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Sunbed Consultation
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**SUBMISSION on
Reducing harm from commercial sunbeds consultation document**

Introduction

Thank you for the opportunity to make a submission on the consultation document "Reducing harm from commercial sunbeds". This submission is from Consumer NZ, New Zealand's leading consumer organisation. It has an acknowledged and respected reputation as a provider of impartial, independent and comprehensive consumer information and advice.

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Overview

We commend the government for taking the first step towards reducing the harm caused by sunbed use by restricting access to those over 18 years of age, as proposed in the Health (Protection) Amendment Bill 2014. However, as pointed out in our submission on this Bill, we don't think it goes far enough.

Consumer NZ recommends policy option 5 – a ban on the importation, manufacture, sale and rental of sunbeds for commercial or private use. We note the consultation document states policy option 5 would only be implemented in combination with, or following, the adoption of policy option 4 to ban the provision of sunbed services.

Although Consumer NZ recommends policy option 5 (in combination with option 4), we also comment on questions relating to the proposed regulatory approach. If the proposed regulatory approach is adopted, Consumer NZ hopes this is a step towards a total sunbed ban.

Policy objective

21. Consumer NZ accepts the policy objective to reduce the risks of harm to the public from commercial sunbeds, and the four criterion by which the options will be assessed. However,

we do not support the conclusion the proposed policy of regulation best meets these criteria.

22. Consumer NZ supports MelNet's proposed objective that the policy proposal should "eliminate" the risks of harm to the public from commercial sunbeds. There is strong scientific evidence demonstrating an association between sunbed use and subsequent development of both melanoma and skin cancers. Exposure to artificial UV radiation from indoor tanning is completely avoidable and regulation does not go far enough.

The proposal

Component 1: Licensing

23 & 24. If sunbed services are regulated, businesses must be licensed. We support the approach of licensing both sunbed premises and operators. All staff members that provide sunbed services must be licensed to ensure they have been adequately trained. We also support that licensing would be on an annual basis to ensure new staff members are captured in the licence.

25. Under regulation, businesses that hire out sunbeds and operators who set up a sunbed in a private hire situation must also be licensed.

Component 2: Mandatory operational practices

30. Consumer NZ supports staff training being a focus of the mandatory operational practices. In particular, a core component of training must focus on determining skin types and setting exposure times.

In Consumer NZ's latest mystery shopper survey of sunbed operators (report attached) we sent fair-skinned shoppers to 16 sunbed operators in Auckland and Wellington. Only eight of the 16 operators turned our fair-skinned shoppers away. Although the operators who allowed our shoppers to use a sunbed did some form of skin assessment the comprehensiveness of the assessment varied. One operator used a skin assessment chart, two operators checked our shopper's complexion, and five used a skin assessment form. ¹

33. Consumer NZ supports the proposed list of people who should be strongly discouraged from using sunbed services.

34. Consumer NZ supports people with skin type 2 being strongly discouraged from using sunbed services. According to DermNet NZ skin type 2 burns easily and tans slowly, so needs more protection against sun exposure.

During our latest mystery shopper survey we found it was sometimes difficult for sunbed operators to differentiate between skin types 1 and 2, a point confirmed by Dr Marius Rademaker, Waikato District Health Board's dermatology unit clinical director. Dr Rademaker said looking at a person's skin is not a good way of discriminating between skin type 1 and 2. Studies show there are limitations to using patient-reported appearance to predict individual risk and self-reported burning. Dr Rademaker also said the tanning industry needs to take a precautionary approach to people with skin type 1 and 2. We think discouraging people with skin type 2 from using a sunbed is a good precautionary approach.

The Ministry of Health draft guidelines for sunbed operators includes a questionnaire to determine a person's skin type using the Fitzpatrick classification system. This is a good basis for determining skin type but we believe the questionnaire needs to be peer reviewed to determine its appropriateness before the guidelines are finalised. For example, one question asks whether a person has freckles on unexposed areas of skin. However,

dermatologists consulted by Consumer have advised that you cannot develop freckles in non-exposed sites, so looking at unexposed skin doesn't make sense.

Under regulations sunbed operators should not be allowed to use their own skin type assessment form. During our mystery shopper survey we asked one sunbed operator to send us a copy of their skin assessment form. Its form had a different points system for classifying skin types, which meant a consumer may be skin type 2 in the operator's assessment but skin type 1 in the Ministry of Health form. The operator's form also had different points for the same question and additional points for the ancestry of parents, regardless of whether the shopper had inherited any of those characteristics.

