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RE: 'Hard Solo' - Alcoholic Lemon Beverage

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being for all. PHAA seeks to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

PHAA is concerned about Hard Solo and the conduct of the ABAC Scheme in providing Hard Solo with pre-vetting approval. We welcome the review by Liquor & Gaming NSW of Hard Solo as an undesirable product.

Solo is a well-known soft drink brand, which has been available in Australia and consumed by children and adolescents for decades. The branding and packaging of Solo is highly recognisable in the community due to marketing of the brand and product over a long time.

Hard Solo is an extension from the Solo soft drink to an alcoholic product which retains the familiar brand elements of the soft drink, i.e., the yellow and black colours; font, size and position of the name 'Solo'; can size and shape; and lemon tree icon. As a result, we believe the name 'Hard Solo', the packaging and design and the expectation that Hard Solo will taste like the soft drink is likely to make this liquor product attractive to minors, particularly given that 14% of high schoolers are considered high soft drink consumers, consuming a minimum of 1 litre per week.¹

Although the concept of soft drink turned alcohol product is too recent for there to be formal research reviewing the appeal risk, we do know that exposure to different forms of alcohol advertising does increase the likelihood that adolescents will start to use alcohol.² PHAA believes that using a known soft drink's likeness and taste would be considered an advertising strategy to draw current customers (like minors) in.

As Solo has been known only as a soft drink, the recognisable branding and shared name of 'Solo' would contribute to a likelihood that Hard Solo may be confused with the soft drink. It has become commonplace for soft drink brands to use different coloured cans to indicate soft drink product variants such as diet/zero sugar, added flavours such as vanilla, or limited-edition packaging.

Solo itself currently has zero sugar cans and limited-edition cans that retain the key brand colours and elements but apply them with some distinction to label elements, like with Hard Solo. The current Hard Solo cans look too much like one of these non-alcoholic variants.

¹ Scully, M., Morley, B., Niven, P., Crawford, D., Pratt, I. S., & Wakefield, M. (2017). Factors associated with high consumption of soft drinks among Australian secondary-school students. *Public Health Nutrition*, 20(13), 2340–2348. <https://doi.org/10.1017/S1368980017000118>

² Sargent, J. D., & Babor, T. F. (2020). The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal. *Journal of Studies on Alcohol and Drugs, Supplement*, s19, 113–124. <https://doi.org/10.15288/jsads.2020.s19.113>

Given that this is the first example of a soft drink brand extending to an alcoholic product in Australia, we believe the can's similarity to the non-alcoholic product and the public's unfamiliarity with hard soft drinks would result in confusion between the liquor product and soft drink.

Hard Solo should be recommended as an undesirable product under the *NSW Liquor Act 2007* section 100.³ There is no evidence to suggest Hard Solo's (3c) name, design, or packaging, won't be attractive to minors and (3d) the liquor product is likely, due to its near identical branding and (potentially) flavour, to be confused with soft drinks. It is clear this product breaches the *Act*.

Looking forward, our concern also is that this will not be the last soft drink to alcohol product, with Coca-Cola announcing their plans to expand their business in ready-to-drink alcohol products that look similar to their current non-alcoholic products.⁴ Precedent must be established to avoid future predatory labelling, and to perhaps assess the appropriateness of the product altogether considering alcohol harm minimisation in the public's interest.

The ABAC Scheme has continued to demonstrate that it is incapable of acting in the public interest by granting pre-vetting approval to Hard Solo. PHAA seeks regulation by government to ensure effective, independent controls on all forms of alcohol advertising and promotion, with a special focus on protecting young people and those with (or at risk of) an alcohol problem from exposure.

PHAA In the meantime, applying the provisions within state legislation to regulate undesirable products is of particular importance to support the objective of minimising harm to the community.

Yours Sincerely,



Associate Professor Kate McBride
New South Wales Branch President
Public Health Association of Australia

³ NSW Government. (2023, July 1). *NSW Liquor Act 2007 No 90*. NSW Government. <https://legislation.nsw.gov.au/view/html/inforce/current/act-2007-090#sec.3>

⁴ The Coca-Cola Company. (2022, June 13). A Deeper Look at Coca-Cola's Emerging Business in Alcohol. The Coca-Cola Company. <https://www.coca-colacompany.com/media-center/deeper-look-at-coca-colas-emerging-business-in-alcohol>