

# Compliance of Laws Regarding the Sale and Usage of Alcoholic Beverage in the Hospitality Industry: The Case of Intoxicated and Minors

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## Abstract

**Background:** Alcohol consumption in Ghana continue to increase astronomically, the sad part of this is that, alcohol sellers continue to sell to intoxicated people and unfortunately minors. The indifference of some sellers toward the laid down regulations governing the sale of alcoholic beverages is what motivated the researchers to conduct study on this development with the purpose of determining the compliance of laws regarding the sale and usage of alcoholic beverages in the hospitality industry using the case of intoxicated and minors.

**Methods:** Data was extracted from 100 respondents (i.e. sellers) with the Accra Metropolitan Assembly (AMA), with questionnaires being used as the main research instrument. Information gathered were coded, sampled, analysed and conclusions were drawn.

**Results:** it emerged that alcohol consumption is highest among age group 26-35 years. In addition, 80% of the respondents are aware that there are laws governing the sale of alcoholic beverages, however, 85% of them do not comply to these laws and regulations. With respect to operation, 92% of the respondents have license to operate, 8% on the other hand were operating without license. Again, out of the 92% of the respondents who have license to operate, only 40% of them oftentimes renew their licenses.

**Conclusions:** most of the sellers do not comply to laws pertaining to the sale of alcoholic beverages hence the need for stringent measures to be adopted.

**Keywords:** Compliance of Laws, Alcoholic Beverage

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## 1. Introduction

Alcoholic beverage consumption is a global phenomenon which is considered as a public health priority worldwide (Rehm, Mathers, Popova, Thavorncharoensap, Teerawattananon & Patra, 2009., Humenluk, Henry-Edwards, Poznyak, & Montelro, 2010).

According to Lim, Vos, Flaxman, Danael & Shibuya (2010), alcohol consumption moved from being the eighth highest ranked risk factor in 1990 to the fifth highest ranked risk factor in 2010. The mere consumption of alcoholic beverage by any person may not predispose them to health or social consequences. It is rather the quantity of alcoholic beverage consumed and the drinking frequency that, importantly, can predict the likely health effects or other socially related consequences they encounter (Abbey, 2002).

Many people in the world consume alcoholic beverages of different kinds for different reasons with younger people engaging in dangerous forms of alcohol consumption than older people. Europe is the continent with the highest alcohol consumption and Belarus has the highest alcohol per capita of 17.5 litres followed by Moldova (WHO, 2014). Alcohol consumption is very high among high young people (Miller et al., 2007) with 44.9% in Columbia who reported to have consumed alcohol in the past 30 days of which 28.8% engaged in binge drink (Miller et al., 2007). In the United Kingdom, teenagers (minors) have high levels of intoxication and binge drinking (identified as more than five drinks at a sitting or in a row) compared to their other European counterparts.

Binge drinking is notable among adolescents and leads to a number of behavioural and health problems. In the United Kingdom, binge alcohol consumers as well as their friends have suffered problems ranging from immediate personal effects to secondary effects. Personal problems included influences on sexual health, behaviour consequences and evidence of impairment of academic performance. Secondary binge effects were put in terms of broken friendships as a result of post drinking incidents which had been suffered by 8.5% males and 3.5% females. 16.8% males and 5.5% females had neglected their obligations due to loss of memory from binge drinking (Gill, 2002).

In Ghana for instance, it is not uncommon to see young people drinking locally brewed alcohol especially bitters (alcoholic preparation flavoured with botanical matter) at various functions such as outdoorings, birthdays, wedding, funerals and parties. A cursory observation in the country suggest that high alcohol intake is partly induced by the numerous advertisement of bitters on the media landscape.

All over the world the sale and usage of alcoholic beverages is highly regulated due to the implications of its usage. Misuse of alcoholic beverages broadly impact social-cultural and economic fabric of every country, therefore countries have rules, regulations and laws promulgated to check its sale and usage. To this end, this study is conducted to determine the compliance of laws regarding the sale and usage of alcoholic beverage in the hospitality industry: the case of intoxicated and minors.

There are many laws enacted and other legislative promulgated to regulate the usage and sale of alcohol in Ghana. Recently, National Alcohol Policy was launched in March 2017 by the Ministry of Health in collaboration with World Health Organisation (WHO) and the Baraka Policy Institute (BPI), a think tank established to promote social justice and national development. The policy was launched to regulate the production, distribution sale, advertisement and consumption of alcohol with the aim of minimizing the negative impact of its consumption on the individual, family and society as a whole. The general notion is that these laws and regulations are not being adhered to causing harm to alcohol dependent persons especially minors, communities and country. Observations have shown that alcoholic beverages are sold at odd times. In addition, minors and intoxicated persons are being served with alcoholic beverages as well as the law agencies not doing their work regarding supervision and other operations to demand the necessary license and other requirements that qualify a business or person for the sale and usage of alcoholic beverages.

