



UNIVERSITY OF  
AUCKLAND  
Waipapa Taumata Rau  
NEW ZEALAND

MEDICAL AND  
HEALTH SCIENCES

# REGULATING THE DIGITAL MARKETING OF ALCOHOL IN NEW ZEALAND

WHAT ARE THE OPPORTUNITIES FOR A LEGISLATIVE RESPONSE?

25 October 2023

- Regulating the digital marketing of harmful commodities is **complex and poorly understood**
- Understand the current regulatory environment governing the digital space in New Zealand
- Could inform regulation possibilities and opportunities in other countries.

## ***What are the legislative vehicles for regulating the digital marketing of alcohol in New Zealand?***



Global Centre for Preventive  
Health and Nutrition (GLOBE)

*“Ministry of Health colleagues that I've talked to and a lot of the parliamentarians, they're really intimidated by the issue and they're not actually aware of what regulatory frameworks exist in their country with respect to digital. Everyone **kind of thinks it belongs more in somebody else's bucket.**”*



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# Steps in the policy preparation stage

## Steps for Stage 1

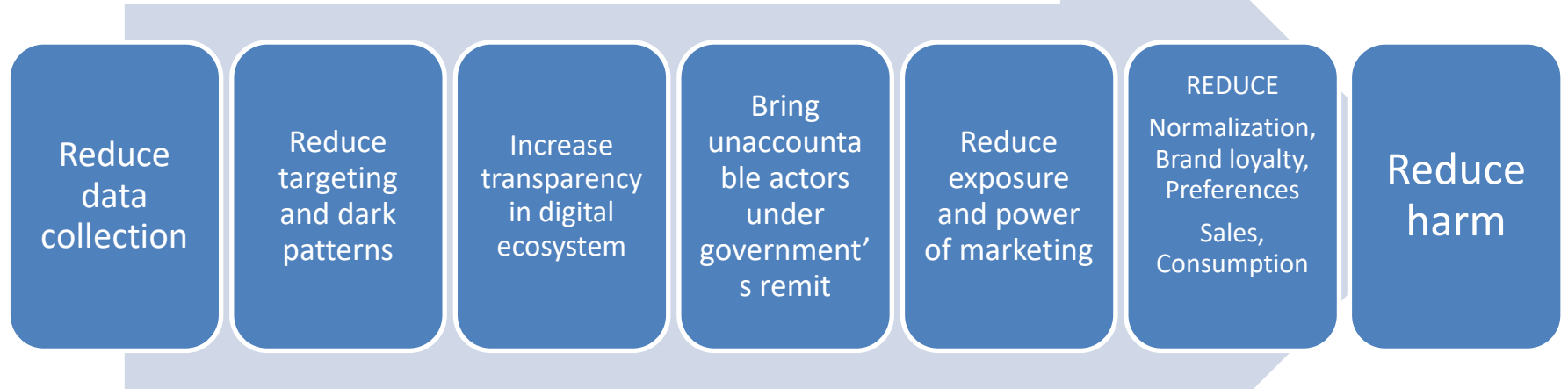




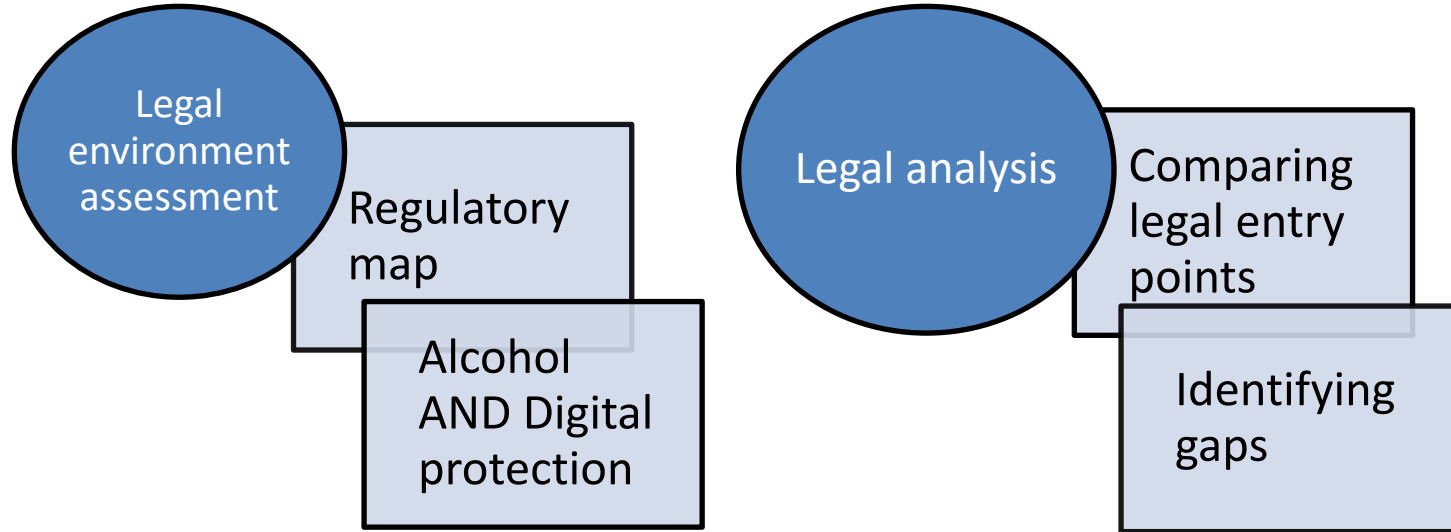
## Global Centre for Preventive Health and Nutrition (GLOBE)



# Aims of regulating digital ecosystem



# Regulatory Network Analysis



# Scope of mapping exercise

1

Identify *all* laws that currently exist that **regulate** marketing of **alcohol** in some way.

