

David can prevail over Goliath - Minimum unit pricing for alcohol in Scotland

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Langue Anglais

At the beginning of the 21st century the scale of Scotland's alcohol problem was becoming all too clear. The number of Scots losing their lives had increased by 250% over 20 years, with people living in our poorest communities by far the hardest hit. Rates of alcohol-related liver disease had increased so sharply we referred to them as the 'scary graph'.

The Scottish trend was at odds with our Western European neighbours, where rates were dropping. Research showed that alcohol was costing Scotland £3.6 billion a year (4 billion Euro) in social, economic, crime and health costs; a sobering £900 (1000 Euro) per adult.

Cheap alcohol - a key driver of alcohol related harm

Much of this harm was being driven by ridiculously cheap off-sales alcohol. Alcohol is now 54% more affordable than 30 years ago, as supermarkets and shops compete with one another to lure customers in with cheap drink. Almost three quarters of our alcohol is now sold through 'off-sales' and 3 litres of strong cider containing the weekly limit of 14 units, can be bought for £2.50 (2.80 Euro).

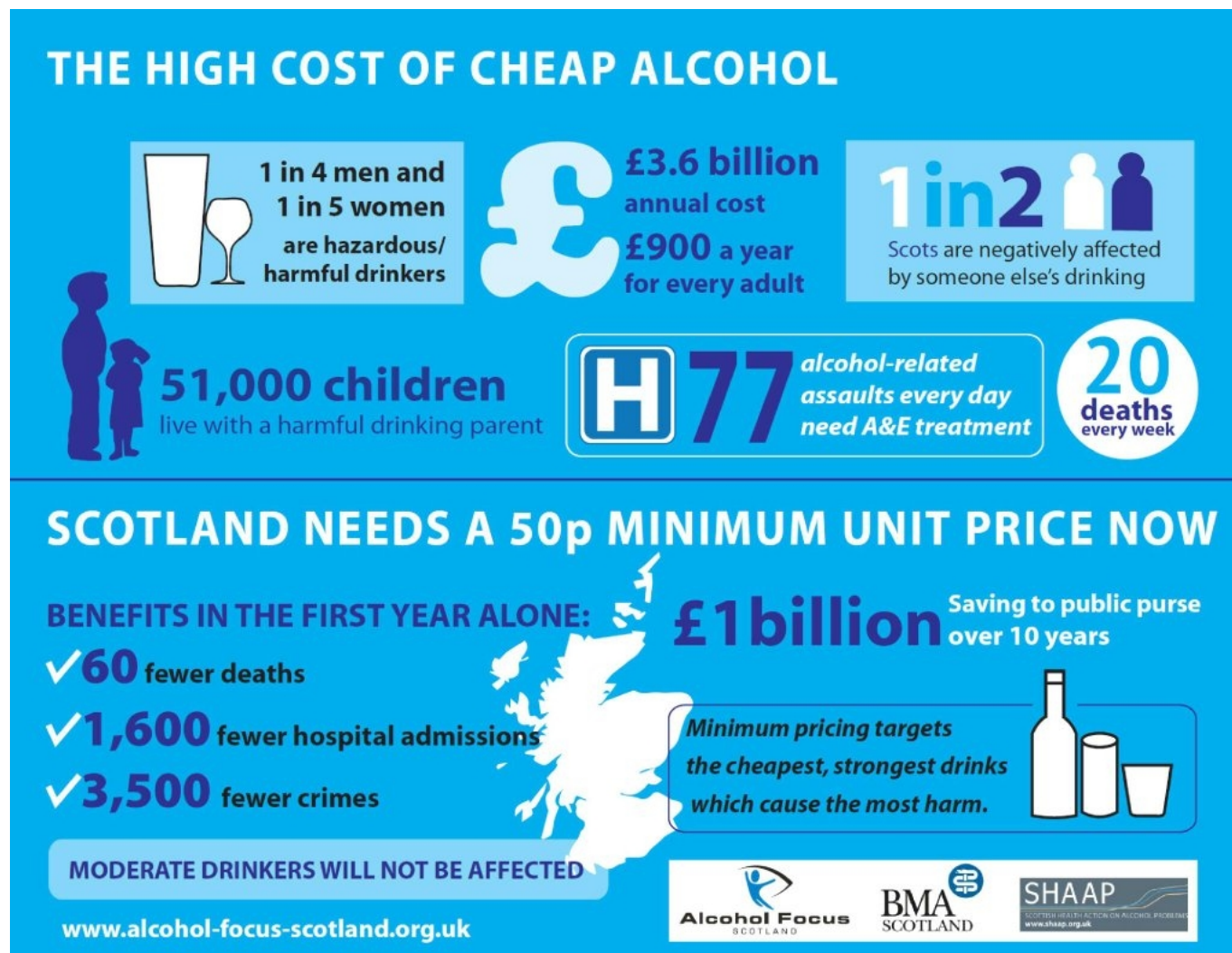
But facts don't always translate into action; especially when the interests of big business are at stake. It also requires political will. In 2007, the incoming nationalist Scottish Government looked to the success of the ban on smoking in public places and saw an opportunity to deliver something equally bold to address alcohol harm. David was prepared to take on Goliath.

