

SUBMISSION

Monday, 11 November 2024

AMA submission to the Commercial Television Industry Code of Practice Review 2024 public consultation.

codereview@freetv.com.au

Introduction

The Australian Medical Association (AMA) is pleased to respond to the public consultation on the draft *'Commercial Television Industry Code of Practice'* (the Code). Free TV Australia has a unique opportunity to build trust, compliance, and knowledgeable content. At present, Free TV Australia is saturated by advertisements that have a negative impact on the health of Australians. Content, particularly stemming from harmful industries (alcohol, sports betting, fast foods) impact public health ethically, professionally, and socially. What is concerning to the AMA is, while unhealthy advertising is regulated to some degree through program ratings, changes to these ratings will lead to loopholes that will be exploited by industry. The AMA also urges Free TV Australia to work with broadcasters to ensure that their streaming services meet with the code, regardless of the different platform that television is broadcast on.

Alcohol Advertising

The AMA believes that Australians should have the opportunity to be healthy, safe and free from the many ways that alcohol causes harm to people, families and communities. The AMA believes in a harm minimisation approach to alcohol consumption is best addressed through targeted prevention and early intervention. This includes tighter regulation around alcohol marketing and promotion.

Currently, Australia is experiencing the highest rates of alcohol-induced deaths in over 20 years.¹ Alcohol marketing, including broadcast advertising, influences people's preferences, attitudes, social norms and use of alcohol products, which subsequently impacts on community health, safety and wellbeing.

Health impacts of alcohol include hospitalisation and deaths from injury and other acute and chronic diseases, like cancer and mental ill-health. Alcohol is a carcinogen, causing at least seven types of cancer, including mouth, throat, oesophagus, liver, breast and bowel cancer.² Alcohol also causes alcohol-related brain injury and Foetal Alcohol Spectrum Disorder (FASD).

The AMA is concerned that alcohol plays a significant role in exacerbating family and domestic violence.³ Several studies confirm the link between violence and alcohol and heightened incidences corresponding to sporting events⁴⁵ The link is so strong that the Rapid Review of Prevention

Approaches for family and domestic violence recommended that “*alcohol advertising be restricted during sporting events*”⁶ [OBJ]. They based this recommendation on “*the statistical increase in DFSV incidents during football grand finals, as well as the high number of children who watch sport on television and mobile apps*”.

Considering this recommendation, and the evidence showing that when children are exposed to alcohol advertising, they are more likely to start drinking early and to drink at higher risk levels,^{7, 8} broadcast alcohol advertising should be reduced, not increased.

Children are frequently exposed to harmful alcohol advertising.^{9, 10, 11} Yet the draft Code proposes extending the hours that alcohol advertising can be shown to children by over 800 hours per year. Even more concerning is the proposal that these ads be shown during the daytime on school holidays, weekends and public holidays, when children are more likely to be watching content. Weekends and public holidays are also times when alcohol harms are more likely to be exacerbated with more viewers.¹²

Recommendation 1. Ensure that any changes to the Commercial Television Industry Code of Practice (including to the ‘M’ classification zone in Section 2.2.2), do not extend the hours when alcohol advertising is permitted to be broadcast.

This is in addition to the existing loophole where restrictions on alcohol advertising do not apply during the broadcast of sports programs on public holidays and weekends. This loophole increases alcohol advertising at higher risk times – during sporting events which are associated with increases in family and domestic violence.^{13, 14} Industry has only one motivation: to maximise sales and profits during times that are most harmful. They even boast about the increase in sales during these time^{15, 16}

Recommendation 2. Remove the exemption in Section 6.2 that allows alcohol advertising during sports broadcasts. AND Recommendation 3. Remove the exemption in Section 8 of ‘program sponsorship’ from alcohol advertising, that allows the promotion of alcohol companies during program broadcasts.

