



Southern African Alcohol Policy Alliance

Submission to the United Nations Committee on Economic, Social
and Cultural Rights

South Africa

2018

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Introduction

1. The Southern Africa Alcohol Policy Alliance (SAAPA) addresses alcohol related problems through capacity-building and lobbying for policy change.¹ SAAPA seeks to provide a platform for civil society participation and engagement on issues regarding alcohol and related problems.
2. The purpose of this submission is to address the lack of transparency from the South African government regarding alcohol marketing policies. Particularly, the Control of Marketing of Alcohol Beverages Bill of **2013**, has not been made public for comment. This key piece of legislation is necessary to address the causal link between the marketing of alcoholic beverages and alcohol abuse and alcohol-related issues.² There are clear evidence-based links between alcohol use and HIV/AIDs and Gender-Based Violence, as well as crime, road accidents and interpersonal violence.³

¹ <http://saapa.net/>

² See T Pikanen et al. 'Age of Onset of Drinking and the Use of Alcohol in Adulthood: A Follow-Up Study from Age 8-42 for Females and Males' (2005) 100 *Addiction* 652-661; A E Martin et al. 'Alcohol Advertising and Youth' (2002) 26 *Alcohol Clin Exp Res* 900-906; J W Grube & E Waiters 'Alcohol in the Media: Content and Effects o Drinking Beliefs and Behaviours Among Youth' (2005) 16 *Adolescent Medicine Clinics* 327-343; M Chesish & H Rees 'Causal Links Between Binge Drinking Patterns, Unsafe Sex and HIV in South Africa: Its Time to Intervene' (2010) 21 *International Journal of STD & AIDS* 2-7; J W Miller et al. 'Binge Drinking and Associated Health Risk Behaviours Among High School Students' (2007) 119 *PEDIATRICS* 76-78; P L Ellickson et al. 'Does Alcohol Advertising Promote Adolescent Drinking? Results from a Longitudinal Assessment' (2005) 11 *Addiction* 235-246; R L Collins et al. 'Early Adolescent Exposure to Alcohol Advertising and Its Relationship to Underage Drinking' (2007) 41 *Journal of Adolescent Health* 527-534; H Amanuel et al. 'The Health and Social Impacts of Easy Access to Alcohol and Exposure to Alcohol Advertisements Among Women of Childbearing Age in Urban and Rural South Africa' (2018) *Journal of Studies on Alcohol and Drugs* 302-308; C Probst et al. 'HIV/AIDS Mortality Attributable to Alcohol Use in South Africa: A Comparative Risk Assessment by Socioeconomic Status' (2018) 8 *BMJ Open* 1-11; C Parry et al. 'A Total Ban on Alcohol Advertising: Presenting the Public Health Care' (2012) 102 *SAMJ* 602-604; M Windle et al. 'Transitions Into Underage and Problem Drinking: Developmental Processes and Mechanisms Between 10 and 15 Years of Age' (2008) 121 *PEDIATRICS* 273-289; BMA Board of Science *Under the Influence: The Damaging Effect of Alcohol Marketing on Young People* (2009).

³ Numerous studies support this link. See note 2 above.

Context

3. Alcohol advertising and marketing is recognised as a key influencer on consumption, particularly on young people.⁴ Advertising and marketing initiates early alcohol consumption and influences the amounts of alcohol consumed, often resulting in binge drinking among adolescents.⁵ Evidence indicates that early onset adult alcoholism and alcohol-related problems have a direct correlation with underage drinking.⁶ Evidence further indicates that the way in which alcohol is marketed is a causal factor to underage drinking.⁷
4. The issue is thus the youth-focused nature of alcohol advertising, due to the effects that underage drinking has on later alcohol consumption patterns. Adolescent alcohol consumption is a public health concern.⁸ Excessive alcohol consumption has been found to be a driver of poor health in South Africa.⁹

⁴ Weiner, R., Letsela, L., Fritz, K., STRIVE Evidence Brief: Alcohol availability, marketing and sexual health risks to youth in South Africa: Soul City Institute for Social Justice, Johannesburg, South Africa; International Center for Research on Women, Washington, D.C., USA; London School of Hygiene & Tropical Medicine, London, UK; 2017.

