

Public Health (Alcohol) Act 2018 (Sale and Supply of Alcohol Products) Regulations 2020 (S.I. No. 4/2020)

Guidance for Industry

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An Roinn Sláinte
Department of Health



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

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Introduction

The [*Steering Group Report on a National Substance Misuse Strategy*](#) (NSMS) published in 2012 states that “alcohol has major public health implications and it is responsible for a considerable burden of health and social harm at individual, family and societal levels”. The Report contains a range of recommendations to reduce the consumption of alcohol in general.

In October 2013, the Government approved a comprehensive suite of measures to reduce excessive patterns of alcohol consumption and resultant social, economic and health harms as set out in the NSMS including the drafting of a Public Health (Alcohol) Bill.

The enactment of the Public Health (Alcohol) Bill was included in the Programme for a Partnership Government in 2016. [The Public Health \(Alcohol\) Act](#) was enacted on 17 October 2018.

The primary policy objectives of the legislation are to:

- reduce alcohol consumption to 9.1 litres of pure alcohol per person per annum by 2020,
- delay the initiation of alcohol consumption by children and young people,
- reduce the harms caused by the misuse of alcohol, and
- regulate the supply and price of alcohol in order to minimise the possibility and incidence of alcohol related harm.

These objectives were developed in recognition that alcohol causes harms to health, significant costs to the Exchequer and that alcohol consumption in Ireland remains high.

The principles guiding the objectives are that the harms of alcohol make it unlike other grocery products, that consumers should be able to make informed choices about their drinking and that children and young people’s relationship with alcohol be addressed.

Guidance Document

The aim of this publication is to provide guidance in relation to the Public Health (Alcohol) Act 2018 (Sale and Supply of Alcohol Products) Regulations made under Section 23 of the Public Health (Alcohol) Act 2018 which come into effect from 11th January 2021.

As interpretation of the law is a matter for the Courts, this guidance is intended to provide general information on these Regulations made under the Public Health (Alcohol) Act 2018 and should not be construed as legal advice. It is without prejudice to any other legal obligations under criminal or civil law.

Data Protection and Freedom of Information

The Health Service Executive (HSE) fully respects your right to privacy. Any personal information attained for the purposes of the Public Health (Alcohol) Act or subsequent Regulations under the Act will be treated in accordance with the Data Protection Acts, 1988 and 2003 (and any amending or substituting legislation). Your personal information will be used only for the purposes for which it is provided, for example, for conducting regulatory checks or requirements or to comply with a legal process. You are entitled to access information that the HSE holds relating to you and can do so by applying to the HSE in writing and on payment of the prescribed statutory fee. The HSE reserve the right to charge a reasonable administration fee for each access request. The HSE are entitled to take reasonable steps to establish your identity in relation to any query, amendment, access or deletion request in respect of the *Alcohol Non-Compliance List*.

Overview of the Public Health (Alcohol) Act 2018

The Act proposes to achieve its objectives through the introduction of:

- minimum pricing of alcohol products;
- labelling of alcohol products and notices in licensed premises;
- prohibitions and restrictions on advertising and sponsorship;
- separation and visibility of alcohol products and advertisements for alcohol products in specified licensed premises; and
- the regulation of the sale and supply of alcohol products in certain circumstances.

Minimum Pricing of Alcohol Products

The Act will prohibit the advertising or sale of alcohol products below a set minimum price (10 cent per gram of alcohol in the product). This is a targeted measure designed to prevent the sale of alcohol at very cheap prices and aimed at those who drink in a harmful and hazardous manner.

Labelling of Alcohol Products and Notices in Licensed Premises

The Act provides for the following information on the label of an alcohol product:

- A warning to inform the public of the danger of alcohol consumption;
- A warning to inform the public of the danger of alcohol consumption when pregnant;
- A warning to inform the public of the direct link between alcohol and fatal cancers;
- The quantity of grams of alcohol contained in the product;
- The energy value expressed in kilojoules and kilocalories contained in the alcohol product,
- Details of a website run by the Health Service Executive providing information on alcohol and related harms.

Alcohol products sold in kegs or casks will have an accompanying document with the above information. Licensed premises will have a notice(s) in the legally prescribed form with above warnings and website information, confirming that a document noting the alcohol content and energy value of every product for sale in the premises is available on request. Finally, the above information will also be required to be displayed on any website that sells alcohol online. The aim is to provide consumers with information on alcohol products regardless of the manner of purchase whether in a shop, in a pub or online.

Prohibitions and Restrictions on Advertising and Sponsorship

The Act provides for restrictions on the content, placement and volume of alcohol advertising. Advertisements for alcohol products will be required to include both health warnings and details of the HSE alcohol website.

Advertising of alcohol products will be prohibited in or on a sports area when a sports event is taking place, at an event aimed particularly at children, or at an event where the majority of individuals taking part are children.

Children's clothing which promotes alcohol consumption or is branded with an alcohol product name, trademark, emblem, marketing image or logo will also be prohibited.

The sponsorship by alcohol companies of events where the majority of individuals taking part are children, aimed particularly at children, or that involve driving or racing cars or motorbikes will be prohibited.

Separation and Visibility of Alcohol Products and Advertisements for Alcohol Products in Specified Licensed Premises

Mixed trade retailers can store alcohol products in a storage unit behind the counter at only one point of sale area and can also display and advertise alcohol products using one of the following three options:

- A separate area of the shop separated by a physical barrier which has a minimum height of not less than 1.2 metres and through which alcohol and advertisements for alcohol are not visible
or
- Enclosed adjacent storage units on the shop floor in which the products are not visible up to a minimum height of 1.5 metres
or
- A maximum of three adjacent units, each of 1 metre width and 2.2 metres high.

