



December 10, 2020

**TO: World Health Organization, Department of Mental Health and Substance Use,
Geneva, Switzerland**

FROM: Alcohol Justice, San Rafael, California, USA

RE: Comments on the draft WHO Global Strategy to Reduce the Harmful Use of Alcohol

Alcohol Justice is an alcohol industry watchdog, alcohol harm prevention advocate, and policy education and analysis organization in the United States. At the urging of the United States Alcohol Policy Alliance and Global Alcohol Policy Alliance (GAPA), we are proposing comments in response to the WHO Global Strategy to Reduce the Harmful Use of Alcohol document released on November 16, 2020. We would like to add our categorical support for the GAPA group's recommendations, and offer our own comments and suggestions.

The request for comment asks that we address the following prompt:

“We have read the working document for development of an action plan to strengthen implementation of the Global strategy to reduce the harmful use of alcohol and have the following comments and suggestions for consideration.”

The guidelines provide an effective and broad roadmap for coordination among various actors within the harm prevention and mitigation space. However, there are several areas in which we feel the WHO does not address concerns facing the global community.

- Although the introductory text identifies transnational alcohol companies as a threat to effective global alcohol control, the action items pay excessive deference to corporations. Global alcohol control cannot be successfully pursued without addressing the central role multinational corporations have in lowering alcohol price points, increasing product distribution, affecting national policies, and using marketing and sponsorships to change cultural norms. The document repeatedly calls for corporate actors to be engaged and brought to the table of their own volition.

The actual behaviors of these companies does not warrant this polite attitude. Ultimately, the wealth and power of multinational alcohol companies requires an adversarial stance. There needs to be explicit guidance to states to monitor, sanction, and restrict the activities of these corporations in action areas 1, 2, 4, 5, and 6.

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Additionally, the WHO, member states, and NGOs should be directly involved in capacity building and material support for national monitoring and advocacy groups, especially in low-income countries (LICs) and lower-middle-income countries (LMICs) that would not otherwise have the resources to mobilize on this level. These should be reflected in action areas 4 and 6.

On a more specific level, Action Area 6, Non-State Action 3 needs particular work. As written, it seems contradictory. We strongly agree with the second half of the item: that alcohol industry money should not be used as a direct expenditure for public health, health education, or research. We assume the intention of the first half is to promote indirect spending and blind grants, but experience with the tobacco industry (as well as the alcohol industry's own track record) shows that keeping these funding channels open always leads to distortion of health messaging, misallocation of resources, or overt corruption. If the alcohol industry wants to be involved, they can give unrestricted grants to NGOs. Note also that alcohol industry personnel should be prevented from sitting on the boards or oversight committees of NGOs or other health institutions. The push for

- (1) More broadly, the effort to pivot the recommendations away from regarding the alcohol industry as a useful collaborator and instead confronting them winds through all our subsequent recommendations. The incentives for global alcohol sales are explicitly at odds with alcohol control.
- (2) Action areas 1, 2, and 5 need to more explicitly address youth-oriented product design. There is strong, scientifically reviewed evidence that age of initiation into alcohol use determines severity of alcohol problems later in life. Global alcohol companies have explicitly identified certain products as being intended to appeal to naïve drinkers who do not like the taste of alcohol. Multinational coordination to restrict products such as alcopops, hard seltzers, powdered alcohol, and other heavily flavored or flavor-masked products is essential to controlling the growth of alcohol harm.
- (3) Much of this document—and the SAFER guidelines on which it is based—concerns the strategies to reduce harm from alcohol consumption. It needs to be emphasized that the impacts of alcohol harm are felt at the community level, too. Alcohol profits have been used to fund gross human rights violations. Indigenous or vulnerable communities are harmed by the monopolization of resources in the name of alcohol production. Coordination between state and non-state actors does not address the precarious position of these communities, whose interests can be at odds with both the industry and the nation in which they reside.