⁵ Jernigan, D. et al (2017) Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008, *Addiction*, 112 (Suppl. 1) 7-20; Ramsoomar, L. and Morojele, N. K.(2012). Trends in alcohol prevalence, age of initiation and association with alcohol-related harm among South African youth: implications for policy. *S Afr Med J*, 102, 609-12. For more studies supporting this claim see note 2 above.

⁶ A Padon & R N Rimal 'Toward a global policy against alcohol marketing to youth: Challenges and recommendations for research' (2017) *Journal of Public Health Research* 6 124-126.

⁷ A Padon & R N Rimal 'Toward a global policy against alcohol marketing to youth: Challenges and recommendations for research' (2017) *Journal of Public Health Research* 6 124-126.

⁸ D Jernigan et al. 'Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008' (2016) *Addiction* 112 7-20. See also note 2 above.

⁹ C D H Parry et al. 'Support for alcohol policies from drinkers in the City of Tshwane, South Africa: Data from the International Alcohol Control Study' (2017) *Drug and Alcohol Review*; C D H Parry et al. 'Support for alcohol policies among drinkers in Mongolia, New Zealand, Peru, South Africa, St Kitts and Nevis, Thailand and Vietnam: Data from the International Alcohol Control Study' (2017) *Drug and Alcohol Review*.

5. In South Africa, 25% of young people under the age of 19 binge drinks and 12% of children under the age of 13 have had alcohol.¹⁰ This exposure influences alcohol consumption behaviours in adulthood. South Africa has a high levels of alcohol consumption by global comparison.¹¹
6. Currently, the South African government has an annual expenditure of R263 billion on alcohol related harm, which includes domestic violence and interpersonal violence, and road accidents.¹² Currently, 171 alcohol-related deaths occur every day in South Africa.¹³

¹⁰ S.P.Reddy, S.James, R.Sewpaul, S.Sifunda, A.Ellahebokus, N.S.Kambaran, R.G.Omardien, (2013), Umthente Uhlaba Usamila: the 3rd South African National Youth Risk Behavior Survey 2011, HSRC.

¹¹ Pham et al. (2017). Cross country comparison of proportion of alcohol consumed in heavier drinking occasions using the International Alcohol Control (IAC) study. Paper presented at Global Alcohol Policy Conference, Melbourne, October 2017.

¹²https://www.westerncape.gov.za/text/2017/September/white_paper_alcohol-related_harms_reduction.pdf.

¹³ Probst, C., Parry, C.D.H., Wittchen, H-U, & Rehm, J. (in press). The socioeconomic profile of alcohol attributable mortality in South Africa. *BMC Medicine*. See also T Pikanen et al. 'Age of Onset of Drinking and the Use of Alcohol in Adulthood: A Follow-Up Study from Age 8-42 for Females and Males' (2005) 100 *Addiction* 652-661; A E Martin et al. 'Alcohol Advertising and Youth' (2002) 26 *Alcohol Clin Exp Res* 900-906; J W Grube & E Waiters 'Alcohol in the Media: Content and Effects o Drinking Beliefs and Behaviours Among Youth' (2005) 16 *Adolescent Medicine Clinics* 327-343; M Chesish & H Rees 'Causal Links Between Binge Drinking Patterns, Unsafe Sex and HIV in South Africa: Its Time to Intervene' (2010) 21 *International Journal of STD & AIDS* 2-7; J W Miller et al. 'Binge Drinking and Associated Health Risk Behaviours Among High School Students' (2007) 119 *PEDIATRICS* 76-78; P L Ellickson et al. 'Does Alcohol Advertising Promote Adolescent Drinking? Results from a Longitudinal Assessment' (2005) 11 *Addiction* 235-246; R L Collins et al. 'Early Adolescent Exposure to Alcohol Advertising and Its Relationship to Underage Drinking' (2007) 41 *Journal of Adolescent Health* 527-534; H Amanuel et al. 'The Health and Social Impacts of Easy Access to Alcohol and Exposure to Alcohol Advertisements Among Women of Childbearing Age in Urban and Rural South Africa' (2018) *Journal of Studies on Alcohol and Drugs* 302-308; C Probst et al. 'HIV/AIDS Mortality Attributable to Alcohol Use in South Africa: A Comparative Risk Assessment by Socioeconomic Status' (2018) 8 *BMJ Open* 1-11; C Parry et al. 'A Total Ban on Alcohol Advertising: Presenting the Public Health Care' (2012) 102 *SAMJ* 602-604; M Windle et al. 'Transitions Into Underage and Problem Drinking: Developmental Processes and Mechanisms Between 10 and 15 Years of Age' (2008) 121 *PEDIATRICS* 273-289; BMA Board of Science *Under the Influence: The Damaging Effect of Alcohol Marketing on Young People* (2009).

