

Free TV Australia
Suite 1, Level 2
76 Berry Street,
North Sydney NSW 2060
codereview@freetv.com.au

7 November 2024

Dear Free TV Australia,

Re: ATODA response to the public consultation on the draft 'Commercial Television Industry Code of Practice' (the Code).

The Alcohol, Tobacco and Other Drug Association ACT (ATODA) represents the alcohol, tobacco and other drug (ATOD) sector in the ACT. Members include specialist alcohol and other drug treatment and harm reduction organisations, including the peer-based organisation for people with lived experience of drug use in the ACT; distinguished drug experts with knowledge of the criminal justice system and population health; and allied sectors.

ATODA's purpose is to lead and influence positive outcomes in policy, practice and research, as the peak body for the ATOD sector in the ACT. These outcomes flow from initiatives in prevention, early intervention, harm reduction, treatment, peer services, and continuing care. As such, we are concerned with the way in which alcohol is marketed in Australia and how alcohol industry advertisements impact population health now and in the future.

Australians should have the opportunity to be healthy, safe and free from the many ways that alcohol causes harm to people, families and communities. Yet, Australia is currently 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 Group 1 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). There is low public awareness of long-term alcohol-related health harms, and there is an identified discrepancy in the number of current alcohol harm reduction advertisements compared to numbers of alcohol industry advertisements.³ Therefore, there is a risk of increasing harms by expanding the times in which alcohol can be advertised, particularly to young people.

Alcohol is also a significant factor in family and domestic violence.⁴ There are several studies that show that violence involving alcohol increases at the time of football grand finals and the State of Origin.^{5,6} 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*".⁷ 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,^{8,9} broadcast alcohol advertising should be reduced, not increased.

Children are frequently exposed to harmful alcohol advertising.¹⁰⁻¹² 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 television and exposed to alcohol advertising. Weekends and public holidays are also times when alcohol harms are more likely to occur.¹³

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 – such as during sporting events, which are associated with increases in family and domestic violence.^{14, 15} Companies tie these events into their branding during these events to maximise sales and profits during times that are most harmful. They even boast about the increase in sales during these times.¹⁶ This alcohol advertising takes advantage of the fact that 36 percent of alcohol is sold to 5 percent of people, whereby industry profits from alcohol dependent individuals, who report a stronger urge to drink alcohol when confronted with alcohol-related cues.^{17, 18}

Recommendation 2. Remove the exemption in Section 6.2 that allows alcohol advertising during sports broadcasts.

Recommendation 3. Remove the exemption in Section 8 of '*program sponsorship*' from alcohol advertising, that allows the promotion of alcohol companies during program broadcasts.

It is important to acknowledge the commercial imperative that is evident between the alcohol industry and its TV advertisements. The industry plays a significant role in the regulation of its advertisements through the Alcohol Beverages Advertising Code (ABAC), where the ABAC has been created and regulated by the alcohol industry itself. Despite the self-assured reliability of the industry, it is concerning that they consistently deny or downplay the harms of alcohol in contradiction to the scientific literature.^{19, 20} The ABAC rarely finds breaches to its own code,²¹ likely due to the vested commercial interest in the sale of their alcoholic products. Alcohol is one of the most harmful psychoactive substances with much weaker controls on marketing than any other psychoactive product.¹⁸ For these reasons, it is recommended that Free TV Australia reconsiders the code such that the alcohol industry is prevented from further exacerbating alcohol-related population health and social safety harms.

ATODA strongly opposes the proposed changes to the M Classification zone in Code. We believe that these changes and the existing sports broadcast loopholes, breach the requirements in the Broadcasting Services Act 1992. These state that "*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).²²

Alcohol advertising should be shown less, not more and the sports loophole should be closed – not expanded.

Adequate policy measures to prevent the exacerbation of alcohol-related harms, such as a reduction in alcohol industry marketing, should be a high priority consideration in this consultation process. Due to alcohol being the primary drug of concern in ATOD treatment services,²³ there should not be an expansion of the times in which alcohol advertising can be shown.

We have made the above recommendations as we understand the current serious impacts of alcohol on the ACT community and urge Free TV Australia to consider the public health evidence in your consultation process.

