



RESPONSE TO THE IRISH DEPARTMENT OF HEALTH PUBLIC CONSULTATION IN RESPECT OF REGULATIONS TO BE MADE UNDER SECTIONS 12 AND 13 OF THE PUBLIC HEALTH (ALCOHOL) ACT 2018.

Background

Alcohol Focus Scotland (AFS) is the national charity working to prevent and reduce alcohol harm in Scotland through the implementation of effective alcohol control policies and legislation. AFS welcomes the opportunity to respond to the consultation from the Irish Department of Health in respect of regulations to be made under sections 12 and 13 of the Public Health (Alcohol) Act 2018. These regulations will specify details for the health warnings and information to be placed on the labels of alcohol products, notices in licensed premises, documents required for alcohol sold in reusable containers, websites that sell alcohol products, and in advertisements for alcohol products. The Department of Health has requested expert evidence on the effectiveness of such warnings and information provision. This submission focuses on the peer-reviewed evidence in relation to health warnings and information provision on the labels of alcohol products.

Introduction

Alcohol Focus Scotland believes that in the context of accounting for the effectiveness of including the relevant health warnings and information on the labels of alcohol products, any assessment of 'effectiveness' must rest within the stated objective of the legislation, namely the intention to inform consumers. The legislation prescribes a variety of matters to be informed, namely: the danger of alcohol consumption; the danger of alcohol consumption when pregnant; the direct link between alcohol and fatal cancers; and the alcohol's energy value.

Alcohol products currently do not adequately inform the public of these matters. In the UK for example, a 2018 review of 320 alcohol products conducted by the Alcohol Health Alliance found that no products contained health warnings of specific illnesses or diseases (which is one of the UK Chief Medical Officers' weekly low-risk drinking guidelines).¹ Where information was provided on alcohol and pregnancy, this was predominantly in the form of a 'no drinking in pregnancy logo', which was often small and difficult to see; only 2.8% of the products reviewed carried the fuller information on not drinking while pregnant or if trying to conceive.

In a democratic society, citizens hold a fundamental principle of the right to self-determination, a principle that recognises that citizens are autonomous, independent agents with the right to make informed decisions regarding their health and wellbeing. As citizens and consumers, we cannot reasonably exercise a responsibility to be informed unless we have sufficient knowledge to make informed choices. The right to consumer protection is underpinned by the Charter of Fundamental Rights of the European Union,² and the United Nations consumer protection guidelines identify access to 'clear, accurate information to enable informed choices' as one of eleven consumer principles that define the most important needs of consumers.³

By placing warnings and information on alcohol products, citizens and consumers have an opportunity to be informed and to make informed decisions. This has been recognised by the World Health Organization (WHO), which recommends providing consumer information about, and labelling alcoholic beverages to indicate, the harm related to alcohol as part of its global strategy to reduce the harmful use of alcohol.⁴ The WHO European action plan to reduce the harmful use of alcohol: 2012-2020, which was endorsed by 53 European Member States (including Ireland), further recommends that health warning labels should be placed on all alcoholic beverage containers as part of broader communication and point-of-purchase health campaigns. It states that public health bodies can usefully advise on the content of such messages, and that the focus of these messages could be “to address issues of immediate concern such as drinking during pregnancy or while driving, or to cover the long-term risks of alcohol use, such as high blood pressure and cancer.”⁵

Internationally, at least 18 states have introduced laws mandating health warning labels on alcohol products including France, South Africa, Brazil, Costa Rica, Ecuador, Honduras, Mexico, South Korea, Russia and the USA. The most common message on warning labels is a general one about alcohol being harmful to the health of the drinker. Other more specific warnings include that alcohol increases the risk of liver cirrhosis, liver cancer, and injury and violence; impairs driving ability; is addictive; is harmful to young people; and can endanger the family of the drinker. Labels indicating that alcohol should not be consumed during pregnancy are mandatory in five countries (China, France, the USA, South Africa and the Russian Federation).

Summary of expert research on the effectiveness of including health warning and information on the labels of alcohol products

Informing the public of the danger of alcohol consumption

- In a study on the impact of alcohol warning labels in the US, **Mackinnon et al. (2001)** concluded that the alcohol warning was having the intended effect of informing and reminding people of the risks associated with alcohol use.
- **Stockwell (2006)** demonstrated that warning labels have prompted drinkers (including high-risk drinkers) to engage in more discussion about the risks of drinking alcohol.
- **Wilkinson & Room (2009)** concluded that, “Adding warning labels to alcohol containers has a longer-term social utility in helping to establish social understanding that alcohol is a special and hazardous commodity.”
- **Martin-Moreno et al. (2013)** conducted a literature review on alcohol labelling, identifying that health warnings on labels are an effective way to inform all consumers of risks associated with alcohol.