It cannot be overstated the importance and power of international coordination and intervention to prevent harm to these communities. Action areas 2, 3, and 6 need to include language that prioritizes the protection of vulnerable groups from both corporate and state exploitation in the name of alcohol profits. NGOs that focus on indigenous

rights, resource protections, and human rights issues need to be considered part of the alcohol harm prevention community and brought to the table in the action areas.

- (4) When engaging corporate actors, such as under Action area 1, proposed actions for international partners and non-State actors Action 3, the perspective needs to broaden to include not just the alcohol industry but entities that rely on alcohol industry money. In particular, this includes sports organizations, leagues, tournament organizers, and academic institutions that generate revenue from alcohol advertising. Alcohol advertising connected to sporting events has been repeatedly demonstrated to increase alcohol use and provide cover for marketing to youth. Many of these organizations are international in scope, and need international engagement and pressure to restrict their appeal to the alcohol industry.
- (5) Free trade agreements and international arbitration provides both pitfalls and opportunities for global alcohol control. On the one hand, preemptive language can be used to hamstring nations' abilities to enact SAFER policies, particularly price controls and taxes. In the United States, there is considerable fear and anticipation that international litigation or complaints will target specific states (such as California) with accusations that they are pursuing stronger laws and regulations than the US Federal government. However, that is exactly how state-level regulatory structures are designed under the 21st Amendment to the United States Constitution. Although the United States is idiosyncratic in many ways, similar jurisdictional issues around alcohol control have emerged within and between EU states. Member States should be urged to recognize and defend the concept of regional (provincial, state, or department) regulation as having the same status as national regulation in international trade agreements. The Secretariat should be establish guidelines for both inter- and intranational policies that defend these regional policies. Member States should be urged to identify and repeal all preemptive legislation that overrides more stringent local alcohol policies and regulations.

That said, international trade agreements can also be used to constrain aggressive alcohol corporations' attempts to exploit new markets, collaborate directly with governments or government entities that commit human rights abuses, and/or monopolize water or land in such a way as to displace indigenous and other vulnerable communities. We recognize that the current outline briefly advocates this strategy in Action Area 3. However, broader action is needed. Member State and WHO Secretariat actions should reflect analysis of existing agreements and the development of new language that serves the needs of alcohol control under Action areas 1 and 5, and consider the use of trade agreement language to fund alcohol control under Action area 6.

- (6) WHO's SAFER goals emphasize alcohol access restrictions to limit use. In many HICs, localities are aggressively pursuing liberalization of licensing policies and, in particular, alcohol trading hours. The section "challenges in implementation of the Global Strategy"

should recognize that deregulation, in particular of trading hours, be identified as a constant threat to effective implementation of the Global Strategy. We also ask that Action Area 5 include policy monitoring of deregulation within member countries as a proposed action by Member States and the Secretariat.

- (7) The section “opportunities for reducing the harmful use of alcohol” identifies the COVID-19 crisis as an influence on alcohol use patterns. However, it largely regards it as a positive in terms of lessons learned. This is incomplete framing, since countries have found themselves allowing an array of novel routes of alcohol purchase as an economic support for businesses. Similarly, in Action area 2, Secretariat action 3 mentions COVID-19 as an emerging challenge, but that should recognize that COVID-19 is enabling and complicating enforcement challenges; that the regulatory reliefs proposed by many states threaten to exacerbate alcohol harm; and that the power of the alcohol corporations have made it politically unpalatable to shutter alcohol outlets and provide direct relief to their employees, instead trying to encourage new alcohol use patterns so that consumers can provide that economic relief through stripping away long-standing alcohol control policies.

We admit that these comments are granular, in contrast to the relatively general roadmap provided in the Global Strategy document. Nonetheless, we want to make sure that the structures built reflect the inequities, power structures, and shifting behavioral patterns in the global alcohol harm environment. Thank you for this opportunity to participate in this important and ambitious project.

Respectfully,



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