2

Identify *all* laws that **regulate publishing content** on the digital space in some way.

3

Identify *all* laws that **regulate** the way the **internet intersects** with individuals - ie privacy law, data protection law.

4

Outline the **key elements of each law** to understand how it works.



STEP	COMPONENTS OF REGULATION	EVALUATIVE QUESTIONS
1	<b>Objective setting</b>	What is seen as 'the problem' and the 'objectives' to be achieved by the law or regulation? Do these objectives fit with the identified objectives and the public interests identified?
2	<b>Govt department responsible</b>	Who has mandate over the legislation?
3	<b>Scope of law</b>	(Overview) and relevance to digital
4	<b>Monitoring</b>	How is compliance monitored? Which authority monitors it?
5	<b>Enforcement powers</b>	Which authorities enforce the law? What are the penalties?
6	<b>Liability</b>	Against whom can these measures be enforced? Can measures be enforced even where the addressee is not in the jurisdiction?

Theme	Regulatory area	Example legislation
Online safety	Harmful digital communications	Harmful Digital Communications Act
	Online Harms	Aotearoa New Zealand Code of Practice for Online Safety and Harms Safer Online Services and Media Platforms
	Censorship	Films, Videos, and Publications Classification Act 1993
Data protection laws	Privacy, data collection	The Privacy Act 2020
		Telecommunications Information Privacy Code 2020
		Digital Identity Services Trust Framework Act 2023
		Consumer Data Right (CDR) Bill
Consumer protection laws		Fair Trading Act
	Anti-spam	The Unsolicited Electronic Messages Act (UEMA)
		Secondhand Dealers and Pawnbrokers Act
Consumer rights		The Consumer Guarantees Act 1993
Commercial Rights	Intellectual property rights	Copyright Act
		Trademarks Act
		Telecommunications Act 2001

- Harmful digital communications
- Online Harms
- Censorship
- Harm Minimisation

Online Safety

- Privacy
- Data Collection

Data Protection

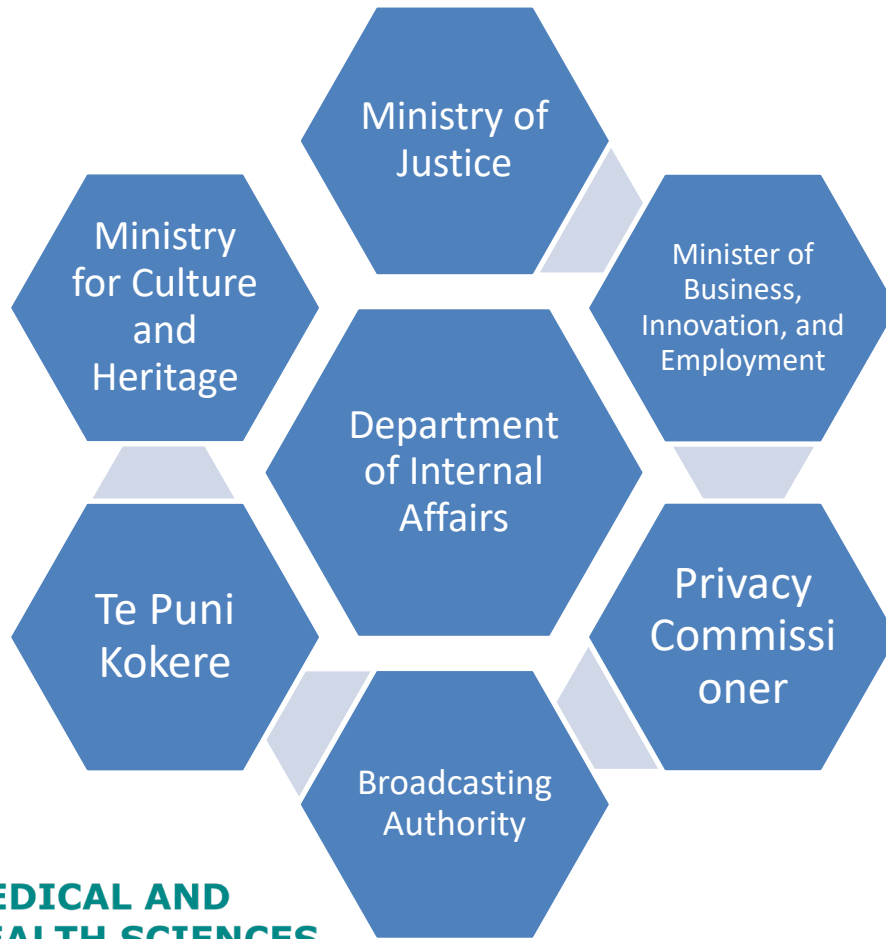
- Anti-spam
- Consumer rights
- Telecommunications regulation

