

X November 2024

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Cc Australian Communications and Media Authority (add email)

## Commercial Television Industry Code of Practice consultation

Dear Free TV Australia,

We welcome the opportunity to provide a submission to the review of the Commercial Television Industry Code of Practice (the Code). Our response centres on the need to protect the community from alcohol advertising.

### About Alcohol Change Australia.

Alcohol Change Australia is a group of health and community organisations working together to improve the health and wellbeing of the Australian community. Alcohol Change Australia encourages policy change to prevent and reduce alcohol harm in Australia. Further information on Alcohol Change Australia, including our members and policy priorities, can be found on our website at [www.alcoholchangeaus.org.au](http://www.alcoholchangeaus.org.au).

### Alcohol causes significant levels of harm to the Australian community.

Every Australian deserves to live a happy, healthy life in connected and safe communities. Sadly, this is not the reality for many Australians experiencing harm caused by alcohol products. Alcohol products take a significant toll on our communities, fuelling violence, injuries, and deaths. In Australia in 2022-23, around one third (31%) of people aged over 14 years used alcohol at risky levels (i.e. more than 10 standard drinks per week or more than 4 standard drinks on a single day).<sup>i</sup> Alcohol is the fifth highest risk factor contributing to the burden of disease in Australia and was responsible for 4.5% of the total burden of disease in 2018.<sup>i</sup> In 2023 there were 1,667 alcohol-induced deaths.<sup>ii</sup> Alcohol use is causally linked to over 200 disease and injury conditions.<sup>iii</sup> Alcohol causes at least seven types of cancer,<sup>iv</sup> and was estimated to cause 4% of all new cancers in 2020.<sup>v</sup> Alcohol products have been linked with domestic and family violence.<sup>vi,vii</sup> The social and economic costs of alcohol use in Australia in 2020/21 was \$72.9billion.<sup>viii</sup>

### Alcohol advertising is causing harm.

Every Australian should be able to grow up and live in an environment that supports their health and wellbeing. Yet our community is constantly bombarded with promotions for harmful products, including alcohol. Alcohol companies advertise through a wide range of media, including through free-to-air television.

Despite national guidelines recommending that people under the age of 18 years abstain from alcohol, alcohol is regularly advertised to children and young people. In an Australian study of 12-17 year olds, over 94% reported to have seen alcohol advertising on television.<sup>ix</sup> Furthermore, a two-month study of Australian television advertisements, found that of the 2810 alcohol advertisements, approximately half appeared during children's popular viewing times.<sup>x</sup>

The prolific marketing of alcohol benefits the alcohol industry, whilst coming at a cost to the community. For example, alcohol marketing creates positive social norms around alcohol and increases use of alcohol.<sup>xi,xii</sup> For children and young people specifically, the more they are exposed to alcohol advertising, the more likely they are to start using alcohol products at a younger age, and to drink more if they are already using alcohol.<sup>xiii</sup> The constant flow of pro-alcohol messages can be especially confronting for people with lived experience of alcohol harm.

### Australians demand action.

Many Australians are concerned about the amount of alcohol advertising they see in the community. The Australian community wants governments to do more to protect young people from alcohol advertising. Over three-quarters (77%) of Australians support restriction alcohol advertising on television during times when children are likely to be watching, including during live sports<sup>xiv</sup>

### Alcohol advertising in Australia must be regulated to protect the community.

At present Australians are not adequately protected from alcohol marketing. Regulatory approaches have not kept pace with the increased sophistication and diversity of modern alcohol marketing. For the most part, Australia continues to rely on voluntary, industry-managed codes and practices for managing alcohol marketing. Research has shown that the self-regulatory system in Australia is inadequate, ineffective, and lacks transparency and accountability.<sup>xv,xvi,xvii</sup> Right now, this system does little to reduce the community exposure to alcohol marketing and is failing to protect people's health.

There is an urgent need in Australia to implement higher standards for how the alcohol industry markets and sells its products. We need regulatory systems that ensure safe and healthy environments for everyone, especially for children and other Australians most at risk from harm. The development of the standards and regulatory framework must be protected from distortion by commercial or vested interests.

The existing Code and draft changes do not adequately protect Australians, particularly children and young people, from alcohol advertising on television.

- i. Changes to 'M' classification will expose Australians, including children and young people, to more alcohol advertising

The proposed draft of the Code intends to simplify the M classification times in section 2.2.2., by removing restriction on times on school weekends and school and public holidays. Given that the times for alcohol advertising are based around the program times for the M /M15+ classifications, this proposed change will increase the number of hours that alcohol advertising can be delivered, increasing the likelihood of exposure to alcohol marketing. This is particularly concerning as children and young people may soon be exposed to even greater levels of alcohol advertising.

