

**ANCD**

Australian National Council on Drugs



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Mr Darrell Channing  
Director  
Adjudication Branch  
Australian Competition and Consumer Commission (ACCC)  
PO Box 1199  
DICKSON ACT 2602

Dear Mr Channing

I am writing on behalf of the Australian National Council on Drugs (ANCD) to thank you for your recent correspondence which provided the ACCC draft determination for authorisation A91054 and A91055 lodged by the Distilled Spirits Industry Council of Australia (DSICA) Inc and others.

As we advised in our previous correspondence on this matter, the ANCD has held a long term interest in ensuring the appropriate and regulated promotion and marketing of alcohol in Australia. Accordingly, we appreciate the opportunity to provide our view to the ACCC on the draft determination.

To put it simply, the ANCD is supportive of the ACCC draft determination. It is a determination that appears to be fair and balanced, but most importantly recognises that alcohol is a product where the issue of potential public detriment needs to be given a higher priority.

The ANCD agrees with the decision not to support the 'grandfather clause' or a 45 day period for sell down of inappropriate products.

I would however request that the ACCC determination make a specific reference to this issue raised in our previous correspondence:

*"The ANCD recommends government regulation to establish independent review of all marketing, promotion, packaging and naming of any alcohol beverages. Approval from this independent authority should then be required prior to any activity for the advertising, promotion, naming or packaging of the alcohol beverage being undertaken.*

*Regulation which requires all alcohol producers to seek this type of approval is far more appropriate than the voluntary only industry based self-regulation system currently in place."*

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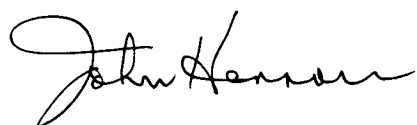
The ANCD would also like to make an additional observation regarding the ABAC Adjudication Panel.

The ACCC draft determination refers to the Adjudication Panel as "*whose members are independent of the alcohol industry (p:iii)*" which in our view significantly overstates their independence. Particularly given the panel's membership is recognized in the draft determination as consisting primarily of alcohol industry representatives (see Section 2.61 - p 11)

Accordingly, the ANCD would recommend your reconsideration of these relevant sections of the determination to ensure they accurately reflect the actual characteristics of the current ABAC Adjudication Panel.

Again, thank you for the opportunity to comment on this important area.

Yours sincerely

A handwritten signature in black ink that reads "John Herron". The signature is written in a cursive, flowing style.

Dr John Herron  
Chairman  
Australian National Council on Drugs  
27 September 2007

cc *Minister for Health*  
*Minister for Ageing*  
*Secretary, Department of Health & Ageing*