

**Submission to the Ministry of the Attorney General:
Proposed regulatory amendments to the Liquor Licence Act**

March 21, 2014

In high-income countries such as Canada, alcohol is a leading contributor to disease, disability and mortality with substantial social costs involving health care, law enforcement, family, community, and work-place disruptions. Alcohol is a causal factor in more than 60 types of diseases and is a component cause in 200 others, including cardiovascular diseases, various cancers, liver diseases, and mental health problems. Alcohol use during pregnancy is a leading preventable cause of brain damage and birth defects among newborns. It is also a significant cause of injuries as well as fatalities from impaired driving, violence, and suicide.

In Ontario, alcohol is responsible for the highest rate of substance-attributable morbidity and mortality after tobacco. While alcohol sales do generate revenue for the province, alcohol-attributable costs such as health care, law enforcement, and lost productivity due to short- and long-term disability and premature mortality exceed the generated revenue by approximately \$500 million annually.

We appreciate the provincial government's recognition that alcohol sales must be carefully regulated, as illustrated by the government's resistance to calls for sales of alcohol in convenience stores. However, the plan to allow the sale of VQA wines at farmers' markets across the province is cause for concern, as it involves increased access to alcohol and selling a highly regulated product in what is essentially an unregulated market place where there is considerably less monitoring and control.

We strongly believe that the sale of locally produced wine is best conducted through the LCBO, which has the checks and balances in place to address the sale of alcohol in a socially responsible manner. However, if this pilot program does proceed, health and safety concerns should be paramount. We commend the government for including the following elements in its preliminary plan, and recommend that they be included in the final regulations:

- Restrict the pilot to VQA wines for a defined period of two years.
- Require that staff involved in the sale and service of VQA wines at farmers' markets hold an approved server training certificate (e.g. Smart Serve).
- In order to limit the volume and geographic scope of sales, do not allow wineries to warehouse products on site at the markets. This will help prevent these wine booths from operating as standalone retail outlets, which would lead to a considerable increase in outlet density given the number of farmers markets in Ontario.
- Allow municipalities and farmers' markets to opt out of this pilot. Farmers' markets selling wine should furthermore comply with any municipal alcohol policies that may be in place.
- Carefully validate winery requests to sell at particular farmers' markets to prevent the rise of "pop-ups" calling themselves a farmers' market but mainly selling alcohol.

We also offer the following recommendations:

Availability:

1. *Hours of operation for VQA wine sales at farmers' markets should be consistent with the hours of on-site winery retail stores.*
2. *Tastings at farmers' markets, if permitted, should be required to comply with current sampling regulations.*

Policies and regulations that control the availability of alcohol are very important in achieving public health and safety goals. Evidence shows that controls on hours and days of sale effectively limit alcohol consumption and related harms. Since licenses to sell in farmers' markets will serve as extensions of on-site winery retail store (WRS) licenses, we strongly recommend that existing controls on WRS hours of operation and sampling be applied to VQA wine sales at farmers' markets.

3. *Farmers' markets should limit the number or proportion of booths dedicated to VQA wine sales, and sales and sampling should be confined to a designated area.*

Alcohol is not an ordinary commodity and should not be treated as other products. Currently, alcohol sales channels are kept separate from other goods in order to maintain a regulated market. This recommendation is meant to facilitate the regulation and control of sales and service of VQA wine products in a socially responsible manner.

Advertising:

4. *VQA wine sales at farmers' markets should be expected to conform to existing rules around alcohol marketing and advertising.*

The link between levels of exposure to alcohol advertising and alcohol consumption and related harms is well established. Existing rules in this area should apply – particularly constraints pertaining to advertising of price and multi-unit discounts such as 2-for-1 deals.

Evaluation:

5. *The evaluation of this pilot should include public health indicators.*

We applaud the government for stating its commitment to refraining from expanding or extending the pilot without a rigorous evaluation. It is important that public health indicators be included in these evaluation activities and that those with expertise in assessing the public health and safety implications of alcohol sales (for example Public Health Ontario and/or the Institute for Clinical Evaluative Sciences) be involved in planning and implementing any evaluation.

Our current alcohol retail system strikes a balance between consumer access, selection, and service on one hand and the need to minimize alcohol-related harm on the other. Government-owned and operated liquor control boards such as the LCBO provide an effective means of controlling alcohol consumption and alcohol-related harm. We believe that the sale of locally produced wine is best conducted through the LCBO, which has the checks and balances in place to address the sale of alcohol in a socially responsible manner. An approach to alcohol policy and regulation that prioritizes public health and considers the costs associated with alcohol consumption is critical to the health and well-being of Ontarians.

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camh The Centre for Addiction and Mental Health (CAMH) is Canada's largest mental health and addiction teaching hospital, as well as one of the world's leading research centres in this area. CAMH combines clinical care, research, education, policy development, and health promotion to transform the lives of people affected by mental health and addiction issues.

OPHA The Ontario Public Health Association is a not-for-profit, member-based organization formed in 1949 to provide an independent voice for citizens committed to improving the health of all Ontarians. Its mission is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario. OPHA does this through a variety of means including advocacy, capacity building, research and knowledge exchange and transfer. OPHA's membership represents many disciplines across multiple sectors.