

11 February 2015

Health Committee
Select Committee Services
Parliament Buildings
WELLINGTON

By online submission

**SUBMISSION on
Health (Protection) Amendment Bill**

1. Introduction

1.1 Thank you for the opportunity to make a submission on the Health (Protection) Amendment Bill (the Bill). This submission is from Consumer NZ, New Zealand's leading consumer organisation. It has an acknowledged and respected reputation for independence and fairness as a provider of impartial and comprehensive consumer information and advice.

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1.2 We wish to appear before the committee to speak to our submission.

2. Artificial UV tanning services

2.1 We wish to comment on the provisions of Part 2 of the Bill relating to artificial UV tanning services.

2.2 Although we support the ban on providing artificial UV tanning services to persons under 18 years of age, in our view, it does not go far enough. Instead, Consumer NZ would like to see a total ban on artificial UV tanning services in New Zealand. Our reasons are set out below.

2.3 We have been carrying out regular surveys of 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*.

2.4 In 2012, we carried out two sunbed surveys. In the first survey, we sent two mystery shoppers with red hair and very pale skin (i.e. "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 the mystery shopper to have a sunbed session.

- 2.5 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.¹
- 2.6 Our 2013 survey (attached) 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 are concerned that two-thirds of operators did not meet all key safety requirements.
- 2.7 Our survey results clearly show sunbed operators are not complying with the voluntary standard. This is not acceptable and the introduction of the ban on providing tanning services to people under the age of 18 will not remedy the problems with the sunbed industry that our surveys have highlighted.
- 2.8 The evidence linking tanning devices to skin cancer is unequivocal. 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.² According to IARC's analysis of international research, using a tanning device increases the risk of melanoma by 75 percent when the use of tanning devices starts before the age of 30 years. Given these statistics, banning under 18-year-olds from tanning services is, in our view, inadequate.
- 2.9 New Zealand has one of the highest rates of skin cancer in the world.³ In 2011, melanoma was the fourth most common cancer in New Zealand, with 2204 registered cases, and the sixth most common cause of cancer death.⁴ Skin cancer costs the New Zealand health system an estimated \$57 million each year.⁵ Introducing an outright ban on tanning services would help reduce our rates of skin cancer as well as reduce the burden on the health system.
- 2.10 As at 1 January 2015, New South Wales, Victoria, South Australia, Tasmania, Queensland and the ACT have all banned commercial solariums due to Australia's high rates of skin cancer.⁶ Western Australia is also planning to enact a ban by the end of 2015 and there are no commercial solariums in the Northern Territory.⁷
- 2.11 In introducing the ban on commercial tanning units in New South Wales, Environment Minister Robyn Parker said the ban was being introduced "to actively reduce the amount of skin cancers and melanomas diagnosed in NSW each

¹ *Consumer*, "Too young to tan", October 2012, p36 - 37

² International Agency for Research on Cancer, "Sunbeds and UV Radiation", Retrieved on 28 January 2015 from http://www.iarc.fr/en/media-centre/iarcnews/2009/sunbeds_uvradiation.php

³ Cancer Society, "Sun Exposure and Skin Cancer", Retrieved on 28 January 2015 from <http://www.cancernz.org.nz/reducing-your-cancer-risk/sunsmart/about-skin-cancer/sun-exposure-and-skin-exposure/>

⁴ Ministry of Health, "Cancer: New Registrations and Deaths 2011", Retrieved on 3 February 2015 from <http://www.health.govt.nz/publication/cancer-new-registrations-and-deaths-2011>

⁵ O'Dea, D, "The Costs of Skin Cancer to New Zealand. A Report to the Cancer Society of New Zealand", October 2009.

⁶ For example, see the prohibition on commercial cosmetic tanning services in clause 41 of the NSW Radiation Control Regulation 2013 and the prohibition on commercial tanning practices in section 23D of the Radiation Act 2005 (Victoria).

