

# Addressing the influence of the alcohol industry in Aotearoa New Zealand

June YY Leung, Stephen Randerson, Georgia McLellan, Sally Casswell

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## ABSTRACT

Alcohol legislation in Aotearoa New Zealand has not been sufficient to minimise the harm and inequities caused by alcohol use, and a comprehensive review of alcohol policies has been postponed. Because of the alcohol industry's vested interests, the World Health Organization notes that industry involvement in public health policy has potential risks that should be minimised. Here we illustrate the significant extent of alcohol industry penetration in Aotearoa and how such influence undermines equity by amplifying the harms of colonisation. The government lacks policies that limit interactions with the alcohol industry, such as political donations and lobbying. We recommend what can be done to limit alcohol industry influence in policymaking, including using experiences in tobacco control to manage conflicts of interest, strengthening rules over political donations and lobbying, enhancing transparency of interactions, promoting non-collaboration with the alcohol industry and advocating for alcohol policies that give effect to Te Tiriti o Waitangi.

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Alcohol use remains a leading cause of harm and inequities in Aotearoa New Zealand.<sup>1</sup> The Law Commission recommended a comprehensive set of reforms to reduce alcohol-related harm in 2010,<sup>2</sup> many of which were omitted in the subsequent *Sale and Supply of Alcohol Act* in 2012 (the *Act*). This has resulted in the *Act* having little effect on the alcohol policy environment, despite the widening of its objectives.<sup>3,4</sup> The most cost-effective public health interventions to reduce alcohol harm, namely reducing availability, restricting marketing and increasing prices are still in need of enhancement.<sup>4</sup> That the Crown's alcohol legislation has failed to give effect to Te Tiriti o Waitangi, including a failure to actively protect Māori interests and authority in both alcohol policy formation and licensing decisions, is the subject of a claim at the Waitangi Tribunal.<sup>5</sup>

The Government is now seeking to amend legislation that has allowed the alcohol industry, particularly retailers, to prevent local communities from limiting the sale of alcohol in their area.<sup>6</sup> A broader review of current alcohol policies has been postponed to 2024, which may include further changes to alcohol licensing structures and processes, marketing and pricing; however, the *Act's* inconsistencies with Te Tiriti o Waitangi have not been mentioned.<sup>6</sup> The alcohol industry's discourse during this policy process will reflect its vested interests, and in particular, the reliance on

heavy drinking for much of its profits.<sup>7</sup> Accordingly, the World Health Organization (WHO) notes that alcohol industry involvement in public health policy has potential risks that should be minimised.<sup>8</sup>

Here we draw on data collected as part of the International Alcohol Control (IAC) study<sup>9</sup> to illustrate the extent of alcohol industry penetration in Aotearoa, and given the extent of the conflict of interest, recommend what can be done to limit alcohol industry influence in policymaking. The IAC study uses an online tool, the Alcohol Environment Protocol (AEP), to assess the policy environment in which alcohol is sold and consumed across different jurisdictions.<sup>10</sup> Drawing reference from instruments in tobacco control and conceptual frameworks for the study of corporate practices and health,<sup>11-13</sup> we developed a new module in the AEP to document the presence of national-level policies that limit alcohol industry influence, as well as activities currently employed by the industry to exert influence. Our sources of data included publicly available information from websites, published reports, and news articles.

## The alcohol industry is powerful and closely connected to the government

Alcohol production, sales and trade are a multi-billion-dollar industry in Aotearoa, giving the

industry a powerful voice in shaping government policy. Key players in the alcohol industry include growers, manufacturers, distributors, retailers (off-licence outlets, where purchased drinks are taken away for consumption), the hospitality sector (on-licence outlets, where drinks are purchased and consumed) and contractors that supply products and services to the above, such as marketers, lobbyists and consultants.<sup>14,15</sup> The alcohol industry also uses trade associations, think tanks and social aspects or public relations organisations (SAPROs) to promote its interests.<sup>16</sup>