7. "Alcohol is a psychoactive substance with numerous negative consequences to health and well-being of consumers, as well as other affected by the drinks' behaviour."¹⁴ As mentioned above, alcohol consumption has correlations with HIV/AIDs, Gender-Based Violence, crime, road accidents and interpersonal violence.
8. A way to address underage drinking, and thereby curtail future alcohol consumption patterns in adulthood is marketing regulation.¹⁵ Adolescents are exposed to alcohol advertising, normalising alcohol consumption, and influencing volumes consumed.¹⁶ The liquor industry holds that advertising only influences brand choice, but evidence shows it influences behaviour, entrenching positive beliefs about alcohol.¹⁷ Adolescents are naturally more susceptible to such influences. Restricting alcohol advertising is a legitimate intervention to decrease the demand for and consumption among adults and children.¹⁸
9. Furthermore, it is in the interest of public health to restrict alcohol advertising.¹⁹ A substantial proportion of the global burden of disease can to attributed to alcohol consumption.

¹⁴ T F Babor et al. (eds) *Addiction* (2017).

¹⁵ A Padon & R N Rimal 'Toward a global policy against alcohol marketing to youth: Challenges and recommendations for research' (2017) *Journal of Public Health Research* 6 124-126.

¹⁶ C Parry, N H Burnhams & L London 'A total ban on alcohol advertising: Presenting the public health case' (2012) *SAMJ* 102 602-604.

¹⁷ C Parry, N H Burnhams & L London 'A total ban on alcohol advertising: Presenting the public health case' (2012) *SAMJ* 102 602-604; B Myers & C Parry 'Re-examining the Evidence for a Total Ban on Alcohol Advertising in South Africa' (2013) 43 *South African Journal of Psychology* 402. See also J W Grube & L Wallack 'Television Beer Advertising and Drinking Knowledge, Beliefs, and Intentions among Schoolchildren' (1994) 84 *American Journal of Public Health* 254-259.

¹⁸ A Bertscher, S Röhrs & L London "Restricting the Marketing of Alcohol Beverages to Protect Child Health: A Human Rights Analysis of South Africa's Control of Marketing of Alcoholic Beverages Bill" (2018).

¹⁹ A Bertscher, S Röhrs & L London "Restricting the Marketing of Alcohol Beverages to Protect Child Health: A Human Rights Analysis of South Africa's Control of Marketing of Alcoholic Beverages Bill" (2018).

Regulating Alcohol Advertising

10. Marketing of alcohol is under-regulated. Advertising and marketing of alcohol has a correlation with drinking behaviour.²⁰ The World Health Organisation (WHO) has addressed alcohol advertising in two policies: *Global Strategy to Reduce the Harmful Use of Alcohol*; and *Global Status Report on Non-Communicable Diseases 2010*. The latter holds that marketing regulations is an effective measure for addressing alcohol related non-communicable diseases and alcohol-related harm.²¹

