

**Safe, Sensible, Social –  
Consultation on further action**



**CAMPAIGN  
FOR  
REAL ALE**

**A Submission from CAMRA,  
The Campaign for Real Ale.**

**October 2008**

## **1.0 Introduction**

- 1.1 CAMRA, The Campaign for Real Ale is a consumer organisation that seeks to promote real ale, well-run pubs and the interests of consumers. CAMRA represents 95,000 individual members and is wholly independent of the brewing and pub industry.
- 1.2 CAMRA works to promote and improve the image, quality, availability and variety of real ale and to promote and protect well-run community pubs. Well-run community pubs provide a safe and supervised environment for people to enjoy a drink and social etiquette encourages people to drink sensibly. Real ale is primarily sold within well-run community pubs, marketed responsibly and is not pushed in the off trade through irresponsible price promotions.
- 1.3 CAMRA believes that the following trends have contributed to a growth in alcohol misuse:
  - easy availability of cheap alcohol from virtually every supermarket, corner shop and off licence which has led to a dramatic fall in the proportion of alcohol purchased in well-run licensed premises
  - a shift towards consumption of higher alcohol volume products such as spirits and wine
  - price promotions in the off trade that have encouraged people to purchase and drink more alcohol than they would otherwise do
  - a trend towards larger wine and spirit measures within the on trade
  - ineffective enforcement, particularly within the off trade, of existing legislation on underage sales
- 1.4 Excessive alcohol consumption and public disorder linked to drunkenness are unacceptable and need to be tackled through targeted measures. A targeted approach should identify those who abuse alcohol and through a combination of education, medical intervention and legislative action persuade these people to reduce their alcohol consumption.
- 1.5 CAMRA will support measures that can be proven to target those whose drinking puts them at high risk and harms wider society. As a consumer organisation CAMRA do not support untargeted measures that will impact on the vast majority of people who drink without putting themselves at high risk and for whom alcohol is a positive part of their lives.
- 1.6 Medical interventions and control measures should be focused on those whose actions harm themselves and others, rather than those who drink just above the Government's recommended daily limits.

## **2.0 How might a new code be made effective in stopping licensed premises from engaging in practices that encourage people to drink excessively and irresponsibly?**

2.1 A code of conduct could be the ideal platform to achieve a cultural shift in how alcohol is viewed in Britain. The Identities and Social Action research project into young people and alcohol reveals that many consider a refusal to drink to excess as remarkable and as something requiring justification.<sup>1</sup> A combined and concerted effort is required to achieve a cultural change to ensure that drunkenness is seen as socially unacceptable.

2.2 The most effective way that a new code could address excessive alcohol consumption would be to prevent price based promotions that encourage people to drink more than they would otherwise do; restrict the promotion of alcohol based on price; and to seek to ensure that the off trade has to meet standards at least equal to those achieved by the on trade.

2.3 In addition to restricting licensed premises from engaging in practices that encourage excessive and irresponsible drinking the code should also seek to encourage best practice, through providing suggestions that may be suitable within some premises. The following are examples of non-binding suggestions that could be made:

- Adequate seating for customers.
- Removing any pricing distortion that may encourage customers to order larger measures. This would mean that price of half a pint of beer would be exactly half of the cost of a full pint of beer and that a double would be exactly twice the price of a single.
- Offering customers the option of ordering beer in third pint measures and wine in 125ml measures.
- Ensuring that a least one beer sold has an ABV below 4%

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<sup>1</sup> Identities and Social Action Research Programmer - **Branded Consumption and Social Identification: Young People and Alcohol** - <http://www.identities.org.uk/>

- 3.0 If there continues to be slow progress in implementing a voluntary label scheme should the Government make it a legal requirement to include health and unit information on all bottles and cans?**
- 3.1 The communication of the daily unit guidelines to the public is unclear and therefore CAMRA would not support a mandatory requirement to include this information on all cans and bottles. CAMRA would however support mandatory health information on bottles and cans if the message was revised to target those whose drinking causes them serious harm.
- 3.2 The daily guidelines state that men should not regularly drink more than 3-4 units a day but there is no indication as to how “regularly” is defined. Figures published by National Statistics on the number of people drinking above Government daily limits are based on people who have drunk above these limits on one or more days in the past week.<sup>2</sup> It makes little sense to consider someone who chooses to go to the pub just once a week and drink two pints as anything other than someone who drinks sensibly and responsibly. It is for this reason that the daily unit guidelines lack credibility.
- 3.3 Polling commissioned by CAMRA indicates that 80% of adults drinking above daily guidelines once a week or more, the measure used by National Statistics, said they were unlikely to reduce the amount they drank as a result of Government advice.<sup>3</sup>
- 3.4 As noted in the consultation document over 10 million adults regularly drink above Government daily guidelines. This figure roughly translates to 1 in 3 of all those who drink alcohol. The vast majority of these 10 million people experience little or no ill effect from drinking above Government daily limits and this needs to be acknowledged in the formulation of a sensible drinking message.
- 3.5 Government alcohol information, while setting out the risks of excessive consumption, should also acknowledge that there are health benefits from moderate alcohol consumption.
- 3.6 CAMRA would support the provision of more information to consumers on packaging and this could be achieved through a mandatory requirement. In addition to unit information CAMRA would wish to see full ingredients listing and abv strength.