35. Consumer NZ supports the following operational practices: consent forms, use of a timer, banning of health claims, warning notices displayed in the reception area and by every sunbed, client record kept for two years (including client complaints).

Alternative policy options

Option 1: maintain the status quo

Consumer NZ does not support option 1.

We have been regularly surveying sunbed businesses since 2009. The results have been alarming.

- In 2010 and 2011, our surveys found fewer than 20 percent of tanning service operators met the key safety requirements of the voluntary standard *AS/NZS 2635:2008 Solaria for Cosmetic Purposes*.²
- In 2012, we carried out two sunbed surveys. In the first survey, we sent two mystery shoppers with type 1 skin to book sunbed sessions in Auckland and Wellington. Under the voluntary standard, the mystery shoppers should not have been allowed to use a sunbed. However, 17 out of 20 operators allowed a mystery shopper to have a sunbed session.³
- In our second survey in 2012, we sent three 16- and 17-year-old mystery shoppers to book sunbed sessions in Auckland and Wellington. Two sunbed operators in Wellington allowed a 16-year-old to take a sunbed session.⁴
- Our 2013 survey found only 33 percent of operators met the key safety requirements of the voluntary standard. This was an improvement on the results from previous years. However, we were concerned two-thirds of operators did not meet all key safety requirements.⁵
- In 2015 more than 40 percent of operators failed to meet the key safety requirements of the standard. In addition, one operator allowed our 14-year-old shopper to take a sunbed session. We also found 12 operators displaying the "Light is Life" poster that claims tanning is a natural process and UV exposure in moderation is a necessary part of human life. The Commerce Commission concluded the poster contained statements that may mislead consumers and breach the Fair Trading Act and ordered operators to take the poster down.⁶
- In our latest survey (published February 2016) 45 percent of operators failed to meet key safety requirements of the voluntary standard, three operators allowed our underage shoppers to take a sunbed, and eight operators allowed a shopper with fair skin to take a sunbed. Despite the Commerce Commission previously advising operators to take down the "Light is Life" poster, two operators continued to display it.¹

Our survey results show sunbed operators are not complying with the voluntary standard. This is not acceptable and maintaining the status quo is not an option.

Option 2: Active campaign to discourage the use of sunbeds

Consumer NZ does not support option 2. We do not believe this option meets the policy objective to reduce the risks of harm to the public from commercial sunbeds.

Option 4 & 5: Ban the provision of commercial sunbeds. Ban the importation, manufacture, sale and rental of sunbeds for commercial, and private use.

Consumer NZ supports policy option 5, which would only be implemented in combination with, or following, the adoption of policy option 4 (to ban the provision of sunbed services).

There is scientific evidence demonstrating an association between sunbed use and subsequent development of both melanoma and skin cancers. Skin cancer is the most common type of cancer in New Zealand, and in 2011 there were more than 350 deaths from malignant melanoma of the skin. Skin cancer annually costs the New Zealand health system an estimated \$57 million.

In July 2009, the World Health Organization's International Agency for Research on Cancer (IARC) classified tanning devices as "carcinogenic to humans" and in the highest cancer risk category, alongside substances such as tobacco, asbestos and arsenic. According to IARC's analysis of international research, using a tanning device increases the risk of melanoma by 75 percent if the user starts before the age of 30 years.

It has been estimated banning solariums would prevent 3.2 percent of melanomas and 3.5 percent of melanoma deaths in Australia, and 5.4 percent of melanomas in Europe. Most states in Australia have banned sunbeds (the exception is Northern Territory where there are no commercial sunbeds). Sunbeds are also banned in Brazil.

There is no safe level of sunbed use for individuals of any age so an outright ban is the only option to reduce the harm from commercial sunbeds.

Thank you for the opportunity to make a submission on the consultation document. If you require any further information, please do not hesitate to contact me.

Yours sincerely



Sue Chetwin
Chief Executive

¹ *Consumer 565*, "Spotlight on sunbeds", February 2016, p12 – 16.

² *Consumer 520*, "Shady solaria", December 2011, p12 – 14.

³ *Consumer 528*, "Fair cop", September 2012, p11 – 13.

⁴ *Consumer 529*, "Too young to tan", October 2012, p36 – 37.

⁵ *Consumer 543*, "Sunbed sunset", February 2014, p15 – 17.

⁶ *Consumer 557*, "Sunbeds", May 2015, p17 – 19.