The ACMA has published its feedback on the draft of the Code and notes specifically that this change would permit M content over longer periods of the day and impact on the times during which alcohol advertising is permitted. In its response, the ACMA “considers that viewers may have concerns about any extension of time when alcohol advertising is permitted on television.”<sup>xxviii</sup> Alcohol Change Australia is concerned about this extension of time and the harms that may result from the

- ii. The exemption for alcohol advertising to be shown during sports must be stopped

The current exemptions in the Code to allow alcohol advertising during sport broadcasts does not adequately protect the community, in particular at-risk groups, from alcohol advertising.

Studies have repeatedly demonstrated that sports broadcasts in Australia expose children and young people to large volumes of alcohol advertising.<sup>xxix</sup> One Australian study found that the 10 highest-spending alcohol brands placed over 10,600 alcohol ads during Australian sports broadcasts in a single year.<sup>xx</sup> This equated to approximately 201 ads or 75 minutes of alcohol advertising from these brands weekly. Of these ads, 45% were at children's viewing times, equating to 34 minutes/week.

People who experience greater harm from alcohol products are often most impacted by alcohol advertising. Evidence reveals that alcohol advertisements played during national sports broadcast, increases cravings in people with high-risk alcohol use.<sup>xxi</sup>

In August this year, the report from the expert panel reviewing the evidence to prevent gender-based violence was released.<sup>xxii</sup> This report acknowledged that some industries including alcohol and media are well placed to prevent and reduce domestic, family and sexual violence. This was because these industries were identified to often function as the foundation for, or means of, the escalation of abuse. The Review specifically recommends

that alcohol advertising be restricted during sporting events. This can be enacted on as part of this review.

iii. Online broadcasting loophole

The ACMA notes within their response to the Code the current challenges and shortfalls given the Code does not apply to online broadcasting. This is of concern to Alcohol Change Australia as there is evidence that alcohol advertising is being shown during online broadcasts of children's programs. Alcohol Change Australia recommends that the Government address this as part of a broader regulatory framework to protect the community from the exposure to alcohol marketing.

### Recommendations

One of Alcohol Change Australia's core recommendations to the Australian Government to reduce harm from alcohol in Australia is to:

- Introduced a regulatory framework with legislative basis that effectively protects the community from exposure to alcohol marketing.

This is our overarching recommendation to protect the community from alcohol marketing. Specifically for the Code and this review, Alcohol Change Australia recommends:

- No extension on the times when alcohol advertising can be viewed, as currently proposed through the reclassification of M program times.
- Removal of the exemption for alcohol advertising to be permitted during sports broadcasts.

Any questions regarding our submission, please contact Natalie Stapleton, Executive Officer – Alcohol Change Australia, at [natalie.stapleton@adf.org.au](mailto:natalie.stapleton@adf.org.au).