The domestic alcohol industry is dominated by several large producers, including Lion, DB Breweries and Independent Liquor.<sup>17</sup> These companies are owned by large transnational alcohol corporations that are major players in the global alcohol market; Lion is a subsidiary of Japanese conglomerate Kirin,<sup>18</sup> DB Breweries is owned by Heineken<sup>19</sup> and Independent Liquor by Asahi.<sup>20</sup> Similarly, many large wineries are owned by transnational alcohol corporations, including Pernod Ricard (France), Treasury Wine Estates (Australia) and Constellation Brands (United States of America [USA]).<sup>21</sup> Wine remains a major export good, with the Government supporting the wine industry through funding for research and development,<sup>22,23</sup> and international trade agreements.<sup>24</sup> The alcohol industry has benefited in other ways from preferential treatment. During the COVID-19 lockdowns, alcohol supply was treated as an essential service, with supermarkets and online alcohol retailers allowed to operate.<sup>25</sup> Special legislation has been introduced to extend trading hours for bars and clubs during the Rugby World Cup.<sup>26</sup> Most alcohol is sold at off-licence outlets, with alcohol-specific retailers and supermarkets, accounting for 76% of total alcohol sales by volume.<sup>17</sup> The supermarket sector is dominated by two major operators, Woolworths and Foodstuffs (who also owns the retail chain Liquorland).<sup>15</sup>

There have been ties between the industry and government agencies and politicians. In 2012, the head of industry lobby group the Food & Grocery Council was appointed to the board of the former Te Hiringa Hauora | Health Promotion Agency (now part of Te Whatu Ora – Health New Zealand). To support the implementation of the *Act*, this agency set up a number of working groups with sector representatives, including the alcohol industry.<sup>27</sup> This working group has been discontinued. However, the alcohol industry continues to exert its influence on political parties through donations

and long-term relationships with politicians.<sup>16</sup> For instance, Lion made three donations totalling \$148,500 to both the Labour and National political parties from 1996 to 2019,<sup>28</sup> while Stonyridge Vineyard made two donations totalling \$41,945 to the National Party in 2015 and 2016.<sup>29</sup> Of note, only donations and the identity of donors over a certain threshold must be reported to the Electoral Commission.<sup>30</sup> Several Members of Parliament (MPs) from the Labour and National Parties have also declared financial interests in and gifts from the alcohol industry, such as tickets to sports events.<sup>31</sup>

## The alcohol industry's corporate activities are everywhere

Meanwhile, the alcohol industry's corporate influence extends from politics to many other aspects of life, shaping social preferences through marketing and the knowledge environment through funding education and research.<sup>12</sup> These activities commonly aim to shift attention from appropriate policy responses at the population level to ineffective interventions that place responsibility on individual consumers.<sup>16</sup> For example, "Cheers" is a marketing initiative managed by the Tomorrow Project, a SAPRO set up by the alcohol industry, to "create a healthier, safer and more responsible drinking culture in New Zealand".<sup>32</sup> Its methods of providing educational information are used to influence the framing of alcohol use to the industry's interest and deflect attention from the sale and supply of a harmful product.<sup>33</sup> "Smashed" is another corporate social responsibility initiative used by the industry to promote "responsible attitudes to alcohol consumption" in schools, designed to whitewash the alcohol industry's image.<sup>34</sup>

The alcohol industry funds research to downplay the scale of alcohol harms and thus the need for effective policy interventions.<sup>16</sup> For instance, the New Zealand Alcohol Beverages Council conducts surveys that produce conclusions favouring the alcohol industry, such as measures targeting individuals' harmful drinking.<sup>35</sup> Another example is a study funded by Lion, which concluded that alcohol consumption was not responsible for night-time violence.<sup>36</sup> The alcohol industry also attempts to control the research process by funding scientific research programmes at universities. Examples include funding alcohol policy research at the University of Canterbury<sup>37</sup> and a postgraduate research fellowship programme in "a subject of benefit to the New Zealand industry".<sup>38</sup>