The AMA strongly oppose the proposed changes to the M Classification zone in the Code. These changes coupled with the the existing sports broadcast loopholes, breach the requirements in the Broadcasting Services Act 1992. The Act states “*broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them*” (s3), and that industry codes “*provide appropriate community safeguards*” (s123, 125, 130).¹⁷

The AMA argues that alcohol advertising should be significantly reduced, not increased and the sports loophole should be closed – not expanded.

The harms of excess alcohol use are significant and warrant serious measures, especially regarding adolescents and youth. The AMA is committed to Australia achieving the greatest possible reduction in the harmful effects of excess alcohol consumption. The AMA believes these harms are best reduced through targeted prevention and early intervention, and fully resourced best-practice treatment.

Other Harmful Advertising

Junk Food

The AMA has long called for a ban on the marketing of unhealthy food to children, as noted in our [Obesity \(2016\)](#) position statement. Current junk food advertising on television goes against the intent of the [National Preventative Health Strategy 2021-30](#), which states that by 2023 children’s exposure to unhealthy food and drink marketing, branding and sponsorships should be further restricted across all forms of media, including through digital media.¹⁸ The AMA urges the government to protect

children from unhealthy food marketing, including by ensuring that TV and similar media are free from unhealthy food marketing at all times of the day and night when children are watching and listening. We see the potential for this to be regulated under The Code, and whilst not currently in its scope, we hope should government take forward this work, that Free TV Australia will work to make sure regulation best protects children from this junk food marketing in the future.

Gambling Advertising

The AMA is very concerned by the increased prevalence of gambling in Australia, and the related gambling harm to public health and mental and emotional wellbeing. In addition to the growing diversity and accessibility of gambling activities, advertising and marketing have contributed to the normalisation of gambling. Young people are particularly susceptible to interactive gambling, and the integration of sports-betting advertising in television broadcasts and the prominent display of internet signs on playing grounds have accelerated the interest¹⁹ and the growth of gambling problems among younger age cohorts. The television timeslots and online spaces where advertising is being displayed has changed and children have acknowledged this growth in gambling advertising.²⁰

The AMA has noted that Free TV Australia have not yet reviewed the parts of the Code that deal with gambling advertising, while the Australian Government is considering changes to the laws that regulate gambling advertising. The AMA believes these parts of the Code will need to be reviewed separately and may require a separate public consultation process, regardless of the decisions made by the Australian Government regarding the *'You win some, you lose more'* parliamentary inquiry report recommendations²¹, which recommended The Code needed significant amendments to safeguard Australians from harms related to gambling advertising.

Health Misinformation

In relation to the accuracy and fairness section of The Code, the AMA recommends it is essential to dispel medical misinformation being perpetuated through broadcast media. During the COVID-19 pandemic, medical misinformation was distributed on a large scale across all platforms including television. The AMA notes the current legislation into misinformation going through federal parliament and implores Free TV Australia to consider this in The Code if it becomes legislated, as it relates to television content.

The AMA has previously called for the Australian government to invest in long-term, robust online advertising to counter health misinformation, including on social media channels, by working with Australian news outlets on digital platforms, and we suggest the same work is carried out across news outlets on commercial television as well. This should include promotion of vaccine safety, as well as campaigns on the health risks associated with alcohol, junk food, online gambling, tobacco, and other drugs. We also implore Free TV Australia to acknowledge their public health responsibility and work actively to counter health misinformation on the commercial television under The Code.

Conclusion

The AMA is very cautious about these changes to the Free TV Australia code, and high concern regarding further normalisation of alcohol and other products that detrimentally impact public health is concerning. The Code already has loopholes that expose children to alcohol marketing during sports broadcasts, and yet Free TV is now seeking to increase that exposure by over 800 hours per year. Any proposed changes to the Code cannot result in an extension of the hours when alcohol advertising is permitted to be broadcast. Additionally, when there is clear evidence available demonstrating the link between alcohol, alcohol advertising during sporting events and heightened

family and domestic violence, the AMA cannot support the exemption in Section 6.2 that allows alcohol advertising during sports broadcasts.