⁷ Medscape, "Australia banning Tanning Salons", Retrieved on 28 January 2015 from <http://www.medscape.com/viewarticle/838407>

year.”⁸ The Victorian Health Minister David Davis commented: “The banning of commercial tanning units will, over time, contribute to reducing the incidence of the most deadly form of skin cancer, melanoma.”⁹

- 2.12 Brazil, which also has comparatively high rates of skin cancer, introduced a total ban on tanning devices in 2009, shortly after the devices were classified as “carcinogenic to humans” by the IARC.¹⁰
- 2.13 Finally, we support the calls of the Cancer Society, the Melanoma Foundation and the NZ Dermatological Society Inc for a total ban on sunbeds.

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

Yours sincerely



Sue Chetwin
Chief Executive

⁸ New South Wales Environmental Protection Authority Media Release, Retrieved on 2 February 2015 from <http://www.cancercouncil.com.au/wp-content/uploads/2012/10/Government-announces-solaria-ban-in-NSW-February-2012.pdf>

⁹ Premier of Victoria Media Release, Retrieved on 2 February 2015 from http://archive.premier.vic.gov.au/2014/images/stories/documents/mediareleases/2013/December/131217_Davis - Disposal scheme for commercial tanning units.pdf

¹⁰ Anvisa Resolution RDC 56/09

SUNBED SUNSET

Two-thirds of sunbed operators in our survey didn't meet all our safety requirements.

SURVEY: BEV FREDERIKSON

In 2012 the Ministry of Health asked the public health unit in each district health board (DHB) to visit sunbed business operators in their area to provide guidance on safety practices. So have sunbed operators raised their game? We sent our team of mystery shoppers to find out.

Our survey

Our mystery shoppers visited 60 sunbed operators in 12 centres. They booked a session and carried out their assessment in the privacy of the tanning cubicle; they did not use the sunbed. At the end of the session they asked when they could come for their next tan.

We evaluated each session against key safety guidelines of the voluntary sunbed standard, AS/NZS 2635:2008 *Solaria for Cosmetic Purposes*. They are:

Consent form: The operator should ask the customer on their first visit to sign a consent form. This form should check the customer's age, spell out the risks associated with sunbed use and make it clear who's at high risk. Only **33 operators complied** with this guideline.

Skin assessment: The operator should check your level of risk: certain skin types are more susceptible to UV damage. Sunbeds should never be used by people whose skin is "type 1" (fair skin, often freckled, which burns readily and never tans). People who've been burned several times in childhood, have numerous moles, have been treated for skin cancer

13 operators had no mention of UV and skin-cancer risks on notices or on a consent form.

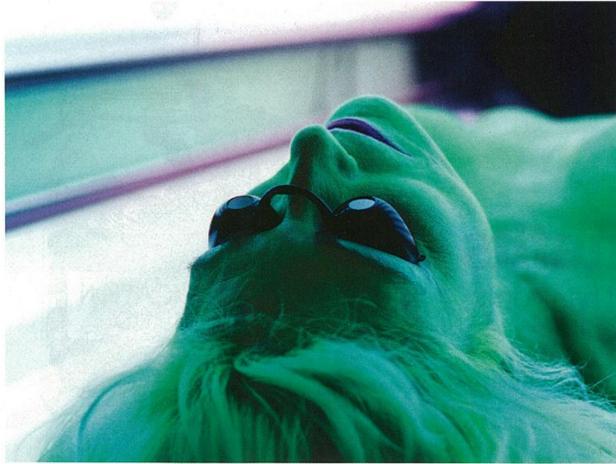
or are taking certain medications are also at greater risk. Only **41 operators complied** with this guideline.