The use of legal challenges has been very effective for the alcohol industry in preventing the implementation of local alcohol policies (LAPs) that can limit the location, density and opening hours of licensed premises in a geographical area.<sup>39</sup> To date, only 41 of 67 (61%) of Councils in Aotearoa have successfully adopted LAPs, covering merely 35% of the population.<sup>40</sup> Auckland Council adopted its provisional LAP in 2015, but repeated appeals dominated by the supermarket chains Foodstuffs North Island and Woolworths New Zealand have meant that the LAP is yet to come into effect, costing ratepayers more than \$1 million in legal fees.<sup>41</sup> Similar stories around the country have prompted the Government's current proposal to remove the ability to appeal LAPs and to give community members a greater voice in alcohol licensing processes.<sup>6</sup>

### **Alcohol industry influence undermines equity by amplifying the harms of colonisation**

The alcohol industry in Aotearoa has its roots in colonisation. Alcohol was first introduced to Aotearoa by Pākehā settlers in the early 1800s—prior to this, Māori had never produced alcoholic beverages.<sup>42</sup> Many Māori initially rejected *waipiro*, which can be translated to “stinking water”.<sup>42</sup> Early colonial legislation effectively granted Pākehā sole control over the distribution of alcohol, ignoring Māori autonomy to regulate alcohol use in their communities.<sup>43</sup> Today, institutional racism is still evident in the Crown's alcohol licensing system, which has discouraged Māori engagement and minimised Māori input.<sup>44</sup> Māori have also been excluded from meaningful engagement in the development of LAPs, which are intended to reflect local community needs, whereas the alcohol industry appeared to have easier access to local politicians.<sup>45</sup> Moreover, the potential of LAPs to mitigate inequitable harms to Māori has been significantly hampered by appeals from the alcohol industry, as discussed above.<sup>4</sup> These failures have resulted in persistent inequities in exposure to alcohol outlet density, marketing and cheap alcohol in deprived communities.<sup>46–48</sup>

### **Government policies have minimal protections against alcohol industry influence**

Although our public sector has been rated as

one of the least corrupt,<sup>49</sup> there are few protections against alcohol industry influence in policymaking. There is no policy explicitly limiting government interactions with or contributions from the alcohol industry, although standards for managing individual conflicts of interest exist. Public servants are required to decline gifts or benefits that place them under any obligation or perceived influence, while ministers and ministerial staff must declare and take reasonable steps to avoid any real or perceived conflicts of interest.<sup>50,51</sup> For transparency, the Government is required to publish ministerial diaries, MPs' personal, financial and business interests, and the identity of donors to political parties when the donation is greater than \$5,000.<sup>30</sup> These rules have been circumvented, with a report showing political parties failing to disclose donations from industries with vested interests, such as the gambling industry, and openly selling access to politicians to large donors.<sup>52</sup> There is also no upper limit on donation amounts to political parties or politicians, except by foreign donors.<sup>52</sup>

Industry lobbyists have no requirements to be registered or to reveal their clients, which limits the value of publishing ministerial diaries, and there are no transparency measures around their frequent meetings with high-ranking government officials.<sup>53</sup> In addition, there are no rules governing lobbying or “cooling off” periods for politicians or government officials before they move into roles with potential conflicts of interest.<sup>49</sup> Recent media reports have provided multiple examples of “revolving doors” between government officials, lobbying firms and the alcohol industry. These include the Prime Minister's chief of staff, who had worked for a lobbying firm representing the alcohol corporations Asahi and Lion just prior to his current appointment;<sup>53</sup> and a former chief of staff to two prime ministers, who had also held a senior role at DB Breweries, joining a leading lobbying firm directly after leaving the Beehive.<sup>54</sup>

### **Better protections against alcohol industry interference are needed**

We propose that first, experiences should be learnt from tobacco control to manage conflicts of interest in the development and implementation of alcohol policies.<sup>55</sup> The two industries use similar strategies to influence policy, such as positioning themselves as key stakeholders and framing policy debates to align with industry interests.<sup>16</sup> WHO's Framework Convention on Tobacco Control<sup>56</sup> provides a useful template for alcohol policies,

requiring governments to protect public health policies from tobacco industry interference, and which includes:

- Establishing measures to limit interactions with the industry, particularly in policy formulation
- Rejecting any partnerships with the industry
- Avoiding preferential treatment to the industry
- Avoiding conflicts of interest for government officials and employees
- Denormalising and regulating the industry's corporate social responsibility activities