Separation of alcohol products is intended to achieve the following objectives:

- access to alcohol products will be more controlled in premises to which it applies;
- alcohol products are less likely to be on display near grocery products, thereby discouraging their purchase as part of everyday household grocery shopping;
- alcohol products will be less visible to children.

The Regulation of the Sale and Supply of Alcohol Products in Certain Circumstances

The Act provides for the Minister for Health to introduce regulations to prohibit or restrict certain types of promotions, for example, buy one alcohol product get another one free or Student Nights. The intention of the provision is to prohibit promotions which encourage risky drinking i.e. that encourage individuals to purchase or drink more than they intended or to drink faster than they intended.

Commencement

- [The Public Health \(Alcohol\) Act 2018 \(Commencement\) Order 2018](#) (S.I. No. 44 of 2018) set the 12th of November 2018 as the date of commencement for Section 23 of the Act. Section 23 of the Act provides for the Minister for Health to make regulations relating to the sale and supply of alcohol products.
- The Public Health (Alcohol) Act 2018 (Sale and Supply of Alcohol Products) Regulations 2020 (S.I. No. 4/2020) <http://www.irishstatutebook.ie/eli/2020/si/4/made/en/print>, made under Section 23 of the Public Health (Alcohol) Act 2018 was signed by the Minister for Health on 9 January 2020 and enters into effect 11 January 2021.

Guidance for Regulations relating to sale and supply of alcohol products

The Public Health (Alcohol) Act 2018 (Sale and Supply of Alcohol Products) Regulations 2020 (S.I. No. 4 of 2020) made under Section 23 of the Public Health (Alcohol) Act 2018 prohibit the award of, or use of bonus or loyalty card points in relation to the sale of alcohol products. The Regulations prohibit the sale and advertisement of alcohol products at a reduced price or free of charge when sold with one or more alcohol products or another product or service. In addition, the Regulations prohibit the sale and advertisement of alcohol products at a reduced price for a period of 3 days or less.

What does this mean?

These Regulations prohibit or restrict certain price promotions of alcohol products.

The Regulations come into effect on 11 January 2021.

Regulation 3 defines ‘sale or supply of alcohol products at a reduced price or free of charge’ to include the use of loyalty cards, bonus points and other similar benefits in relation to alcohol products.

- Bonus or loyalty card points cannot be awarded on the purchase of an alcohol product.
- Bonus or loyalty card points awarded from the purchase of alcohol products cannot be used to obtain alcohol products or any other product or service.
- Bonus or loyalty card points accrued from the purchase of any product or service cannot be used in the purchase of an alcohol product.

Regulation 4 prohibits the sale or supply of an alcohol product at a reduced price or free of charge on:

- (a) the purchase of one or more alcohol products (whether of the same or of a different kind)
- (b) the purchase of any other product or service.

Examples

- A retail outlet may no longer award points for the purchase of alcohol. Points may still be awarded for non-alcohol products even if they are purchased at the same time as alcohol.
- Loyalty card points awarded from a retail outlet may not be used to obtain alcohol.
- Loyalty card points awarded on the use of a fuel service station, credit card, energy service provider, phone service provider, holiday breaks or insurance may not be used to obtain alcohol.
- Loyalty card points converted to vouchers may not be used to purchase alcohol including in a restaurant, theatre, cinema or any other venue providing a similar service.
- Loyalty card points awarded from online shopping at any retail outlet may not be used to obtain alcohol.
- The value of alcohol purchased may no longer be considered for the purposes of grocery spend promotions e.g. €5 vouchers for every €25 spent or €10 vouchers for every €50 spent.
- Promotions such as cash discount vouchers awarded on the basis of grocery spend as set out above may not be used to purchase alcohol. .
- A promotion offering two mini bottles of wine for €5 where the wine is displayed for €3 per bottle outside of the promotion is prohibited.
- Buy one or more alcohol products/get another free offers are prohibited.
- Two drinks for a reduced price offer e.g. a bar/restaurant offers cocktails for €15 Sunday to Friday where one cocktail is normally charged at €10 is prohibited.
- A free glass of wine offered at e.g. a nail bar, hairdressers or barbers is not permitted. The purchase of a service such as a manicure or haircut may not result in the offer of an alcohol product free of charge.

Regulation 5 prohibits the sale and supply of an alcohol product for a period of 3 days or less at a price less than that being charged for the alcohol product on the day before the commencement of the sale period.

Example

- The sale of alcohol at a reduced price on e.g. ‘Student Night’, ‘Happy Hour’.

Under **Regulation 6** it is prohibited to advertise or promote, or cause to be advertised or promoted, the sale or supply of alcohol products in a manner specified in Regulation 4 or 5.

Other relevant information

The Regulations apply to online sale and supply of alcohol products on Irish websites.

The Regulations do not apply to the sale of alcohol by wholesale.

A person who contravenes these prohibitions commits an offence.

Penalties

On summary conviction, a person shall be liable to:

- A class A fine, up to a maximum of €5000 or up to 6 months imprisonment or both.
- On conviction on indictment, a person shall be liable to a fine up to €250,000 or up to 3 years imprisonment or both.

Definitions

Definitions are as set out in Section 2 of the Public Health (Alcohol) Act 2018

<http://www.irishstatutebook.ie/eli/2018/act/24/enacted/en/print>

Contact Details

For further information or enquiries regarding enforcement or to make a complaint please contact the HSE at ehs.alcoholunit@hse.ie.

For further information regarding the Public Health (Alcohol) Act please contact the Tobacco and Alcohol Control Unit of the Department of Health at alcohol@health.gov.ie.