would instead prefer to see Licensing Boards focus their efforts on those premises breaking the conditions of their licence.

## **National Licensing Forum**

HEINEKEN would be very supportive of establishing a National Licensing Forum. It would provide a place for the Licensing Boards to share best practice and improve consistency in interpretation of the Licensing Act 2005. It could perform a valuable role which the licensing system in Scotland is missing at the moment.

## **Alcohol bottle tagging**

We are not convinced that bottle tagging is an effective way of tackling underage sales to justify giving Licensing Boards the power to make it a licence condition.

Figures from 2008 show only 6% of 11-15 year olds who drank alcohol tried to buy it from a shop. 22% were given it by parents, 24% by friends and 18% asked someone else to buy it. Bottle tagging only proves where the product has been bought from and not whether it was purchased by an under-age person.

It is also a very costly and time-consuming solution to a declining problem. Challenge 25 has already proved massively successful in reducing under age sales, particularly when combined with projects like Community Alcohol Partnerships.

## **Alcohol Fine Diversion & 11. Alcohol Arrest Referral**

We would be supportive of schemes such as this offering offenders the chance to participate in an alcohol education programme instead of paying a fixed penalty fine if pilots demonstrate its effectiveness. HEINEKEN is always supportive of strong enforcement of existing laws and education to tackle misuse.

Our cider business Bumers has supported an Alcohol Arrest Referral pilot scheme in Hereford which showed excellent results and we would welcome moves to extend the scheme to other areas.

## **12. Alcohol Drug Treatment and Testing Orders**

It seems sensible that the authorities should have this policy as an alternative to a custodial sentence.

## **Alcohol Offences Information Sharing**

We have no specific views on this proposal and believe it would be more appropriate for GP groups to give a view.

## **Conclusion**

As a responsible alcohol producer HEINEKEN believes that the most effective way to promote responsible drinking is not through Government action in isolation but through a partnership approach involving government, industry and NGOs. Industry has a role to play in this as it can reach consumers in ways that the Government cannot. We believe alcohol-related policy measures should be necessary, evidence-based and proportionate.