



CONSUMER COUNCIL OF FIJI

A Submission to the

National Substance Abuse Advisory Council
[Ministry of Education]

Volatile Substance Abuse Control Decree 2013

October 2013

1.0 INTRODUCTION

The Consumer Council of Fiji (hereafter known as “Council” or “CCF”) welcomes the National Substance Abuse Advisory Council (NSAAC) and Ministry of Education’s (MOE) initiative to introduce the *Volatile Substance Abuse Control Decree 2013* with the aim of controlling and curbing volatile substance abuse particularly amongst children. The Council has been highlighting the issue of sale and marketing of glue to children since 2008¹ stressing the role of irresponsible traders who sell glue to children and youths despite public concern over glue-sniffing. At that time the Council had received complaints from concerned members of the public calling for the banning of such products, however we are not a regulatory agency and thus had to focus on consumer awareness and flagging the matter to policymakers for necessary policy intervention. Our market surveillance work in 2011 (See Appendix 1: Brief Survey Report) had found amongst other issues the unrestricted sale of glue by some traders despite the fact that these products contained hazardous ingredients and that it was common knowledge that glue-sniffing was a serious problem amongst youth. The ‘right to safety’ is an important consumer right that underpins the need to prevent the irresponsible use, sale and marketing of hazardous products and services. The consumer ‘right to safety’ encompasses the right to be protected against the marketing of goods which were hazardous to their health and life. The Council also stresses that ‘consumer responsibility’ requires consumers to use products or services according to their stated or intended purpose; for example *Dunlop GP* glue is intended as an adhesive and not for intentional human inhalation. However, here the Council believes that the business practices of retailers are important as they are in a position to curb product misuse by not freely selling volatile substances particularly to children. The Council’s submission emphasises the pivotal role of traders/retailers in the sale and marketing of volatile substances such as glue to children and other vulnerable consumers.

1.1 Role of Consumer Council of Fiji

The Council has statutory obligations under the Consumer Council of Fiji Act (Cap 235) “*to do all such acts and things which it may consider necessary or expedient to ensure that the interests of consumers of goods and services are promoted and protected.*” The Council is also obliged to advise and make recommendations to the Minister responsible for consumer affairs in Fiji or any other Minister on issues affecting the interests of consumers. This work extends to providing advice and making submissions to regulatory agencies, policymaking bodies, private sector or industry groups and international agencies. The Council is a key stakeholder in the formulation of policies, legislations and standards in the country. As the Council is often in the frontline and first point of contact for consumer grievances, it has a strong mandate from consumers to express their viewpoints on issues affecting them. In the Council’s Strategic Plan 2012 – 2012, it has vowed to protect “vulnerable groups such as the rural poor, physically and mentally challenged, **children** and women by identifying and articulating the policy issues that are of importance to the consumers.” Part 7.5 (The Child Consumer) of our Strategic Plan notes how contemporary advertising and marketing are more child-focused, targeting the habits of future income-earners. The Council aims to ensure that

¹ <http://www.fijisun.com.fj/2008/07/08/glue-sniffers-found-unconscious-on-street/>

there is special protection of the use of children in advertising and marketing of products, which includes protecting against irresponsible sale of certain harmful or inappropriate products to children.

1.2 Focus of submission

The CCF understands the objectives of the *Volatile Substance Abuse Control Decree 2013* to protect children from volatile substances and curb abuse of these. The Council agrees with and fully supports the various measures stated in the Decree to curb substance abuse and support children who are victims of substance abuse. However, we believe that **trader or retailer responsibility** is a key target area that is inadequately addressed in the Decree. Traders who sell volatile substances are the key gate keepers where consumers (and children) access such products. Their important role as importers, marketers and sellers of volatile substances cannot be underestimated. The CCF believes that traders should also be a key target group in policies or laws/regulations intended to curb the misuse or abuse of volatile substances like glue.

2.0 COMMENTS ON THE *Volatile Substance Abuse Control Decree 2013*

These are the Council's comments on specific parts of the Decree and include areas that we think need strengthening. We only include areas that necessitate some firming up or broadening of scope to ensure the objectives of the law are met.