Yours sincerely,

## References

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- <sup>i</sup> Australian Institute of Health and Welfare. Alcohol, tobacco & other drugs in Australia. Canberra: Australian Institute of Health and Welfare, 2024. Available from: <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia>
- <sup>ii</sup> Australian Bureau of Statistics. *Causes of Death, Australia* [Internet]. Canberra: ABS; 2023. Available from: <https://www.abs.gov.au/statistics/health/causes-death/causes-death-australia/latest-release>.
- <sup>iii</sup> Rehm J, Gmel GE, Gmel G, Hasan OSM, Imtiaz S, Popova S, et al. The relationship between different dimensions of alcohol use and the burden of disease—An update. *Addiction*. 2017;112(6):968-1001.
- <sup>iv</sup> World Cancer Research Fund/American Institute for Cancer Research. Continuous Update Project Expert Report 2018: Alcoholic drinks and the risk of cancer. World Cancer Research Fund/American Institute for Cancer Research. Available from: <https://www.wcrf.org/wp-content/uploads/2021/02/Alcoholic-Drinks.pdf>
- <sup>v</sup> Rumgay H, Shield K, Charvat H, Ferrari P, Sornpaisarn B, Obot I, et al. Global burden of cancer in 2020 attributable to alcohol consumption: a population-based study. *Lancet Oncol*. 2021;22(8): 1071-1080.
- <sup>vi</sup> Curtis A, Vandenberg B, Mayshak R, Coomber K, Hyder S, Walker A, et al. Alcohol use in family, domestic and other violence: Findings from a cross-sectional survey of the Australian population. *Drug and Alcohol Review*. 2019;38(4):349-58.
- <sup>vii</sup> Noonan P, Taylor A, Burke J. Links between alcohol consumption and domestic and sexual violence against women: Key findings and future directions: ANROWS; 2017
- <sup>viii</sup> Gadsen T, Craig M, Jan S, Henderson A, Edwards B. The George Institute for Global Health. Updated social and economic costs of alcohol, tobacco and other drug use in Australia, 2022/23. Nov 2023. Available from: <https://www.georgeinstitute.org.au/our-impact/policy-and-recommendations/updated-social-and-economic-costs-of-alcohol-tobacco-and-drug>
- <sup>ix</sup> Jones SC, Magee CA. Exposure to alcohol advertising and alcohol consumption among Australian adolescents. *Alcohol Alcohol*. 2011 Sep-Oct;46(5):630-7. doi: 10.1093/alcalc/agr080. Epub 2011 Jul 5. PMID: 21733835.
- <sup>x</sup> Pettigrew S, Roberts M, Pescud M, Chapman K, Quester P, Miller C. The extent and nature of alcohol advertising on Australian television. *Drug Alcohol Rev*. 2012 Sep;31(6):797-802. doi: 10.1111/j.1465-3362.2012.00439.x. Epub 2012 Mar 27. PMID: 22452292.
- <sup>xi</sup> Alcohol Focus Scotland. Realising our Rights. How to protect people from alcohol marketing. Alcohol Focus Scotland-Alcohol Marketing Expert Network; June 2022. Available from <https://www.alcohol-focus-scotland.org.uk/resources/alcoholmarketingreport2806.pdf>
- <sup>xii</sup> Noel JK, Sammartino CJ, Rosenthal SR. Exposure to Digital Alcohol Marketing and Alcohol Use: A Systematic Review. *J Stud Alcohol Drugs Suppl*. 2020 Mar;(19):57-67.
- <sup>xiii</sup> Jernigan D, Noel J, Landon J, Thornton N, Lobstein T. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction*. 2017;112(Suppl 1):7-20.
- <sup>xiv</sup> Alcohol Change Australia. Public opinion on alcohol in Australia. 2023. [https://alcoholchangeaus.org.au/wp-content/uploads/2023/11/AlcoholChangeAustralia\\_Report\\_FINAL.pdf](https://alcoholchangeaus.org.au/wp-content/uploads/2023/11/AlcoholChangeAustralia_Report_FINAL.pdf)
- <sup>xv</sup> Reeve B. Regulation of alcohol advertising in Australia: Does the ABAC Scheme adequately protect young people from marketing of alcoholic beverages? *QUT Law Review*. 2018;18(1):96-123.
- <sup>xvi</sup> Jongenelis MI, Pierce H, Keric D, Stafford J, Jongenelis G, Pettigrew S. Are Australian regulatory codes adequate in scope to protect youth from alcohol advertising? *Health Promot J Austral*. 2021; 32(S2): 212–217.

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<sup>xvii</sup> Aiken A, Lam T, Gilmore W, Burns L, Chikritzhs T, Lenton S, et al. Youth perceptions of alcohol advertising: are current advertising regulations working? Australian and New Zealand Journal of Public Health. 2018; 42: 234-239

<sup>xviii</sup> [ACMA-views-on-Free-TV-code-review.pdf](#)

<sup>xix</sup> Carr S, O'Brien KS, Ferris J, Room R, Livingston M, Vandenberg B, Donovan RJ, Lynott D. Child and adolescent exposure to alcohol advertising in Australia's major televised sports. Drug Alcohol Rev. 2016 Jul;35(4):406-11. doi: 10.1111/dar.12326. Epub 2015 Sep 14. PMID: 26365018.

<sup>xx</sup> Florentine Martino, Jaithri Ananthapavan, Marj Moodie, Gary Sacks, Potential financial impact on television networks of a ban on alcohol advertising during sports broadcasts in Australia, Australian and New Zealand Journal of Public Health, Volume 46, Issue 4, 2022, Pages 463-468,

<sup>xxi</sup> Hollett RC, Fairclough J, Butt J, Mills B. Exposure to preference-matched alcohol advertisements from national sports broadcasts increases short-term alcohol consumption inclinations in risky drinkers. Health Promot J Austr. 2024 Jul 1.

<sup>xxii</sup> [Unlocking the Prevention Potential \(pmc.gov.au\)](#)

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