Similarly, WHO's Global Action Plan for Alcohol (2022–2030) advises governments to “ensure that the development, implementation and evaluation of alcohol policy measures are based on public health goals and the best available evidence and are protected from the interference of commercial interests”.<sup>57</sup> New Zealand advocates have recently recommended this could include policies to ensure that all government officials, contractors and committee or board members must declare, and remove, any commercial interests that might influence their decisions.<sup>58,59</sup> Others in public health have proposed applying WHO's Framework of Engagement with non-State Actors to counteract conflicts of interest in government engagements with private entities.<sup>60</sup>

Within Aotearoa, rules on political donations and lobbying must be strengthened and appropriately enforced to minimise the influence of vested interests on policymaking. Canada, for example, has the following regulations in place for political donations:<sup>61</sup>

- Annual cap on donations to politicians and political parties
- Ban on donations from corporations and trade unions
- Lower disclosure threshold for donors

Canada and the USA also have much stricter rules than Aotearoa to ensure transparency of political lobbying,<sup>49</sup> which include:

- Legislation governing lobbying
- A register of lobbyists
- Lobbying guidelines or codes of conduct
- “Cooling off” periods for politicians-turned-lobbyists

To further support accountability and efforts to monitor alcohol industry influence, policies are needed to enhance transparency of any interactions between the alcohol industry and public servants, politicians and political parties. These may include requiring:

- Publication of meeting records, including the agenda, list of participants and minutes
- Participants of such engagements to disclose any conflicts of interest
- Proactive publication of advice provided to ministers<sup>58,59</sup>

It is crucial that the above measures be appropriately enforced and regularly examined for their effectiveness. As a case in point, lobbyist registers in Australia were found to lack detailed and accessible information, failing to meet their stated objective of making lobbying activity transparent to the public.<sup>62</sup>

We need strong collective action to reveal the alcohol industry's corporate practices and challenge their penetration across all walks of life. Internationally, civil society is working to raise awareness of corporate influence and promote non-collaboration with the alcohol industry, for example, through the i-Mark branding initiative, which encourages institutions to publicly promote their policy of non-engagement with the alcohol industry.<sup>63</sup>

Finally, we must continue to advocate for the development of alcohol policies that promote equity by giving effect to Te Tiriti o Waitangi, which should include ensuring Māori tino rangatiratanga (self-determination), active protection and partnership. A recent report on Te Tiriti o Waitangi and alcohol law provides detailed recommendations to this end, concluding that “alcohol legislation, as currently structured, is completely inept for achieving equity”.<sup>64</sup> The alcohol industry has been found to target groups who are most vulnerable to alcohol-related harm, such as Māori.<sup>47</sup> This exacerbates the injustices of colonisation for Māori communities. Importantly, the Crown's active duty to protect Māori rights to health means ensuring that third parties, particularly those with vested interests, do not interfere with the attainment of this right.<sup>65</sup>

The tide of public opinion may be shifting on the fairness of corporations prioritising profits over health and wellbeing, which presents an opportunity for change. Increasing corporate profits amid the rising cost of living is prompt-

ing calls for fairer laws that protect consumers' interests over the interests of wealthy businesses.<sup>66</sup> The Prime Minister has also announced several initial steps to enhance

transparency around lobbying at Parliament, including examining policy options to regulate lobbying activities.<sup>67</sup> This should provide some cause for optimism.

**COMPETING INTERESTS**

The authors declare no competing interests.

**AUTHOR INFORMATION**

June YY Leung: Senior Research Officer, SHORE & Whariki Research Centre, College of Health, Massey University, Auckland.

Stephen Randerson: Research Officer, SHORE & Whariki Research Centre, College of Health, Massey University, Auckland.

Georgia McLellan: Research Officer, Te Au Rangahau, Massey Business School, Massey University, Auckland.

Sally Casswell: Co-Director, SHORE & Whariki Research Centre, College of Health, Massey University, Auckland.

**CORRESPONDING AUTHOR**

June YY Leung: SHORE & Whariki Research Centre, Massey University, PO Box 6137, Victoria Street West, Auckland 1142. E: y.leung@massey.ac.nz

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