Informing the public of the danger of alcohol consumption when pregnant

- In France, since 2007, there has been a compulsory warning recommending abstinence during pregnancy on every container of alcohol. **Dumas et al. (2018)** aimed to assess awareness of the warning and risk perceptions about prenatal drinking in pregnant and postpartum women. More than 3,600 pregnant or postpartum French women participated in a cross-sectional survey that was carried out five years after the introduction of the warning label. The study found high levels of awareness of the warning, but poor knowledge of the associated risks.

Informing the public of the direct link between alcohol and fatal cancers

- In **Miller et al. (2016)**, a survey conducted in Australia sought to establish the impact of four separate cancer warning messages on labels. The findings suggest that providing detailed warnings about cancer risk on alcohol products is a viable means of increasing public awareness of the health risks associated with alcohol consumption.
- **Pettigrew et al. (2014)** investigated the acceptability among drinkers of cancer warning statements for alcoholic beverages. The study showed the potential for cancer warning labels on alcoholic beverages as a means of raising awareness of the link between alcohol consumption and cancer risk, with findings indicating the likelihood of statements to be considered believable, convincing and personally relevant.
- The latest study by **Pettigrew et al. (2016)**, again from Australia, investigated the potential effectiveness of alcohol warning statements designed to increase awareness of the alcohol–cancer link. It concluded that warning labels play an important role in informing drinkers of the long-term harms associated with alcohol, and that cancer warnings placed on alcoholic beverages have the potential to play an important role in public education programs.

Informing the public of the energy value of alcohol

- In concluding that the amount and sources of kilocalories consumed from alcohol differ by drink type, gender, age, education and BMI, **Tujague & Kerr (2009)** highlighted the need for nutritional information on alcohol labels for consumers to make better-informed choices regarding calorie intake.
- **Martin-Moreno et al. (2013)** point out the “extreme...relevance” to consumers of caloric information, and find it “striking that no country in the world currently requires disclosure of this information on packaging.” Their literature review concluded that kilocalories should be included on all labels (with fat, carbohydrate and protein content included if it is present).

The need for specific, unambiguous, and standardised design regulations

Research demonstrates the ineffectiveness of any labelling notices and information measures that are not both conspicuous and prominent, highlighting the need for standardised design regulations to be clear and precise on aspects of occurrence, size, appearance and position. These reports and studies sought to investigate the capacity of labels to be prominent enough to attract attention; examine the prevalence and design elements of health warning labels (New Zealand); and analyse the capacity of current material (UK) to communicate health messages and warnings to consumers. Research-based guidelines for warning design are also provided, alongside learning from French health warnings.

- **Pham et al. (2017)**, using a multi-method experimental design to deliver four conditions (namely control, colour, size, and colour and size), found that when label presentation was optimised, higher attention changes were observed.
- The **Tinawi et al. (2018)** research, having examined a range of voluntary health warning labels in New Zealand, concluded that the warnings sampled were too small in size

(relative to other promotion elements of the label) and poorly designed for effectiveness, readability, position, and wording.

- The **Critchlow et al. (2019)** survey, which examined awareness and recall of product information and health messaging among adolescents in the United Kingdom, concluded that weak designs or poor clarity of self-regulated messages contributes to low awareness and recall among young people.
- **Wogalter et al. (2002)** provide guidelines on health warnings, identifying a number of factors that aid their effectiveness; these include noticeability, wording (such as the use of signal words), layout and placement, pictorial symbols, and novelty.
- **Dossou et al. (2017)** analysed the effectiveness of two mandatory health warnings in France (on alcohol advertisements and alcohol packaging). Both warnings were found to suffer from a lack of visibility and noticeability due to their size, location, and outdatedness and were considered informationally vague and lacking in credibility. For these reasons, the authors concluded that the current French warnings are ineffective and require modification, suggesting improvements in relation to the design and content of the warnings.

¹ Alcohol Health Alliance UK (2018). *Our right to know: How Alcohol Labelling is Failing Consumers*. London: Alcohol Health Alliance UK.

² European Parliament, European Council and European Commission (2012). *Charter of Fundamental Rights of the European Union*. Official Journal of the European Union. Available from https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

³ Consumers International (2016). *Consumer protection: Why it matters to you. A practical guide to the United Nations guidelines for consumer protection*. London: Consumers International.

⁴ World Health Organization. (2010). *Global strategy to reduce the harmful use of alcohol*. Geneva: World Health Organization. Available from https://apps.who.int/iris/bitstream/handle/10665/44395/9789241599931_eng.pdf

⁵ World Health Organization Regional Office for Europe (2012). *European action plan to reduce the harmful use of alcohol*. Copenhagen: World Health Organization. Available from http://www.euro.who.int/_data/assets/pdf_file/0008/178163/E96726.pdf

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