Moreover, there are numerous literatures on alcohol consumption in the country however, researches on the compliance of laws governing the usage and sale of alcohol is non-existent.

### **1.1 Objectives of the Study**

The broad objective of the study is to determine the compliance of laws regarding the sale and usage of alcoholic beverage in the hospitality industry using the case of intoxicated and minors. In achieving the main objective, three-pronged specific objectives have been outlined. These are:

To find out whether the providers comply with the law regarding the sale of alcoholic beverage to minors.

- To find out whether providers comply with the sale of alcoholic beverage to intoxicated persons especially minors.
- To examine whether the providers are duly license for the sale of alcoholic beverages.
- The degree to which the law enforcement agencies enforce compliance of these laws and regulations.

### **1.1.1 Review of Literature**

Literature review is very essential because it espouses other researchers' opinion on the subject matter and also serve as a measuring rod for the researcher to compare and contrast the current knowledge that will be unravelled in this current research. The literature review seeks to review relevant literatures that pertains to sale and usage of alcoholic beverages in Ghana. the review focuses on history of alcoholic beverages in Ghana., the sale and usage of alcoholic beverages, implications of its sale and usage by minors and intoxicated persons, measures taken to control or stop the misused of alcoholic beverages.

### **1.1.2 History of Alcohol in Ghana**

"Ghana is a largely agricultural country of almost 18 million people in West Africa. Since achieving independence in 1957, it has experienced steady urbanization. Documented data on alcohol consumption in Ghana is very limited and the extent of alcoholic beverage sale and usage by minors and its social consequences is indeed also limited" (Asare, 1997). Traditionally, alcohol has been used in village contexts in socially controlled way. However, regards the rapid globalization and accompanying "social trends, and particularly aggressive alcohol advertising, have disrupted this historic balance of healthy and pleasurable alcohol use in Ghana" (Asare, 1997)

### **1.1.3 Availability of Literature**

As indicated above generally, data on alcoholic usage in Ghana is very limited and scanty. Notwithstanding that survey conducted by Nortey (1987), revealed that about 30% "of youths, drank alcohol at least three times a week". According to one Asare, many Ghanaians do not consider brewed alcohol as alcoholic, despite limitations on alcohol use influenced by religious belief. For instance, Muslims consider the consumption of alcoholic beverage as sinful. However, if you go to the northern part of Ghana, brewed alcoholic beverages are consumed by some people because it increases blood production in the body, an example of such drinks is Guinness. "Pito" – which is also a brewed alcoholic beverage are consumed on social and traditional occasions.

### **1.1.4 Implication of Wrong Uses of Alcoholic Beverages**

Wrong uses of alcoholic beverages have both socio-cultural and economic implication. The impact of the implications could be so grave that countries derail on their development goals. Economically, the countries labour forces could be depleted due to alcohol usage. Especially in countries where majority of the youth population is alcohol dependent. In that sense there is that possibility that in their later years, many of them will suffer from disabilities and diseases caused by alcoholic dependency. This increase absenteeism among labour force. In the long run that country may fail short in achieving it developmental goals as more resources will be channeled to the health ministry to clamp down on alcohol related ailments. Another implication associated with the wrong use of alcohol is the affected people socially lose respect from their communities – they are considered as not responsible. In addition, disabilities that alcoholic dependency persons could suffer affect the individual and community. Apart from the moral degradation alcoholic dependent persons suffer; it takes a whole community to restore those people psychologically.

### **1.1.5 Measures Instituted to Curb the Phenomenon**

Several measure have been taken to resolve the consumption of alcoholic beverages. Under religion many churches in Ghana continue to preach abstinence from alcohol. Some even go ahead to associate it with demonic influences. In support of the view of religious opinion leaders especially Muslim and Christian, is the mental health practitioners. The mental health practitioner's view on alcoholic consumption is premised on disabilities and diseases associated with alcohol dependency. However, their concept fails to explain the realities of alcoholism to the ordinary Ghanaian (Akyeampong, 1995). The concept failed partly because many Ghanaians believed that diseases and disabilities are attributed to supernatural causes. Also, health practitioners' attempt partly failed because the chunk of the population is illiterate and there could not influence the general public on the causes and effects of alcoholism.