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<sup>2</sup> Statistics on alcohol: England 2006, The NHS Information Centre

<sup>3</sup> Omnibus Poll conducted by TNS – June 2008

#### **4.0 What are the most important issues that need to be addressed in an alcohol retailing code?**

4.1 The following are the key issues that must be addressed in an alcohol retailing code:

- the increasing price differential between on and off trade prices
- the use of alcohol as a loss leader within the off trade
- price promotions that encourage people to drink more than they would otherwise choose

4.2 In addition to working with the licensed trade and alcohol producers to draw up a revised standards code the Government should take steps to include the views of consumers. The involvement of consumers in a thorough consultation process will strengthen the credibility of a revised code and hopefully lead to an increase in compliance.

4.3 The price of beer sold in the off trade increased by only 39% between 1988 and 2007 compared to an increase in on trade prices of 141%.<sup>4</sup> Pub beer prices have risen significantly above the rate of inflation meaning that pub going has become less affordable for those who rely on pensions or state benefits linked to RPI inflation and for lower paid workers who have been unable to secure above inflation pay rises.

4.4 Unlike the off trade public houses are highly regulated and as such provide a safe environment for the consumption of alcohol. However, as a result of this high level of regulation and the associated financial cost, public houses are at a competitive disadvantage to the off trade. This disadvantage must be addressed through an effective code of conduct that requires the off trade to meet standards at least equal to those already met by the on trade.

4.5 A review of alcohol taxation is also necessary to redress the imbalance that means a pint of beer sold in the off trade can generate less than half of the tax generated from a pint sold in the on trade.

4.6 The use of alcohol as a loss leader and the use of price as a marketing tool within the off trade could be effectively addressed by preventing:

- the supply of alcohol free of charge on the purchase of another product
- the sale of alcohol as a loss leader
- promotions that give consumers the right to drink as much they can for a set price

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<sup>4</sup> Calculated from figures published in William Davies (ed) – Focus on Consumer Prices Indices for July 2008 (National Statistics) sec. 4.1.

- 4.7 A straightforward and easily enforceable way of preventing the sale of alcohol as a loss leader would be to introduce a minimum retail price per unit of alcohol. A price around 35p to 40p, updated annually in line with RPI inflation, would prevent the loss leader price promotions currently being offered.
- 4.8 A study, undertaken by the Centre for Public Health, Liverpool John Moores University, found that over half of young people drink alcohol at home or at friends' houses before visiting a pub or club in order to cut the cost of a night out. This trend is known as pre-loading. Those who pre-loaded were four times more likely to consume over 20 units on a night out and two and a half times more likely to have been in a fight.<sup>5</sup> Taking steps to reduce the price differential between on trade and off trade alcohol will help remove the incentive for pre-loading.
- 4.9 Despite repeated public pressure many off sales premises, notably supermarkets, have continued to sell alcohol at huge discounts. The following supermarket promotions are examples of the hugely discounted prices available<sup>6</sup>:
- Sainsbury's – Fosters – 3 cases for £20– **equivalent to 57.4 pence a pint or 25.28 pence per unit of alcohol**
  - Asda – John Smiths Smooth – 3 cases for £20 – **equivalent to 57.4 pence a pint or 25.28 pence per unit of alcohol**
  - Morrisons – 24 cans of Stella Artois for £15.47 – **equivalent to 77.9 pence a pint or 26.4 pence per unit of alcohol**
  - Lidl – Carlsberg – 8 cans for £4.49 – **equivalent to 56.9 pence a pint or 26.3 pence per unit of alcohol**
- 4.10 Price promotions are the key means through which the off trade seeks to increase alcohol sales and encourage people to bulk buy alcohol in order to benefit from short lived price discounts. To reduce the power of these promotions in encouraging excess alcohol consumption CAMRA would, along with a minimum price per unit, support restrictions on promotional displays outside and within stores promoting these price discounts. These restrictions should apply only to the off trade due to the huge differential in the price of beer sold in the off trade and that sold in the on trade. National Statistic's figures show that men drinking above recommended weekly limits are more likely to have purchased alcohol from the off trade than to have visited a pub.<sup>7</sup>

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<sup>5</sup> Summary of research available at <http://www.addictionjournal.org/viewpressrelease.asp?pr=67>

<sup>6</sup> Examples taken from advertising during August 2008

<sup>7</sup> Of men drinking between 11 – 21 units a week 54% report having visited a pub in the previous week compared to only 47% who brought alcohol from the off trade. Of men drinking 22 units a week or more 61% report having visited a pub but 72% report having brought alcohol from the off