2.1 Interpretation – “supply” (Section 3)

The Council proposes that the term “supply” include **advertisement, marketing and promotion** of volatile substances. Certain volatile substances such as glue (e.g. *Dunlop GP glue*) should not be advertised, marketed or promoted irresponsibly. There should be restrictions on how these products are promoted by traders or retailers; and how they are shelved in shops, supermarkets and hardware outlets. Our market surveillance has found glue on sale being prominently displayed in the front of hardware stores where they are clearly visible and accessible to consumers.

2.2 Part 2 - Prohibition and Declaration of Volatile Substances

2.21 Section 5 – Traders, or business entities

We note that Section 5(1) and other parts of the Decree refer to “a person” being the one that must not engage in the selling or supply of volatile substances to children in circumstances where it is reasonable to suspect that the child may inhale it or use it to become intoxicated. The Council submits that in addition to “a person”, a **business entity or trader** be included in the Decree. The use of “a person” may restrict liability only to individual employees or staff of retail outlets. This may be construed to exclude the business entity or trader who may be engaged in the irresponsible sale of certain volatile substances.

2.21 Section 6 - Declaration of volatile substances

The Council notes that the list of volatile substances set out in Schedule 1 of the Decree contain products which have varying degrees of hazardousness or volatility. We suggest that high risk products i.e. those more likely to be abused or misused (e.g. *Dunlop* GP glue) be clearly identified as ‘high risk’ rather than grouping all the products together. Some products such as *deodorants* and *air fresheners* have lower risk of abuse or misuse. It would be prudent to re-classify the products in the list according to degree of risk of abuse or misuse. This would ensure that the Decree and any ensuing regulations are effective in targeting only those products that necessitate control or prohibition. The NSACC could seek the assistance of other authorities such as the Department of National Trade Measurement & Standards (DNTMS) under Ministry of Industry & Trade, the Department of Agriculture - Research, Ministry of Health and others for classification purpose.

2.3 Part 3, Section 9 (2) Manner of giving information

As submitted in 2.21 above, liability and responsibility for the sale of volatile substances to children must extend to the business entity or company. Thus Section 9(2) requires that the appropriate penalty level must be applied in the case of a business entity. The \$100 fine and imprisonment should be appropriately increased for a business entity or company to ensure a high level of corporate deterrence.

3.0 SUGGESTIONS FOR IMPROVEMENT AND STRENGTHENING

The Council puts forward the following for the NSAAC and Ministry of Education to consider. These can either be included in the principal legislation or in the subsidiary laws (regulations). NSAAC can also consider these points for its own awareness and education strategies.

3.1 Point of Sale Notices – Benchmark against *Tobacco Control Decree 2010* and Regulations

The Council suggests that NSAAC/MOE utilise some successful aspects of the *Tobacco Control Decree 2010* pertaining to point-of-sale notices and labelling. Notices of restrictions on purchase of declared and specified volatile substances should be a requirement for retailers who sell these items. The notices should be placed at point-of-sale, at shop counters and also on shelves where controlled substances are displayed for sale. The notice should prominently inform consumers and the public that sale of such substances to children under 18 years are prohibited by law.

EXAMPLE



3.2 Warning Labels on Declared Volatile Substances

The NSAAC can consider getting assistance or consulting with other regulatory agencies such as DNTMS/MIT, Ministry of Health etc and traders to establish minimum labelling requirements such as warning labels for volatile substances. The warning labels should not only warn consumers not to sell or allow children to handle such substances, but also warn against misuse.

3.3 Restrictions on advertisement or marketing to children

The NSAAC could consider either through the principal legislation or via regulations imposing restrictions on the advertising and marketing of certain volatile substances such as *Dunlop* GP glue. This involves prohibiting children from being depicted in advertisements featuring such products or banning brand sponsorship of sporting events involving children.

5.0 Recommendations

The Council submits the following recommendations based on the discussions in the preceding sections.