Other preventive measures, put in place include promulgation of rules, regulations and laws which define the sale and usage of alcoholic beverages, especially the once regarding to minors. According to the Liquor Licensing Act, 1970, Act 15, session (1) to (4): No holder of a License to sell spirits, wine or beer shall allow any person under the apparent age of eighteen years to be at any time in the bar of the licensed premises during permitted hours: Any licensee who contravenes this section, and any person who causes or procures any person under the apparent age of eighteen years to enter or to be in the bar of any licensed premises during the permitted hours, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty new cedis and in default

of payment to imprisonment not exceeding one month; if a person under the apparent age of eighteen years is found in the bar of any licensed premises during permitted hours, the holder of the license shall be deemed to have committed an offence under this section unless he shows that he had used all due care to prevent that person from being admitted to the bar or the young person had attained the age of eighteen years; No licensed under this Act shall sell any spirit, wine or beer to any drunken person or permit any disorderly or improper conduct on his premises or any part of the premises attached thereto.

The provisions contained in 169 LA 1964 of the Principles of Hotel and Catering Law indicated that a licensee of licensed premises is not permitted knowingly to sell liquor to a person under eighteen, to allow a person under eighteen to consume liquor in a bar, or to allow anyone else to make such a sale. A person under eighteen is not permitted to buy liquor for consumption in a bar in licensed premises for a person under eighteen. It is required, however, that a sale to a person under eighteen must be made “knowingly” in order to convict a licensee or an employee of the offence [Wallworth v. Balmer (1965) 1 WLR 16]

Some other laws and legislations on the sale of alcohol in Ghana include:

- (a) AMA by law – prohibits the sale of alcoholic drinks at the lorry stations.
- (b) Self-regulation of beverage alcohol advertising: Self-regulation is the process whereby industry actively participates in and is responsible for its own regulations.

The basic elements of self-regulation are two-fold; a code of practice or a set of guiding principles governing the content of advertisements, and a process for the establishment, review and application of the code or principles.

Globally, the following laws and legislations have been promulgated to regulate the use and sales of alcoholic beverages in other parts of the world:

- a) Road Transport (Safety and Traffic Management) Amendment (Alcohol) Act 2004, Section 17,
- b) Registered Clubs Amendment Act 2003, section 93,
- c) Gaming Machines Act 2001, section 127,
- d) Crimes (Sentencing Procedure) Act 1999, section 92,
- e) Road Transport (Safety and Traffic Management) Act 1999, section 20,
- f) Summary Offences Act 1988, section 25,
- g) Liquor Act 1982, section 147,
- h) Intoxicated Persons Act 1979, section 31,
- i) Inebriates Act 1912, section 24, and
- j) Crimes Act 1900, section 40

### 1.2.1 Methods

#### Study area

The Accra Metropolitan District is one of the 254 Metropolitan, Municipal and Districts in Ghana, and among the 26 such districts in the Greater Accra Region with a population of 1,665,086 as of 2010. As of March 2018, it spans an area of approximately 6.56 km<sup>2</sup> (2.53 sq mi) and encompasses the Ashiedu Keteke and Osu Klottey sub-metropolitan district councils. (GSS, 2010)

Accra is the Metropolitan, Regional and National Capital and this role places Accra in a very unique position in Ghana. Geographically, the Accra Metropolis covers an area of 173 sq km. The Southern boundary of AMA is the Gulf of Guinea stretching from Gbegbeyese to La. It shares boundary with the Ledzokuku-Krowor Assembly on the East. On the Northern and Western frontiers there are Ga East, Ga West, and the Ga South District

At the 2010 census, there were 1,665,086 people residing in the district. Out of the total population, about 47% were migrants (born elsewhere in the Greater Accra Region or other regions in Ghana or outside Ghana), with

people born in the Eastern Region but resident in the district constituting 27.8% of the migrant population. (GSS,2010)

The total number of households in the district stood at 501,903 households, out of which 450,794 households lived in the 149,789 houses within the district. The average household size in the district is 3.7 persons per household and the population per house is estimated at 11.1, indicating that compound houses are the most common type of dwelling (67.7%) within the district.

38.4% of the population were under the age of 19, 12.4% between 20 and 24, 11.5% between 25 and 29, 21.5% between 30 and 44, 12.2% between 45 and 64, and 4% age 65 and over. For every 100 females, there were about 93 males. (GSS, 2010)

### 1.2.2 Study design and sample

This research adopts a descriptive research design. Descriptive research also known as statistical research, describes data and characteristics about the population or phenomenon being studied. Given the nature of the study, a cross-sectional survey approach was adopted. The relevance of this method is in the fact that it is an empirical enquiry that investigates a contemporary phenomenon within its real life context when boundaries between phenomenon and context are not clearly evident and in which multiple sources of evidence are used (Yin,2003).

The researchers combined the use of both primary and secondary data sources for the study. The primary data was obtained via the use of questionnaire which is the main research instrument. A total of 100 respondents were used for this study. The study population comprises of some selected restaurants, hotels and night clubs in Accra. In all hundred (100) respondents (i.e. sellers) were picked randomly from the various restaurants, hotel, bars and night clubs.