Eye protection: UV rays can damage your eyes and increase your risk of getting cataracts. A sunbed operator should provide goggles that form a tight seal around the eyes. Compliance here was better than in other safety areas: **56 operators complied** with this guideline. ▶

OPERATORS	Guideline compliance				Warnings	
	Consent form	Skin assessment	Eye protection	Follow-up session	UV risks	High-risk groups & follow-up
AUCKLAND						
A Head of Nature, Waitakere			●	●		D
Abode of Beauty, Te Atatu	●	●	●	●		D
Actuelle, Pakuranga	●	●	●	●	●	●
All Seasons Fitness Centre, Howick	●	●	●	●	●	●
Altering Images Beauty Therapy, Takapuna		●	●	●		●
Aspire Beauty Therapy, Albany	●	●	●	●	●	●
Elaine's, St Heliers			●	●		●
Just Workout, Takapuna			●			
Justine's Cosmetics, Albany			●	●		B
Mega Sun - Absolute Tan, Ponsonby	●	●	●	●	●	●
SkinSense Beauty Therapy & Day Spa, Devonport	●	●	●	●	●	●
Sunworld Professional Tanning Studio, Takapuna	●	●	●	●	●	●
HAMILTON						
Beautiful You, Claudelands	●	●	●			D
Gloss Beauty Boutique, Matamata	●	●	●	●	●	●
Hairforce International		●	●			D
Nailz & Sunbedz	●	●	●	●	●	●
Solaris Tanning, Fairfield	●	●	●	●	●	●
Team 7 Hairdressing	●	●	●	●	●	●
TAURANGA						
Forever Suntanz, Otumoetai	●	●	●	●	●	●
Global Fitness, Mt Maunganui		●			●	●
Minx Beauty, Mt Maunganui	●	●		●	●	●
Simply Beautiful, Papamoa	●	●	●	A	●	●
NAPIER/HASTINGS						
Babette's Beauty, Hastings		●	●	●	●	●
Beauty Rituals, Napier	●	●	●	●	●	●
Belle La Vie, Taradale	●	●	●	●	●	●
Peppers Hair & Beauty, Napier	●	●	●	●	●	●
Top 2 Toe Beauty Therapy, Hastings		●	●	●	●	●
NEW PLYMOUTH						
City Fitness	●	●	●	●	●	●
Devon Beauty Boutique	●	●	●	●	●	●
Frankleigh Park Sunbeds		●	●	A	●	●
Nailworx, Lynmouth	●	●	●	●	●	B E
Rampage Fitness	●	●	●			

OPERATORS	Guideline compliance				Warnings	
	Consent form	Skin assessment	Eye protection	Follow-up session	UV risks	High-risk groups & follow-up
WHANGANUI						
Hair Technique		●	●	●	●	●
Shapes Hair Design		●	●	●	●	●
The Edge	●	●	●	●	●	●
PALMERSTON NORTH						
Isobel's Day Spa			●		●	●
Studio 31	●	●			●	●
The Right Cut Hair & Beauty Retreat	●	●	●	●	●	●
WELLINGTON						
Bliss Beauty Hair & Nail Spa	●	●	●	●	●	●
Classic Tan	●	●	●	●	●	●
Rouge, Johnsonville			●	●		C
Sarak Hair & Beauty Salon, Johnsonville			●	●	●	●
Solaris Tanning	●	●	●	●	●	●
NELSON						
Monterrey Beauty Therapy Boutique	●	●	●	●	●	●
Nelson Nails & Beauty Spa		●	●			
CHRISTCHURCH						
Accent on Nouveau, Riccarton	●	●	●		●	●
Best You Can Be, Parklands		●	●	●	●	●
Body & Soul, Sydenham			●	●	●	●
Carlton Hair Corp, Bealey Ave	●	●	●	●	●	●
House of Beauty, Riccarton						D
Natural Lines Beauty, Linwood		●	●	●	●	●
Total Eclipse, Halswell		●	●	●	●	●
DUNEDIN						
Configure Express		●	●			D
Elegance on Hanover	●	●	●	●	●	●
Hairhunters		●	●	●	●	●
Stylz Hair Design	●	●	●			D
INVERCARGILL						
A Streak Ahead		●	●			C
Fred and Gingers			●	●		
The Bronze Connection		●	●	●	●	●
Vertigo Urban Image		●	●	●	●	●

GUIDE TO THE TABLE OUR SURVEY took place in October 2013 and was funded by the Ministry of Health. Our mystery shoppers checked whether the operator followed key safety guidelines set out in the Australia/New Zealand standard AS/NZS 2635:2008 Solaria for Cosmetic Purposes. We did not assess compliance with all guidelines in the standard. OPERATORS have their location listed in some cases to clearly identify the business. **GUIDELINE COMPLIANCE** ● = adequate compliance. Follow-up session ^A not recorded by our mystery shopper. **WARNINGS** displayed in tanning or reception area. ● = warning provided. ^B partial - no warning against Type I skin. ^C partial - no warning of restriction to over-18-year-olds. ^D partial - no warning to wait 48 hours. ^E partial - no warning to use eye protection.