Yours sincerely,



Anita Mills
CEO
Alcohol, Tobacco and Other Drug Association ACT (ATODA)
e: info@atoda.org.au p: (02) 6249 6358
PO Box 7009 Kaleen, ACT 2617

References

1. Australian Institute of Health & Welfare (AIHW). Alcohol, tobacco & other drugs in Australia: Health impacts. Australian Institute of Health & Welfare, 2023.
2. Cancer Council Victoria. (2024) Ways alcohol causes cancer- Alcohol causes at least 7 types of cancer, 2024. <https://www.cancervic.org.au/cancer-information/preventing-cancer/limit-alcohol/how-alcohol-causes-cancer>
3. Dunstone K, Brennan, E., Slater, M.D., Dixon, H.G., Durkin, S.J., Pettigrew, S., Wakefield, M.A. Alcohol harm reduction advertisements: a content analysis of topic, objective, emotional tone, execution and target audience. *BMC Public Health* 2017; 17. DOI: doi.org/10.1186/s12889-017-4218-7.
4. ANROWS. *Links between alcohol consumption and domestic and sexual violence against women: Key findings and future directions*. ANROWS, 2017.
5. Livingston M. *The association between State of Origin and assaults in two Australian states*. Centre for Alcohol Policy Research, La Trobe University, 2018.
6. Gallant D and Humphreys C. *Football finals and domestic violence*. Pursuit, University of Melbourne, 2018.
7. Campbell E, Fernando T, Gassner L, et al. *Unlocking the Prevention Potential: Accelerating action to end domestic, family and sexual violence*. Prime Minister and Cabinet, Australian Government: 2024.
8. Jernigan D, Noel J, Landon J, et al. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction* 2017; 112: 7-20. DOI: 10.1111/add.13591.
9. Martin FL, Ananthapavan J, Moodie M, et al. Potential financial impact on television networks of a ban on alcohol advertising during sports broadcasts in Australia. *Australian & New Zealand Journal of Public Health* 2022; 46: 463-468. DOI: 10.1111/1753-6405.13223.
10. Alcohol and Drug Foundation. Alcohol ads on social media target teens and young people, 2023. <https://adf.org.au/insights/alcohol-social-media-youth/>
11. Middleton K. Beer advertisements shown to kids during streamed TV programs like Lego Masters. *The Guardian*, 2024. <https://www.theguardian.com/australia-news/article/2024/jun/30/beer-advertisements-shown-to-kids-during-streamed-tv-programs-like-lego-masters>
12. Jones SC and Magee CA. Exposure to alcohol advertising and alcohol consumption among Australian adolescents. *Alcohol Alcohol* 2011; 46: 630-637. DOI: 10.1093/alcalc/agr080.
13. Victorian Health Promotion Foundation (VicHealth), Turnoing Point and Eastern Health. *Drinking cultures and social occasions - public holidays*. VicHealth: 2012.
14. Brimicombe A and Cafe R. Beware, win or lose: Domestic violence and the World Cup. *Significance* 2012; 9: 32-35. DOI: 10.1111/j.1740-9713.2012.00606.x.
15. Forsdike K, O'Sullivan G and Hooker L. Major sports events and domestic violence: A systematic review. *Health & Social Care in the Community* 2022; 30: e3670-e3685. DOI: 10.1111/hsc.14028.
16. Lloyd J. Most popular State of Origin drinks revealed, 2024. <https://www.foodmag.com.au/most-popular-state-of-origin-drinks-revealed/>
17. Cook M, Mojica-Perz, Y., Callinan, S. *Distribution of alcohol use in Australia*. Centre for Alcohol Policy Research, La Trobe University & Foudnation for Alcohol Research and Education, 2022.
18. World Health Organization. *Reducing the harm from alcohol- by regulating cross-border alcohol marketing, advertising and promotion*. WHO Online: World Health Organization, 2022.
19. Miller PG, de Groot, F., McKenzie, P., Droste, N. Alcohol industry use of social aspect public relations organisations against preventative health measures. *Addiction* 2011; 106: 1560-1567. DOI: <https://doi.org/10.1111/j.1360-0443.2011.03499.x>.
20. Martino FP, Miller, P.G., Coomber, K., Hancock, L., Kypri, K. Analysis of Alcohol Industry Submission against Marketing Regulation. *PLOS ONE* 2017; 12. DOI: <https://doi.org/10.1371/journal.pone.0175661>.
21. Jones SC, Hall D and Munro G. How effective is the revised regulatory code for alcohol advertising in Australia? *Drug and Alcohol Review* 2009; 27: 29-38. DOI: 10.1080/09595230701499175.
22. Australia Commonwealth. *Broadcasting Services Act 1992*, 2024. https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/bsa1992214/
23. Australian Institute of Health & Welfare (AIHW). Alcohol and other drug treatment services in Australia: early insights. Australian Institute of Health & Welfare (AIHW), 2024.