The heterogeneity of the respondents based on literacy entailed the researcher in some circumstance assist the respondents to answer the questions in the most appropriate manner. Observation are also made as and when possible.

From the demographic characteristics of the respondents, it emerged that ages of the participants ranged from 17-50 years. Those aged 17-25 years constituted 35% of the respondents. Those aged 26-35 constituted 57% of the entire sample size, whereas the remaining 8% fall with the ages of 36-50. Out of the 100 respondents, 30% had basic education, 38% acquired high school education. Nevertheless, 20% of the respondents obtained tertiary education. However, 12% of the respondents had no formal education. On marital status, 52% of the respondents which constituted the majority were married while remaining 48% of the participants are single. However, none of the respondents is widowed or divorced/separated.

In terms of religious affiliation, the majority of 88(88%) were Christians, 5% were Muslims and 7% belong to the African traditional religion. Table 1 presents data on the socio-demographic characteristics of the sample.

**Table 1: Socio-demographic characteristics of the Participants**

<b>Socio-Demographics of Participants</b>	
<b>VARIABLE</b>	<b>N (%)</b>
<i>Age</i>	
Less than 12yrs	0 (0%)
12 – 17	2 (5%)
18 – 25	38 (95%)
<i>Level of Education</i>	
No formal education	10 (25%)
Primary	18 (45%)
JHS	8 (20%)
SHS and above	4 (10%)
<i>Marital Status</i>	
Single	18 (45%)
Married	22 (55%)
Widowed	0 (0%)
Divorced/Separated	0 (0%)
<i>Religion</i>	
Christian	38 (95%)
Muslim	0 (0%)
Traditional	2 (5%)

### 1.2.3 Results

It emerged from the field that 80% of the respondents are aware that there are laws regarding the sale of alcohol. However, all the respondents were oblivion to the specific laws that govern the sale of alcoholic beverages. With respect to operation, 92% of the respondents have license to operate, 8% on the other hand were operating without license. Again, out of the 92% of the respondents who have license to operate, only 40% of them oftentimes renew their licenses.

The study revealed that majority of the customers of about 67% are within the age range of 26-35, 9% are within age 18-25 while 8% are within age 15-17. The remaining 16% are customers above age 35.

Correlation between awareness of the law and compliance

Characteristics	N(%)	Correlation	
<b>(A) Are you aware of the laws regarding the sales of alcohol beverages?</b>			<b>Confidence Interval</b>
Yes	80(80%)		
No	20(20%)		
<b>(B) Would you sell to an intoxicated person or minor</b>			
Yes	85(85)		
No	15(15%)		
		-0.08	95%

There is a negative correlation (i.e. -0.08, CI=95%) between awareness of law regarding the sale of alcohol beverages to intoxicated and minors, and compliance to the law; this is depicted -0.08 which means that though they are aware that it is illegitimate to sell to minors and intoxicated yet they do not comply to the law. Astonishingly, 85% of the respondents are ready and willing to sell to intoxicated and minors just for the purpose of making money regardless the caliber of people they sell to. Initially, preponderance of the respondents lied that they do not sell to minors and the intoxicated but after the researchers reiterated their identity and the purpose for which they are gathering their information, majority of them rescinded their previous respond.

In furtherance, information from 85(85%) of the respondents revealed that most of the alcoholics consume beverages for pleasure. However, 10% of the respondents strongly believed that unreasonable intoxication by some of their usual customers is induced by spirituality whereas the remaining 5(5%) expressed that addiction is the main reason why some of their customers continue to drink on daily basis.

### 1.3.1 Conclusion

Having studied several materials on the topic, it is important to note that literature on the subject leaves much to be desired.

Alcohol will continue to be consumed in Ghana, as it has traditionally played a very important role in the socio-cultural life of Ghanaians. Although alcohol is consumed in large quantities, one cannot say with certainty that alcohol use in Ghana significantly disturbs the well-being of many Ghanaians. However, the increased promotion of alcohol through aggressive and uncontrolled advertisements is likely to increase its use beyond traditional promotion of alcohol. Again, there is poor supervision by mandatory bodies on alcoholic beverage sellers. Based on these grounds, it is recommended that:

- Government should find a way to discourage the aggressive promotion of alcoholic beverages which are associated with pleasure, health and relaxation. With that kind of advertisement, the youth are the major targets and therefore has dire consequences.
- The law enforcement agencies should be equipped and empowered to efficiently and effectively perform their statutory roles.
- There should be much publications on the problems of alcohol dependency and the potential harms resulting from the excessive use of alcohol.
- Another deterring measure is to increase tax on alcoholic beverages and the amount that will be raised through such initiative be used to support the crippling National Health Insurance Scheme.

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