Consumer Protection

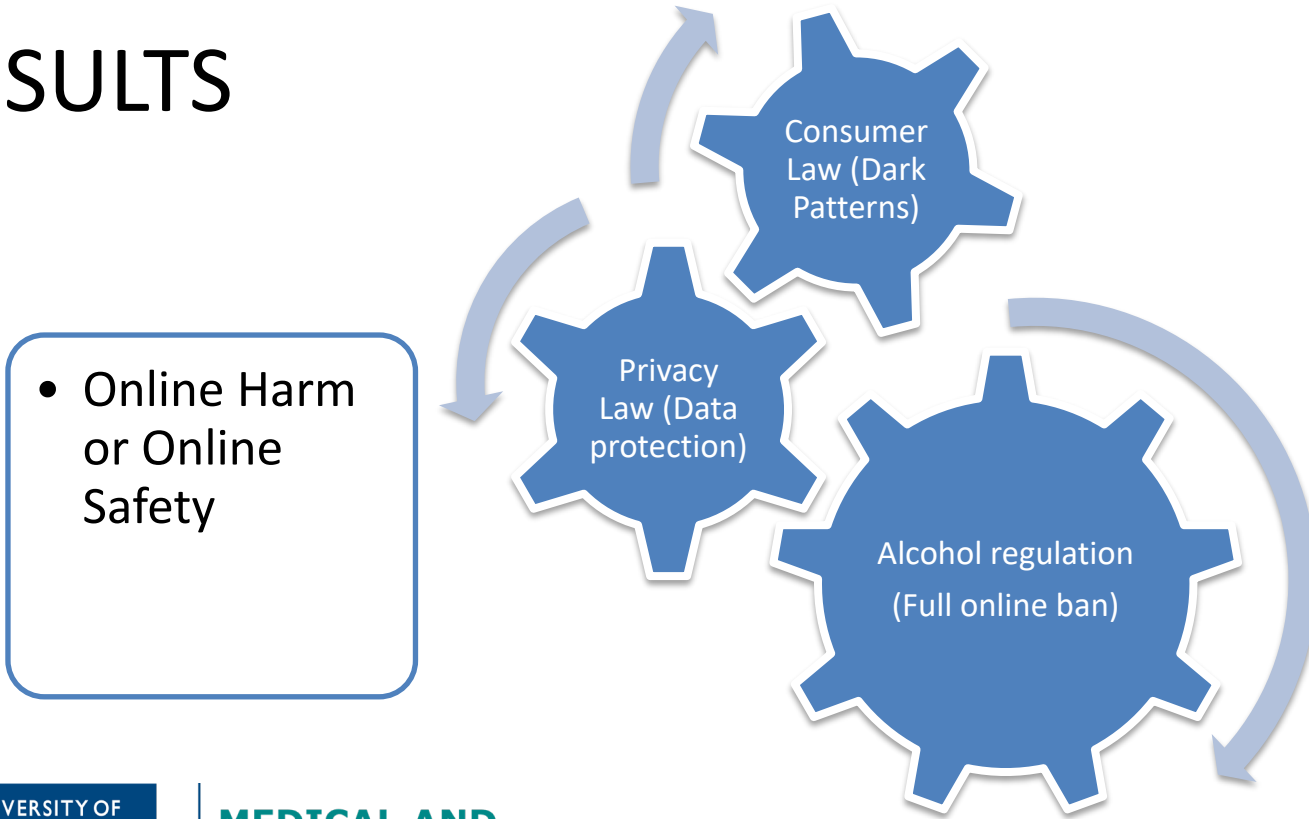
- Intellectual Property Rights
- Copyright

Commercial Rights





# RESULTS



Objective	Legal vehicle
Reduce data collection	Privacy Act (Data protection)
Reduce targeting and dark patterns	Consumer law
Increase transparency	Online Harm
Hold Big Tech to account	Digital Services regulation
Stop consumption Reduce alcohol harm	Alcohol marketing regulation

# Alcohol Harm = Alcohol legislation

Version as at 31 August 2023



**Sale and Supply of Alcohol Act 2012**  
Public Act 2012 No 120  
Date of assent 18 December 2012  
Commencement see section 2

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**Note**  
The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under [subpart 2](#) of Part 3 of the Legislation Act 2019.  
**Note 4** at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Justice.**

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**Contents**

1	Title
2	Commencement
	<b>Part 1</b>
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3	Purpose
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5A	Status of examples
6	Use of electronic records
6A	Transitional, savings, and related provisions

# Global relevance

- European Union
  - Digital Services Act
  - General Data Protection Regulations
- Online Harm Laws – Canada, UK, Ireland, Australia
- Online Advertising Programme – UK
- USA COPPA





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**Thank you**

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