²⁰ See T Pikanen et al. 'Age of Onset of Drinking and the Use of Alcohol in Adulthood: A Follow-Up Study from Age 8-42 for Females and Males' (2005) 100 *Addiction* 652-661; A E Martin et al. 'Alcohol Advertising and Youth' (2002) 26 *Alcohol Clin Exp Res* 900-906; J W Grube & E Waiters 'Alcohol in the Media: Content and Effects of Drinking Beliefs and Behaviours Among Youth' (2005) 16 *Adolescent Medicine Clinics* 327-343; M Chesish & H Rees 'Causal Links Between Binge Drinking Patterns, Unsafe Sex and HIV in South Africa: Its Time to Intervene' (2010) 21 *International Journal of STD & AIDS* 2-7; J W Miller et al. 'Binge Drinking and Associated Health Risk Behaviours Among High School Students' (2007) 119 *PEDIATRICS* 76-78; P L Ellickson et al. 'Does Alcohol Advertising Promote Adolescent Drinking? Results from a Longitudinal Assessment' (2005) 11 *Addiction* 235-246; R L Collins et al. 'Early Adolescent Exposure to Alcohol Advertising and Its Relationship to Underage Drinking' (2007) 41 *Journal of Adolescent Health* 527-534; H Amanuel et al. 'The Health and Social Impacts of Easy Access to Alcohol and Exposure to Alcohol Advertisements Among Women of Childbearing Age in Urban and Rural South Africa' (2018) *Journal of Studies on Alcohol and Drugs* 302-308; C Probst et al. 'HIV/AIDS Mortality Attributable to Alcohol Use in South Africa: A Comparative Risk Assessment by Socioeconomic Status' (2018) 8 *BMJ Open* 1-11; C Parry et al. 'A Total Ban on Alcohol Advertising: Presenting the Public Health Case' (2012) 102 *SAMJ* 602-604; M Windle et al. 'Transitions Into Underage and Problem Drinking: Developmental Processes and Mechanisms Between 10 and 15 Years of Age' (2008) 121 *PEDIATRICS* 273-289; BMA Board of Science *Under the Influence: The Damaging Effect of Alcohol Marketing on Young People* (2009); C Parry, N H Burnhams & L London 'A total ban on alcohol advertising: Presenting the public health case' (2012) *SAMJ* 102 602-604; Myers & C Parry 'Re-examining the Evidence for a Total Ban on Alcohol Advertising in South Africa' (2013) 43 *South African Journal of Psychology* 402; J W Grube & L Wallack 'Television Beer Advertising and Drinking Knowledge, Beliefs, and Intentions among Schoolchildren' (1994) 84 *American Journal of Public Health* 254-259.

²¹ C Parry, N H Burnhams & L London 'A total ban on alcohol advertising: Presenting the public health case' (2012) *SAMJ* 102 602-604; Myers & C Parry 'Re-examining the Evidence for a Total Ban on Alcohol Advertising in South Africa' (2013) 43 *South African Journal of Psychology* 402.

11. Currently, alcohol marketing in South Africa is self-regulated through a 'Code of Commercial Communication'.²² This code was drawn up by the liquor industry for responsible marketing and alcohol advertising. Given the causal link between marketing of alcohol and alcohol consumption, especially regarding adolescents,²³ this self-regulation is ineffective in addressing or preventing public health concerns related to alcohol consumption.²⁴
12. The South African government has committed itself to reducing non-communicable diseases (NCDs) of which alcohol is a major risk factor. The government has developed two pieces of legislation in this regard; the National Liquor Amendment Act 3 of 2015 and the Control of Marketing of Alcohol Beverages Bill of 2013.
13. The latter, the Control of Marketing of Alcohol Beverages Bill supposedly seeks an absolute ban on alcohol advertising in South Africa. However, the Bill has not been released to the public for comment. Despite this, the government referred to it in its state party report to the Committee.²⁵
14. The Bill supposedly prohibits the advertising and marketing of alcohol, exception for at the point of sale, any sponsorship associated with alcoholic beverages, and

See also J W Grube & L Wallack 'Television Beer Advertising and Drinking Knowledge, Beliefs, and Intentions among Schoolchildren' (1994) 84 *American Journal of Public Health* 254-259.

²² Code of Commercial Communication
https://www.thedti.gov.za/business_regulation/docs/nla/other_pdfs/dna_economics_nla_act.pdf.

²³ A Padon & R N Rimal 'Toward a global policy against alcohol marketing to youth: Challenges and recommendations for research' (2017) *Journal of Public Health Research* 6 124-126.