- advertisement, marketing and promotion of certain volatile substances to children to be prohibited;
- the term “*supply*” to include *advertisement, marketing* and *promotion*, or a separate section where this is defined;
- business entities or traders be included in the relevant sections where only “*a person*” is expressed as liable to be fined or imprisoned;
- the declaration list of volatile substances to be classified to distinguish between targeted ‘high risk’ and ‘low risk’ items;
- fines and penalties to be adjusted to include higher fines against business entities or traders;
- point-of-sale notices and shelf labels (similar to *Tobacco Control Decree 2010*, and regulations) to be considered;
- warning labels on declared volatile substances to be considered in consultation with relevant standards and regulatory agencies;
- NSACC to consider restrictions on advertisement or marketing to children of identified volatile substances.

===== ENDS =====

A Brief Report – Snap Survey on *Dunlop* General Purpose Glue 2011



Dunlop (GP)

General Purpose Contact Adhesive
65ml

Made in Malaysia under license from GP Dunlop Adhesives, United Kingdom
Pembuat & Pembekal (Manufacturer & Supplier)
GRP SDN BHD (53232-A)
Lot 9, Solok Sultan Hishamuddin 7, Kaw, Perusahaan 20,
Selat Klang Utara, 42000 Port Klang, S.D.E Malaysia

Issues

- ★ No ingredients stated on the can
- ★ No clear specific warning signs on potential harmful health effects, only has symbols with words “HIGHLY INFLAMMABLE” and “HARMFUL”

Taxation: 15% Fiscal Duty, Free Import Excise Duty, Value Added Tax 15%.



Photos: *Dunlop* glue purchases from local retail



shops (Jambo Store, Salato, Sunil's Store)



Dunlop glue sold at a local hardware store GMR

Consumer Council Research on Dunlop GP (General purpose) Glue 2011

- Available in 65ml and 100ml cans, however non-hardware retailer shops sell only the 65ml can.
- 2011 - CCF conducted a snap survey in the Suva - Nasinu area particularly of local small and dairy shops in residential neighbourhoods. The Council found 5 out of the 10 shops surveyed to be selling 65ml cans of *Dunlop GP* glue with prices ranging from \$1.50 to \$3.50.
- Glue was easily purchasable off the counter.
- Our market surveillance team visited two retail outlets (Chinese) - Jambo Store Wailoku (Wailoku) and Mead Rd Store (Nabua) where one of our officers dressed up like one of the street kids/youths. He was able to easily purchase the 65ml can of GP Dunlop Glue.
- No restrictions on the sale of glue.
- It appeared that some retailers were aware of the demand for the product from young glue sniffers and easily sold this to the youths. The unscrupulous retailers appear to understand that youths purchasing the glue are using it for purposes other than what glue is normally used for.

- The Council has highlighted the impact of irresponsible retailers who are aware of the glue sniffing problem in the country but continue to sell glue.
- Police had raised the issue of glue sniffing identifying *Dunlop* glue as the most commonly purchased one. This is the brand normally confiscated from youths found by police intoxicated to be intoxicated particularly in urban centres.
- Police had raised the issue with the Council (see letter from Drugs Intelligence & Enforcement Unit



Fiji Police Force

23 August 2011

The Chief Executive Officer
Consumer Council of Fiji
Suva

Dear Madam

RE: Glue Sniffing

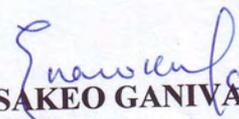
Madam we wish to kindly ask for your assistance in regards to the increased glue sniffing by the young youths.

With our current research and proactive policing at one of the community in Central Suva, we found out that there is hundreds of DUNLOP GLUE abused by sniffing which is most common in youth groups. These youths when questioned told us that the glue is found everywhere in all shops around the places. This will surely produce more unhealthy people in our country. *(Attached please find some pictures of the said glue)*

For this madam, we kindly request if this particular glue with other glue which should only be sold by hardware companies be immediately shelved off from small shops. We also request if such products be closely monitored by concerned authorities.

Madam, we are looking forward for your kind assistance.

Thank you.


SAKEO GANIVATU
ASP

OC Drugs Intelligence & Enforcement Unit

25 August 2011

