



**Trade &
Investment**

Office of Liquor, Gaming & Racing

Ref. A352159

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By email: sandraj@uow.edu.au

Dear Professor Jones

Request for expert advice – confidential

As part of its regulatory role, the Office of Liquor, Gaming and Racing ("OLGR") is responsible for ensuring compliance with the *Liquor Act 2007* ("the Act"). Consistent with the objects of the Act, including harm minimisation and encouraging responsible attitudes and practices towards the consumption of liquor, the Compliance Branch actively monitors potentially offensive liquor promotions to determine what, if any, regulatory intervention may be appropriate. Section 102A of the Act, provides the Director-General or delegate the power to restrict or prohibit activities likely to encourage the misuse or abuse of liquor.

As required by section 102(4) of the Act, the Director-General has published Liquor Promotion Guidelines ("the Guidelines"), a necessary precondition to activate the notice power under section 102. While not binding on decisions under section 102A of the Act, the Guidelines are instructive in regard to expectations for adequate risk assessment and the character of promotions that may, prima facie, be offensive.

I note your research interests, including the areas of alcohol advertising and marketing and the influence of mass media on health behaviours, and your extensive qualifications and experience in this space, position you to provide authoritative advice on this matter.

In response to concerns raised with this Office, I formed a preliminary view that certain alcohol promotions in the form of "shopper docket" may encourage irresponsible, rapid or excessive consumption of liquor. The relevant promotions are offered by businesses within the Coles Liquor and Woolworths Limited groups. The promotions advertise "buy one get one free" bottles of wine (Coles) and "Bonus 6pk Sol Mexican Beer" with a bottle of wine (Woolworths). Both businesses were issued a notice to show cause, inviting written submissions in response to my preliminary concerns, which are attached in-confidence, along with the promotional material and submissions received.

In the context of the show cause correspondence, section 102A of the Act and the Guidelines, I request you prepare a written report to provide independent and expert

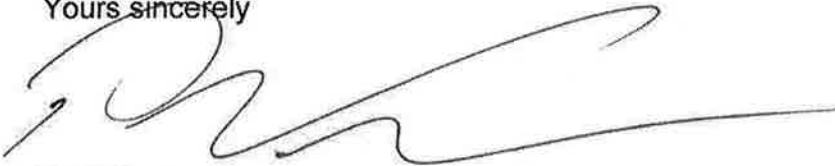
advice on the following matters, including appropriate references to established research, national health guidelines and your opinion where relevant:

1. What is considered irresponsible, rapid or excessive consumption of alcohol?
2. Which individuals or groups are at risk of engaging in irresponsible, rapid or excessive consumption of alcohol?
3. Are there distinguishing features of liquor promotions, and any risk of harm associated with same, conducted by corporate versus independent packaged liquor stores?
4. Do point-of-sale promotions impact on purchasing behaviour?
5. Does the character of buy one get one free alcohol point-of-sale promotions risk encouraging irresponsible, rapid or excessive consumption of liquor?
6. Do point-of-sale promotions impact on consumption behaviour?
7. Is packaged alcohol (and associated promotions) less associated with harm than on-premises alcohol promotions?
8. Do supermarket linked point-of-sale promotions target certain types of customers or present increased risks for vulnerable consumers?
9. Are the controls in regard to limits on quantities on shopper docket adequate?
10. Would additional controls in the form of restrictions be appropriate?

The completed report will be provided to the relevant businesses, which will be offered an opportunity to make a further submission in response.

Should you require further information on this matter, I can be contacted on 02 9995 0777 or at paul.newson@olgr.nsw.gov.au.

Yours sincerely



Paul Newson
Director Compliance

13 MAY 2008