²⁴ C D H Parry et al. 'Support for alcohol policies from drinkers in the City of Tshwane, South Africa: Data from the International Alcohol Control Study' (2017) *Drug and Alcohol Review*; C D H Parry et al. 'Support for alcohol policies among drinkers in Mongolia, New Zealand, Peru, South Africa, St Kitts and Nevis, Thailand and Vietnam: Data from the International Alcohol Control Study' (2017) *Drug and Alcohol Review*; J W Grube & L Wallack 'Television Beer Advertising and Drinking Knowledge, Beliefs, and Intentions among Schoolchildren' (1994) 84 *American Journal of Public Health* 254-259.

²⁵ Para 117 of South Africa's State Party Report "Some recent highlights that will enhance prevention and adequate treatment are revised regulations on warning labels on alcohol products, development of guidelines for detoxification and draft legislation on alcohol advertising."

any promotion of alcoholic beverages.²⁶ Despite being approved for publication for public comment in 2013 the Bill has not been released.

15. South City²⁷ and SAAPA has formally requested access to the Bill from the Minister of Health on several occasions. Despite acknowledgement of receipt, no document has been released to civil society, and no reasons have been provided.

16. The South African Constitution protects the right to access to information, and the right to public participation and consultation. By denying public access to this Bill, for over five years, the government is violating constitutional rights and international obligations under the ICESCR. The fact that the government refers to the Bill in it's state party report is worrisome, as it is not public and there is thus no way of verifying their claims made.

17. Reference to alcohol related policies is also referred to with regard to reducing school drop-out rates, the state party report provides:

“The Department currently implements **an alcohol and drug use prevention and management programme**. The programme is integrated into the school curriculum via the Life Orientation/Life Skills subject area. This is supported by co-curricular activities implemented through Peer Education programmes. The programme adopts a public health approach and involves interventions to creating an enabling environment for policy implementation, prevention interventions, early detection and treatment, care and support. The thrust of interventions by the Department are on the prevention of alcohol and drug use. However, partnerships are set up with other government departments and non-governmental organizations to facilitate access to treatment, care and support where required.”²⁸

18. The government refers to an ‘enabling environment for policy implementation’ but does not elaborate on which policies. The unreleased Bill presumably forms part

²⁶ A Bertscher, S Röhrs & L London “Restricting the Marketing of Alcohol Beverages to Protect Child Health: A Human Rights Analysis of South Africa’s Control of Marketing of Alcoholic Beverages Bill” (2018).

²⁷ <https://www.soulcity.org.za/>

²⁸ Para 151 of South Africa’s State Party Report.

of these 'policies' to prevent alcohol abuse, yet although referring to implementation, the Bill is not publicly accessible.

Legal Framework

19. Regarding the international framework, General Comment 14 on the Right to the Highest Attainable Standard of Health considers the element of accessibility (an essential element of the right to health) to include access to information. In fact, access to information is recognised under the AAAQ framework pertaining to all socio-economic rights under the ICESCR. Thus, whether this issue is framed as a health issue, or an education issue, or a standard of living issue, *inter alia*, information accessibility would still be of concern. Additionally, General Comment 24 regarding socio-economic rights obligations in the context of business activities, and the tripartite respect, protect and promote framework, the government has an obligation to protect children's rights from the harmful influence of third parties – in this instance the alcohol advertising industry.²⁹
20. The denial of access to information, in terms of the non-released Bill of 2013, is in conflict with the recognition of access to information being an integral part of rights under the ICESCR per the AAAQ framework. Similarly, the South African Constitution recognises the right of access to information specifically, which includes all information necessary to protect rights. Various rights are implicated by alcohol consumption (linked to advertising) and the affects thereof. Thus, the withholding of the 2013 Bill violates both constitutional and international socio-economic rights obligations.
21. The release of the 2013 Bill is an immediate step which can be taken by the government.

²⁹ A Bertscher, S Röhrs & L London "Restricting the Marketing of Alcohol Beverages to Protect Child Health: A Human Rights Analysis of South Africa's Control of Marketing of Alcoholic Beverages Bill" (2018).

Recommendations

22. In light of the overwhelming evidence that steps should be taken to address alcohol consumption patterns and behaviour, SAAPA recommends that the government immediately releases the Control of Marketing of Alcoholic Beverages Bill to the South African public for comment, as per its constitutional and international obligations.
23. In doing so, SAAPA wishes to emphasise the importance of public participation and engagement in the legislative process.