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Free TV Australia

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North Sydney NSW 2026

By email: codereview@freetv.com.au

Cc: Australian Communications and Media Authority info@acma.gov.au

Commercial Television Industry Code of Practice consultation

Dear Free TV Australia,

This submission is in response to the review of the Commercial Television Industry Code of Practice (the Code). Our response centres on the need to protect the community, particularly children and young people, 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.

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).¹ 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. In 2023 there were 1,667 alcohol-induced deaths.² Alcohol use is causally linked to over 200 disease and injury conditions.³ Alcohol causes at least seven types of cancer,⁴ and was estimated to cause 4% of all new cancers in 2020.⁵ Alcohol products have been linked with increases in the frequency and severity of domestic and family violence.^{6,7} The total social costs of alcohol use in Australia in 2022/23 has been estimated at \$75billion.⁸

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.⁹ In an Australian study of 12-17 year olds, over 94% reported to have seen alcohol advertising on television.¹⁰ 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.¹¹

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.^{12,13} 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.¹⁴ 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 volume of alcohol advertising they see in the community. The Australian community wants governments to do more to protect young people from alcohol advertising. A survey from Alcohol Change Australia found that over three-quarters (77%) of Australians support restricting alcohol advertising on television during times when children are likely to be watching, including during live sports.¹⁵ The latest National Drug Strategy Household survey (2022-2023) found that 70% of Australians supported limiting advertising for alcohol on television until after 9.30pm and half of Australians supported banning alcohol sponsorship of sporting events.¹⁶

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 self-regulatory systems in Australia are inadequate, ineffective, and lack transparency and accountability.^{17,18,19} Right now, the systems in place do little to reduce community exposure to alcohol marketing and are 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., increasing the hours across the year that M classification programs can be shown, and allowing M programs to be shown for extended hours on school and non-school days like school holidays, weekends 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 will likely be exposed to even greater levels of alcohol advertising.

The Australian Communications and Media Authority (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.”²⁰ Alcohol Change Australia is concerned about this extension of time and the harms that may result from this.

- 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.²¹ One Australian study found that the 10 highest-spending alcohol brands placed over 10,600 alcohol advertisements during Australian sports broadcasts in a single year.²² This equated to approximately 201 ads or 75 minutes of alcohol advertising from these brands weekly. Of these ads, 45% were during 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 broadcasts, increases cravings in people with high-risk alcohol use.²³

In August this year, the report from the expert panel reviewing the evidence to prevent gender-based violence was released.²⁴ 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 recommendation was based on the statistical increase in incidents observed during football grand finals and the high number of younger people who watch sport. This recommendation can be enacted on as part of this review.

- iii. The current definition of “commercial for alcoholic drinks” is too restrictive and does not capture the extent of alcohol marketing on television.

At present, the current definition for commercial for alcoholic drinks, is limited in scope and means that marketing of alcohol still exists, during times when otherwise not permitted. For example, program sponsorship announcements which make no direct reference to the price of goods or services are not captured in the definition. This definition fails to adequately protect the viewers, in particular young people from alcohol advertising. Alcohol companies can promote their brand and by association their products through the common practice of alcohol sponsorship of sports broadcasts. An Australian study looking at advertising during the Bathurst 1000 event found that in a two-hour period during the race there were 106 instances of visual alcohol sponsorship, equating to just less than one per minute. Concerningly there were 117,000 people aged 5-17 years who watched the telecast.²⁵

- iv. 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 programs children watch. 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:

- Introduce 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 highlights that there are inadequate community safeguards in place in the Code to protect Australians, particularly children and young people, from alcohol advertising on television. We oppose the proposed changes to the Code which extend the times alcohol advertising is permitted, as these fail to place priority on the protection of Australians, including children, from exposure to harmful alcohol marketing. Alcohol Change Australia recommends:

- No extension on the times when alcohol advertising is permitted to be shown, as currently proposed in the draft through the reclassification of M program times.
- Removal of the exemption for alcohol advertising to be permitted during sports broadcasts.
- Amendment of the definition of “commercial for Alcoholic Drinks” to remove the exemption for ‘program sponsorship’.

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

Yours sincerely,

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Chair, Alcohol Change Australia

Ms Natalie Stapleton
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