A potential intervention: Minimum Unit Pricing (MUP)

In line with the World Health Organization's recommendations, one of the areas the Government looked at was price. As Scotland doesn't have powers to alter alcohol tax, another way to make alcohol more expensive was proposed – minimum unit pricing. This sets a 'floor price' below which alcohol cannot be sold. Minimum pricing selectively targets the heaviest drinkers because they are the ones drinking the very cheap alcohol. Moderate drinkers are largely

unaffected as they don't buy enough of the cheapest, strongest products to notice much difference.

Minimum pricing was championed by Nicola Sturgeon, then Health Secretary. At the core of the long advocacy campaign to deliver minimum pricing were AFS, Scottish Health Action on Alcohol Problems (SHAAP) and the British Medical Association (BMA) Scotland. We coordinated media activity, took to Twitter #mupsaveslives and gathered wide support from doctors, police, health groups, children's charities and the public. There was also support in some parts of the industry, notably from the 'on-trade' (pubs, restaurants) and from the brewer, C and C.



[1]

Evidence to inform advocacy

Our key messages focused on the damage that cheap cider and vodka was doing to people's health, their families and our communities, as well as the cost to our health and public services. Importantly, we had good evidence to back this up. While minimum pricing was an innovative proposal, it wasn't completely untested. There was strong evidence from Canada that their (different) minimum pricing was successful in reducing consumption and harm. The University of Sheffield had been commissioned to model the likely impact of minimum unit pricing, first in England and Wales where the policy has been side-lined, and then in Scotland. The "Sheffield model" showed that in the first year alone, a 50p minimum unit price could mean 60 fewer deaths, 1,600 fewer hospital admissions and 3,500 fewer crimes in Scotland.

Despite failing in 2009 to secure a majority for legislation to bring in a 50p minimum unit price, the Scottish Government tried again in 2011. The Alcohol (Minimum Pricing) (Scotland) Bill was passed without opposition by the Scottish Parliament in May 2012.

Goliath's tobacco-style reaction: challenge it in court

Having failed to persuade Parliament, some alcohol producers reverted to tactics more often associated with tobacco companies, by taking the Government to court. The Scotch Whisky Association (SWA) - whose members include global alcohol producers like Diageo and Pernod Ricard - argued that responsible drinkers and poor people would be 'punished' by minimum pricing; that it was an illegal restriction on trade; and simply that it wouldn't work.

Scotland's highest court found minimum pricing to be lawful in 2013. Following an SWA appeal, the case was referred to the European Court of Justice (ECJ). The ECJ stated it was ultimately for the national court to determine whether other measures i.e. taxation, could protect public health and life as effectively as minimum pricing, while being less restrictive of trade.

MUP: effective & proportionate to protect public health and life

On Friday 21 October 2016, the Court of Session refused the SWA's appeal. They reinforced their earlier judgement that minimum pricing is a legal, effective and proportionate measure to protect public health and life. The Scottish judges said that "...the fundamental problem with an increase in tax was simply that it did not produce a minimum price", adding that supermarkets could absorb any tax increases.

It's been a long process and we're not quite there yet. The SWA could still appeal the ruling to the UK Supreme Court. Alcohol Focus Scotland has sent an [open letter](#) [2], signed by 14 other public health and charity leaders, to the SWA, urging them to respect the will of the Scottish Parliament and the court's decision.

Minimum unit pricing is an important test case for all those interested in tackling NCDs. It demonstrates that we can be successful in protecting public health from health-damaging products, not just tobacco.

With vision, persistence, strong coalitions and a robustly evidenced and argued case, David can beat Goliath.

About the Author

Alison Douglas, Chief Executive of [Alcohol Focus Scotland](#) [3] ([@AlcoholFocus](#) [4]), joined AFS in December 2015. Her commitment to and experience of preventing and reducing alcohol harm stems from her time as Head of Alcohol Policy and Delivery at Scottish Government from 2007 to 2012. In this capacity Alison was responsible for developing and implementing Scotland's national alcohol strategy, "Changing Scotland's Relationship with Alcohol".

Featured:

Related Link: [Alcohol Focus Scotland - Minimum pricing](#) [1]



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Liens

[1] <http://www.alcohol-focus-scotland.org.uk/campaigns-policy/minimum-pricing/>

[2] <http://www.alcohol-focus-scotland.org.uk/media/182585/AFS-letter-to-SWA-Oct-2016.pdf>

[3] <http://www.alcohol-focus-scotland.org.uk>

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