- 4.11 Within the on trade CAMRA would support measures to discourage promotions that may lead to people drinking more than they would otherwise choose. Promotions allowing people to drink as much as they can for a set price; two for one offers or price promotions lasting for very short periods of time should be prevented by a revised standards code
- 4.12 It is still common to see draught beers, particularly lager, on sale in pubs with no information on the abv strength of the beer. CAMRA believes that it is important that all pump clips clearly display the abv strength of a beer and a new code could support this principle.
- 4.13 Well-run community pubs provide a safe and supervised environment for people to drink sensibly and to enjoy the company of others. Any code of conduct should seek not to add burdens to pubs that are already very well-run and encourage the sensible consumption of alcohol.
- 4.14 CAMRA recognises that the use of glass as a weapon is a problem in certain premises, but believes a blanket ban on conventional glassware in all pubs is disproportionate. Any code of conduct must clearly state that any ban on conventional glassware can only be imposed on premises that have a history of serious disorder. An alternative to a conventional glassware ban would be a requirement ensuring prompt collection of empty glasses and bottles.

## **5.0 Should an alcohol retailing code be made mandatory through further legislation?**

- 5.1 The introduction of a minimum price for alcohol would require either legislation or a mandatory code. A voluntary code on pricing would be unlikely to succeed due to concerns about breaching competition law.
- 5.2 Apart from mandatory action on pricing CAMRA is unconvinced that a mandatory code applying to the on trade is either necessary or helpful. A high level of compliance with a voluntary code could be achieved through effective use of powers provided in the Licensing Act 2003 to impose licensing conditions on high risk premises. There may however be a case for a mandatory code that applies only to the off trade unless the off trade commits to abiding by the same high standards required of the on trade.
- 5.3 Once a voluntary revised code for the on trade is in place there should be an expectation on enforcement authorities that operators who exceed the standards in the code should benefit from a light touch enforcement.
- 5.4 CAMRA would oppose allowing Local Authorities to impose mandatory restrictions on all on trade premises within a given area. The Licensing Act 2003 allows Authorities to impose mandatory conditions on individual premises that have experienced problems. Imposing mandatory conditions on all premises, regardless of individual merits, will penalise the good operators along with the bad.
- 5.5 In addition to being highly regulated, well-run community pubs also encourage a sensible approach to drinking as a result of peer pressure from staff and fellow customers. To impose a whole raft of new mandatory conditions on community pubs would not only be disproportionate but may also undermine businesses who by their very nature provide a safe and controlled environment for people to drink.
- 5.6 Community pubs play a key role in fostering community activity and interaction and provide an affordable night out for a huge range of people. The future of valued community pubs should not be endangered because of mandatory conditions aimed at poor operators.
- 5.7 Large city centre “superpubs” aimed exclusively at the younger drinker do cause problems of drunkenness, disorder and public nuisance that need to be addressed. These “superpubs” are the antithesis of well-run community pubs and both the planning and licensing system should be used to curb their growth and to ensure they are run responsibly. The existing planning system and Licensing Act 2003 are not being used to their full extent to deal with problems emanating from a minority of premises.

## **6.0 Conclusions**

- 6.1 Medical interventions and control measures should be focused on those whose actions harm themselves and others, rather than all those who drink above the Government's daily limits.
- 6.2 The sale of alcohol as a loss leader should be outlawed by introducing a minimum retail price per unit of alcohol. A price around 35p to 40p, updated annually in line with RPI inflation, would be sufficient.
- 6.3 Steps should be taken to support the consumption of alcohol within licensed premises. This could be achieved by increasing regulation of the off trade so that the off trade has to meet the same standards as the on trade and a review of alcohol taxation to ensure that the tax paid on alcohol sold in the off trade is the same as the tax paid on alcohol sold in pubs.
- 6.4 CAMRA believes that a code for the on trade should be introduced on a voluntary basis, with the expectation that enforcement authorities would use the Licensing Act 2003 to address blatant breaches by high risk premises.
- 6.5 CAMRA believes consideration should be given to a mandatory code applying to the off trade to ensure that all off trade premises meet the high standards already achieved by the vast majority of on trade premises.
- 6.6 Pricing controls on alcohol sales would need to be legally binding to avoid conflict with competition laws.
- 6.7 All alcohol advertising and product labelling should include unit information and product abv. In addition all point of sale material for draught beer should contain details of the product abv. However we do not believe that the Government's daily unit guidelines should be a mandatory requirement. The daily unit guidance needs further work so that it is targeted at those whose drinking causes them serious harm.
- 6.8 Consumer groups, such as CAMRA, should be included in the drawing up of a revised alcohol standards code. Excluding the views of consumers from such a process would weaken acceptance of a revised code.
- 6.9 The planning and licensing system should be used to curb the growth of "superpubs" and to ensure that a place remains for well-run community pubs within city centre locations.

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