Contact

president@ama.com.au

¹ AIHW (2024) *Alcohol, tobacco & other drugs in Australia* <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/impacts/health-impacts>

² Cancer Council Victoria (2024) *Ways alcohol causes cancer - Alcohol causes at least 7 types of cancer* <https://www.cancervic.org.au/cancer-information/preventing-cancer/limit-alcohol/how-alcohol-causes-cancer>

³ ANROWS (2017) *Links between alcohol consumption and domestic and sexual violence against women: Key findings and future directions* https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/02/19024408/Alcohol_Consumption_Report_Compass-FINAL.pdf

⁴ Livingston M (2018) *The association between State of Origin and assaults in two Australian states*. Centre for Alcohol Policy Research. <https://fare.org.au/wp-content/uploads/The-association-between-State-of-Origin-and-assaults-in-two-Australian-states-noEM.pdf>

⁵ Gallant D & Humphreys C (2018) *Football finals and domestic violence*. Pursuit, University of Melbourne. <https://pursuit.unimelb.edu.au/articles/football-finals-and-domestic-violence>

⁶ Rapid Review (2024) *Unlocking the Prevention Potential: Accelerating action to end domestic, family and sexual violence*. p. 105 <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>

⁷ Jernigan D, Noel J, Landon J, et al (2017) *Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008* <https://onlinelibrary.wiley.com/doi/10.1111/add.13591>

⁸ Martino F, Ananthapavan J, Moodie M, et al (2022) *Potential financial impact on television networks of a ban on alcohol advertising during sports broadcasts in Australia*, <https://www.sciencedirect.com/science/article/pii/S1326020023002893>

⁹ ADF (2023) *Alcohol ads on social media target teens and young people* <https://adf.org.au/insights/alcohol-social-media-youth/>

¹⁰ Middleton K (2024) *Beer advertisements shown to kids during streamed TV programs like Lego Masters*. The Guardian. <https://www.theguardian.com/australia-news/article/2024/jun/30/beer-advertisements-shown-to-kids-during-streamed-tv-programs-like-lego-masters>

¹¹ Jones SC, Magee CA (2011) *Exposure to Alcohol Advertising and Alcohol Consumption among Australian Adolescents*. <https://pubmed.ncbi.nlm.nih.gov/21733835/>

¹² Lloyd B (2012) *Drinking cultures and social occasions – public holidays Research summary*. Turning Point. https://www.vichealth.vic.gov.au/sites/default/files/Drinking-cultures-social-occasions-Factsheet_public-holiday.pdf

¹³ Brimicombe A & Cafe R (2012) *Beware, win or lose: Domestic violence and the World Cup* <https://rss.onlinelibrary.wiley.com/doi/full/10.1111/j.1740-9713.2012.00606.x>

¹⁴ Forsdike K, O'Sullivan G, Hooker L (2022) *Major sports events and domestic violence: A systematic review*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10087409/>

¹⁶ Food & Beverage (2024) *Most popular State of Origin drinks revealed* <https://www.foodmag.com.au/most-popular-state-of-origin-drinks-revealed/>

¹⁷ Commonwealth of Australia (2024) *Broadcasting Services Act 1992* https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/bsa1992214/

¹⁸ Australian Government (2021) *National Preventative Health Strategy*. Retrieved 20/02/23 from: <https://www.health.gov.au/resources/publications/national-preventive-health-strategy-2021-2030>.

¹⁹ Pitt, H., Thomas, S. L., Bestman, A., Daube, M., & Derevensky, J. (2017). What do children observe and learn from televised sports betting advertisements? A qualitative study among Australian children. *Australian and New Zealand journal of public health*, 41(6), 604–610. doi:10.1111/1753-6405.12728

²⁰ Thomas, S.L., Bestman, A., Pitt, H. et al. (2018) Young people’s awareness of the timing and placement of gambling advertising on traditional and social media platforms: a study of 11–16-year-olds in Australia. *Harm Reduct J* 15, 51. doi:10.1186/s12954-018-0254-6.

²¹ Parliament of Australia (2023) *You Win Some, You Lose More Report*. Retrieved 01/11/24 from: https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Onlinegamblingimpacts/Report