

ACMD

Advisory Council on the Misuse of Drugs

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Mr. Darryl Bickler
Drug Equality Alliance

cc Mr. Casey Hardison

16th August 2010

Dear Mr Bickler,

Re: Drug Equality Alliance correspondence with Prof. Iversen

Thank you for your e-mail dated 12th July 2010 in which you raised concerns on behalf of Mr. Casey Hardison regarding my previous correspondence with him.

I would like to assure Mr. Hardison that I carefully read his original letter and believe that I was open and clear in my response. However, I write further to my original letter to expand on these points, as requested, and to provide direct answers to Mr. Hardison's specific questions.

Throughout our correspondence I have been clear that the ACMD interprets the legislation as including alcohol and tobacco issues whilst retaining a focus on illicit drugs. Indeed it is the duty of the ACMD to provide advice under section 1(2) of the Misuse of Drugs Act 1971 to the key departments responsible for alcohol policy – the Department of Health, the Home Office and the Department for Education.

I was copied into recent correspondence between the Home Office and Mr. Hardison (letter dated 10th August 2010). I understand from the letter that the Coalition Government has no intention of seeking the classification of alcohol and tobacco under the Misuse of Drugs Act (the 1971 Act) for the purposes of controlling these substances under that Act. It is important that I make clear from the outset that the ACMD does not intend to provide advice to ministers on alcohol and tobacco that is concerned with classification under the Misuse of Drugs Act 1971.

My appending of the word “issues” to alcohol and tobacco in my letter to Mr. Hardison of 18th June 2010 was not intended to in any way trivialise these substances. On the contrary, the ACMD has reviewed many of the harmful effects of tobacco and alcohol. In my previous correspondence with Mr. Hardison I explained that the ACMD had “made recommendations regarding research, education, public health and marketing”. More specifically, the ACMD and the work of its Pathways to Problems Implementation Working Group has contributed to the *North Review of Drink and Drug Driving Law* (<http://northreview.independent.gov.uk/docs/NorthReview-Report.pdf>), and the National Alcohol Strategy - *Safe, Sensible, Social* (http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_075219.pdf) and the *Youth Alcohol Action Plan* (<http://publications.education.gov.uk/eOrderingDownload/Cm%207387.pdf>).

The ACMD also contributed to the Department of Health’s consultation paper: *Safe, Sensible, Social – consultation on further action* (http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Consultations/Liveconsultations/DH_086412.) In doing so it took the opportunity to comment on its wider concerns around alcohol consumption in the UK. In particular, these centred on alcohol use by young people and in combination with other substances i.e. an “integrated approach” to substance misuse.

In January 2007 the ACMD responded to the *Portman Group Third Review of the code of practice on the naming, packaging and promotion of alcoholic drinks*. It made specific and strong recommendations around the areas of most concern – public health and young people.

It is important I also explain that alcohol and tobacco issues are carefully considered by many other Government Departments, not just the Home Office. The ACMD believes, as indeed Mr. Hardison appears to do, that the full range of regulatory options should continue to be used to ensure an integrated approach with a public health basis.

Mr. Hardison asks “why are “prohibitive” controls not in place for alcohol and tobacco?” I would draw his attention to the recent and significant use of legislative control around these two substances. These include the following Acts of Parliament:

Licensing Act 2003

(http://www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en_1)

From 3rd May 2007, an amendment to the **Licensing Act 2003** introduced a new offence of persistently selling alcohol to children.

Health Act 2006 (c.28)

(http://www.opsi.gov.uk/acts/acts2006/ukpga_20060028_en_1)

This made provision for changes to amend the age for the sale of tobacco.

Health Act 2009

(http://www.opsi.gov.uk/acts/acts2009/ukpga_20090021_en_1.)

This came into force in November 2009. The Act prohibits the display of tobacco products at the point of sale and creates powers to control the sale of tobacco from vending machines. These provisions will help to reduce the impact of tobacco on health and well-being in future generations by protecting children and young people from the harm caused by smoking.

Mr. Hardison claims that “the Council keeps itself fettered to the belief that the control of a drug under the Act means prohibition.” The ACMD’s remit is to make recommendations “whether or not involving alteration of the law”. The ACMD does, and will continue, to make recommendations on this basis.

I have copied Mr. Hardison in to this letter. I trust that the ACMD’s position on the matters raised by Mr. Hardison have now been made clear and that his points have been satisfactorily addressed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Les Iversen". The signature is written in a cursive style with a large initial 'L'.

Professor Les Iversen
Chairman