

Public Health (Alcohol) Bill 2015 Update

Helen O'Brien

Department of Health

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Public Health (Alcohol) Bill

- The aim of the Bill is to –
 - reduce alcohol consumption in Ireland to 9.1 litres per person per annum by 2020, and
 - to reduce the harms associated with alcohol.

- The Bill is –
 - part of a comprehensive suite of measures to reduce excessive patterns of alcohol consumption
 - one of the measures being taken under the Healthy Ireland framework.

- The measures contained in the Bill are necessary if we are to achieve these aims and to change our relationship with alcohol.

Update

- Bill was approved by Government on 8th December 2015 and initiated in the Senate on 17th December.
- The Bill is a public health priority for the new Government and we are awaiting dates for Committee Stage.
- The Bill was notified under the Technical Standards and Regulations Directive (Directive 98/34/EC) on 22nd January. Labelling provisions were also notified under EU Directive 2000/13/EC on the labelling and presentation and advertising of foodstuff.
- Standstill period is now extended until 28th July 2016.

Key Provisions in the Bill

5 key provisions -

1. minimum unit pricing;
 2. labelling of alcohol products and notices in licensed premises;
 3. regulation of advertising and sponsorship of alcohol products;
 4. structural separation of alcohol products in mixed trading outlets;
and
 5. regulations of the sale and supply of alcohol products (promotions).
- Comprehensive sanctions and penalties.
 - Enforced by the Health Service Executive.
 - Remote sale of alcohol products.

Minimum Unit Pricing

- MUP 10c per gram of alcohol .
- The minimum retail price of an alcohol product will be based on the number of grams of alcohol in the product.
- Minimum price
 - can of beer (5% ABV) €1.97,
 - a bottle of wine (12.5% ABV) €7.40, and,
 - a bottle of whiskey (40% ABV) will be €22.09.

ECJ Judgment on MUP

- Reg 1308/2013 does not preclude the imposition of an MUP for the retail selling of wines. The Court holds that the establishment of a common organisation of the market does not prevent the Member States applying national rules that pursue an objective relating to the general interest such as the protection of health, provided that such rules are proportionate.
- MUP legislation may be justified on the grounds of the protection of health if it is proportionate to the objective pursued, and cannot be achieved by other measures such as taxation.

Labelling Objectives

- Aim: provide information to consumers on alcohol.
- WHO recommendation:
 - Introduce warnings and information on labels
- Evidence shows that accurate information is essential to promote tracking of alcohol intake.
- Standard drink/Units widely misunderstood
 - Grams more consistent approach
- Legislative measure will be supported by public health messaging.
- Commencement - 3 years after commencement of the section
 - Following consultation with industry
 - In line with transitional period for food labelling regulations

Health Labelling

Containers

- Labels on alcohol products and websites where alcohol is sold online will contain:
 - health and pregnancy warnings,
 - quantity of alcohol in grams,
 - energy value and
 - details of an alcohol public health website to be provided by the HSE.

On trade

- On and off-licenses must prominently display notices which include-
 - health and pregnancy warnings,
 - details of an alcohol public health website to be provided by the HSE, and
 - document available on request for customers for draught beer, glass of wine, spirits.

Compliance with EU Regulations

- Only mandatory nutrition declaration and grams fall within 1169/2011
- Aim of Article 16(4):
 - prevent automatic application of mandatory nutrition declaration
 - NOT a prohibition on providing information
- This view is supported by requirement by Commission to produce a report by December 2014 considering *inter alia* inclusion of energy values on alcohol products.
- Under 1169/2011 Member States may adopt measures requiring additional mandatory labelling for alcohol products if they can be justified on the grounds of the protection of public health

Content of Advertisements

- Content of advertisements for alcohol products can include:
 - the ABV, quantity in grams of alcohol and energy value
 - an image or reference to an alcohol product or alcohol products (in containers or glasses);
 - the country and region of origin, the method of production and place of manufacture;
 - the price;
 - a brand/corporate name, trade mark,
 - details of an alcohol public health website to be provided by the HSE.
- Advertisements for alcohol products must include health and pregnancy warnings, and details of an alcohol public health website to be provided by the HSE.

Prohibition on Advertising in Certain Places

- Advertisements for alcohol products are prohibited at:
 - a public park or open space;
 - a public service vehicle (bus, taxi etc.);
 - a tram, train, train/bus station, bus/railway stops;
 - schools (including 200 metres of the perimeter);
 - early years services (creches) (including 200 metres of the perimeter);
 - public playgrounds (including 200 metres of the perimeter).

Prohibitions on Advertising & Sponsorship

- Advertising of alcohol products is prohibited -
 - in or on a sports area when a sports event is taking place,
 - at an event aimed particularly at children, or where the majority of individuals taking part are children.

- Sponsorship by alcohol companies of certain events is prohibited at an event -
 - where the majority of individuals taking part are children,
 - aimed particularly at children,
 - that involves driving or racing cars or bikes.

Advertising Restrictions

- **Children's clothing**
- **Publications -**
 - advertising space restricted to 20 per cent.
 - not permitted in:
 - publications aimed particularly at children;
 - in a publication or a page of a publication whose children's readership is likely to exceed 20 per cent.
- **Cinemas**

Barriers to Imports (Article 34 of TFEU)

- Modelled on Loi Evan – no exemptions for imported publications
- Imported publications have very high circulation in Ireland
- Unjust to discriminate against domestic products
- Justified under Article 36 of TFEU – protection of health of humans

Structural Separation

- Display and advertisement of alcohol products in mixed trade retail outlets restricted to:

A separate area of the shop and/or behind the counter in a closed storage unit,

or

Closed storage units and/or behind the counter in a closed storage unit.

Promotions

- Regulation of alcohol promotions including –
 - Buy one get one free;
 - Happy Days, Messy Mondays;
 - Students Promotional Nights;

Penalties

- Summary conviction, a fine not exceeding €5,000 (Class A fine) or imprisonment for a term up to 6 months, or both,
- Conviction on indictment a fine not exceeding €250,000 or imprisonment for a term up to 3 years, or both.
- Fixed Payment Notices of up to €2,000 will apply to certain offences.

Thank you for your time

Helen O'Brien +353 1 635 4254

Helen_O'Brien@health.gov.ie