PUBLIC HEALTH COMMUNICATION CENTRE AOTEAROA

Alcohol-related harms now available on demand

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Shauni Burke, Christine Roseveare

Summary

Alcohol is one of the major causes of health loss in Aotearoa NZ. It is now available at people's fingertips through online on-demand delivery – within two hours from ordering. This Briefing summarises the evidence for potential harm that this easy access may contribute to. It also describes some of the regulatory reforms to alcohol legislation that the NZ Government could enact to address this risk to health and wellbeing.

On-demand services online have been expanding globally, with alcohol being a relatively new commodity to be sold in this way in Aotearoa.[1 2] This is concerning given that alcohol is one of the most harmful drugs in Aotearoa, with widespread impacts on the hauora of the individual, whānau, community and wider society.[3-5] In 2022/23, 76% of NZ adults (>15 years of age) had drunk alcohol in the past year with 21% drinking in a hazardous way .[6 7] Māori, Pacific peoples, those living in areas of high deprivation, and youth (15-24 years) are disproportionately impacted by this harm.[6-8] For Māori, this is partly due to the impact of colonisation and the ongoing failure to honour te Tiriti o Waitangi.[9 10] Evidence suggests that on-demand services may increase this alcohol-related harm.[11]

This is particularly evident in binge drinking and underage drinking, with studies demonstrating poor age verification, no liability for third-party delivery services, and widespread access.[11] For example, a 2019 Australian study[12] showed that nearly 70% of individuals using on-demand delivery had already had more than 5 standard drinks (over a quarter had 11 or more) with 28% stating that this enabled them to continue drinking when they would have normally stopped. More than one-third of those ordering online (aged <25 years) did not have their ID checked. Now that alcohol is available at people’s fingertips, it is pertinent that action is taken to reduce potential further alcohol-related harm and inequities.

A recent study mapping on-demand delivery services across Aotearoa, found a substantial number of services that are likely to continue to expand.[2] Overall, they mapped 130 services with 37% offering alcohol. Only 60% of services with restricted items (alcohol, cigarettes, vapes) appeared to have product limits. This is particularly concerning given some of these services have no cap on what can be purchased. While none of the studied services offered “buy now, pay later” options, these are common overseas and without regulation, Aotearoa may follow this trend.[11] These schemes are problematic as they may influence alcohol purchasing behaviour, particularly for vulnerable groups, such as underage drinkers.[13 14] All alcohol-only services had an 18+ pop-up and birth date entry requirement, however the former dropped to 57% for food and alcohol services and 50% for alcohol and cigarette services suggesting a lack of standardised age verification for the online sale of these items. Overall, these findings highlight the potential for alcohol-related harm and a need to review alcohol regulations.

When examining alcohol regulations in Aotearoa, gaps are evident, particularly because on-demand services can deliver alcohol in areas where the vendors do not hold a liquor licence. This is because the licence is issued where the company is registered, not where the service is provided.[1 2] Such a situation presents new challenges and potential alcohol-

related harm for local areas that regulate the sale of alcohol within their geographical remit through liquor licensing trusts and local alcohol policies, as they can be circumvented by on-demand services.[1 2 11] These differences in liquor licensing also raise concerns around legal liability for the delivery of alcohol to intoxicated and underage individuals.[2] Third-party deliverers potentially hold no legal liability as they are not the licensee and as they are not the direct vendor, it may also mean they are not subject to the same regulation as an online supplier of alcohol [2]. Additionally, monitoring compliance with the law (controlled purchase operations) is not carried out for online sales.[15] This demonstrates a legal and policy “grey zone” that these services have been enabled to operate within due to outdated regulatory frameworks.[1 2 11]

Policies regulating the availability of alcohol in Aotearoa were developed before the introduction of on-demand services and consequently are not keeping pace with this evolving digital environment.[15] In light of this, the NZ Government should review the regulations to ensure that there is consistency in the regulations across both physical and virtual access.[1 11] A national-level approach may also be needed as local regulations will always be limited given that delivery services can be licensed in different jurisdictions from where they provide services.[1]

Health policy experts have made a range of proposals regarding reform of the NZ Sale and Supply of Alcohol Act 2012 to make them more functional in both the digital and built environment.[15] One of these proposals is for off-licence bottle stores to apply to sell on-demand, with the application process requiring that they show their procedures and how these will be followed. Another proposal is to tighten rules for obtaining an off-licence, requiring services to have a delivery plan with certain criteria. Yet another proposal is to require individuals to register with on-demand services, with this process involving robust age authentication. Of course any new regulations would need to be properly monitored and enforced with adequate funding and an expanded compliance workforce.

In conclusion, alcohol on demand is growing in Aotearoa and with it, the potential for further alcohol-related harm and inequities. Currently, on-demand services are operating in a regulatory grey zone and to mitigate potential harm, the Government needs to update the relevant regulations.

What this Briefing adds

- Online on-demand services for purchasing alcohol are expanding rapidly in Aotearoa.
- Evidence suggests that on-demand services may increase alcohol-related harm (particularly due to its influence on underage and binge drinking), through increased access, poor age verification and lack of vendor liability.
- Policies regulating the availability of alcohol have not kept pace with this evolving digital market, creating a legal and policy “grey zone” in which on-demand services can circumvent regulations.

Implications for policy and practice

- Reviewing and amending the New Zealand Sale and Supply of Alcohol Act 2012 would provide the opportunity to create consistency across regulations in the physical as well as digital space. In doing so potential harms and inequities could be reduced by preventing on-demand services from being able to circumvent regulations.
- Health policy experts have proposed strengthening the current alcohol regulations by requiring applications to sell on-demand, a delivery plan (with certain criteria) to obtain an off-licence, and a registration process when individuals first use the service with robust age authentication.

Authors details

Shauni Burke - postgraduate public health student at Massey University
Christine Roseveare - Lecturer, Public Health, School of Health Sciences at Massey University

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