Sunbeds are not a safe way to tan or boost your vitamin D.

Follow-up session: The standard recommends a wait of at least 48 hours before any follow-up session, so our mystery shoppers asked when they could come in for their next sunbed session. Most operators gave the correct response: **48 operators complied** with this guideline.

Some operators replied “come in tomorrow” or “whenever you like”.

Warning notices: The standard asks for warning notices in the tanning cubicle. These notices should warn of the risks from UV light – and should also state that people at greater risk (under 18, or with fair skin that burns easily) shouldn’t use a sunbed. As well, there should be reminders to use eye protection and not to use a sunbed within 48 hours. Only **42 operators displayed all warnings**.

We were pleased to see 10 operators had warning notices in their reception area as well as in the cubicle.

Our findings

We’ve been carrying out surveys of sunbed businesses each year since 2010. The results have been disturbing: in 2010 and 2011 our nationwide surveys found that fewer than 20 percent of operators met the key safety requirements.

This year we found an improvement: 33 percent (20 out of 60) received ticks in all boxes. In our last nationwide survey in 2011, only 17 percent (11 out of 66) met all our requirements.

But it’s still not good enough. Our mystery shoppers found operators who showed little concern for the safety of their clients. One of our mystery shoppers said: “I was handed the keys and goggles and sent to the cubicle to do

it myself. I could have stayed in there as long as I liked and nobody would have known”. Four others reported a similar experience – and 13 operators had no mention of UV and skin-cancer risks on notices or on a consent form.

Back in 2012, when our survey was restricted to Auckland and Wellington, 17 out of 20 sunbed operators were prepared to give a person with red hair and very fair skin a sunbed session. She should never have been allowed to use a sunbed (and she didn’t use it of course – she just spent her time in the cubicle filling out our survey form).

What’s missing?

Our surveys and the DHB public health units look at the safety practices of the staff (the operators), which is in section 3 of the standard.

But no one checks whether the sunbed units are properly calibrated – that is, whether they deliver a controlled UV dose which is within safe limits (this comes under section 2 of the standard: the installation and maintenance of the tanning unit). One of our mystery shoppers reported a notice that said “the bed has new bulbs therefore reduce your time by 20%”. This isn’t something a customer should be left to work out.

Sunbed regulation

The more often you use a sunbed and the younger you start using one, the more you’re at risk of skin cancer. This is one of the reasons the World Health Organization has called for governments to bring in effective laws on the use of sunbeds.

Ten European countries and several states in Canada and the US have laws

banning under-18s from sunbed use. In Brazil, sunbed businesses are banned. From the end of 2014, Western Australia will be the only Australian state not to ban commercial sunbeds – although its Minister for Health has recently announced plans to follow the lead of the other states.

In New Zealand, a proposed amendment to the Health Act 1956 will stop under-18s from using commercial sunbeds. This is expected to come into effect in 2014.

We say

■ It’s not good enough that two-thirds of the sunbed operators in our survey didn’t meet all the safety guidelines we checked on.

■ It’s time sunbed operators were regulated and compliance with the standard was made mandatory – including checking that sunbeds are calibrated correctly.

■ Sunbeds are not a safe way to tan or boost your vitamin D. **✘**

MORE INFO

Worth looking at:

- +SUNSCREEN TEST Consumer 542
- +SUNBED OPERATORS SURVEY Consumer 529, 528

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- +SUNSCREENS
- +SUNBEDS
- +VITAMIN D DEFICIENCY

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