# Submission to the ANPHA draft report on alcohol advertising

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### This submission was prepared for the Australian National Preventive Health Agency (ANPHA) in response to the draft report on Alcohol advertising: The effectiveness of current regulatory codes in addressing community concerns. This submission responds to recommendations in the draft report and includes information on policies that were not included in the draft report for consideration by ANPHA.

This submission was prepared for the Australian National Preventive Health Agency (ANPHA) in response to the draft report on *Alcohol advertising: The effectiveness of current regulatory codes in addressing community concerns*. This submission responds to recommendations in the draft report and includes information on policies that were not included in the draft report for consideration by ANPHA.

## Recommendations

1. That ANPHA further examines the option to have the ABAC authorised by the ACCC as specified in Recommendation 9 of the Draft report.
2. That ANPHA’s examination of the option to have the ABAC authorised by the ACCC include an assessment of the feasibility of the ABAC being substantially improved prior to seeking authorisation by the ACCC. These improvements should include: Coverage of all alcohol advertisements regardless of the advertiser or type of advertisement; Coverage of the placement, timing and context of alcohol advertisements; The addition of meaningful sanctions for breaches of the ABAC; and x The enforcement of sanctions for breaches of the ABAC.
3. That ANPHA’s final report recommends that independent regulation of alcohol advertising be introduced if ANPHA cannot conclude that the option to have the ABAC authorised by the ACCC will adequately address the issues raised in Recommendation 9 of the Draft report.
4. That ANPHA’s final report recommends that independent regulation be introduced if the ABAC fails to meet the ACCC authorisation standards.
5. That ANPHA’s final report includes Recommendations 9.1, 9.2, 9.8 and 9.10 from the Draft report. A one year timeframe should also be specified for the introduction of these changes to the ABAC.
6. That ANPHA’s final report recommends that independent regulation be sought if the governance conditions specified in Recommendations 9.1, 9.2, 9.8 and 9.10 of the Draft report are not met.
7. That ANPHA’s final report include a recommendation that the alcohol marketing regulatory code explicitly address the volume, timing and targeting of alcohol advertisements.
8. That ANPHA’s final report include a recommendation that alcohol advertising controls include all forms of advertising, including television, radio, print, and cinemas, and product placement in movies and music videos, on sporting team uniforms, and sporting grounds, at cultural events, in branded merchandise and point of sale promotions in retail spaces and pub/bars.
9. That ANPHA’s final report includes specifications on the kinds of information alcohol brands can collect on consumers.
10. That ANPHA’s final report includes guidance on alcohol-branded merchandise as per Recommendation 6 of the Draft report.
11. That ANPHA’s final report include a recommendation on an appeals process as part of the regulatory code for alcohol advertising as part of Recommendation 9.6 of the Draft report.
12. That ANPHA’s final report provide guidance, as per Recommendation 9.8 and 9.9 of the Draft report on the ABAC adjudication process to ensure the advertisements comply with the spirit of the Code and advertisements with strong or evident appeal to children or adolescents be found to be in breach of the Code, irrespective of whether the marketing has appeal to adults, or deemed not to be directed to children.
13. That ANPHA’s final report outlines the new provisions, as per Recommendation 9.11 of the Draft report on matters that appeal to children, particularly heroes; cartoon characters, animations and use of childhood motifs or themes; and prohibits naming and packaging that could be confused with confectionary or soft drinks.
14. That ANPHA’s final report includes a recommendation to remove the exemption for free-to-air television that allows alcohol advertising before 8.30pm as an accompaniment to live sport broadcasts on public holidays and weekends, as outlined in Recommendation 1 of the Draft report.
15. That ANPHA’s final report amends Recommendation 1 of the Draft report to specify that ACMA be instructed to remove the exemption that allows the broadcasting of alcohol advertising on weekdays from 12noon to 3pm on weekdays.
16. That ANPHA’s final report amends Recommendation 2 of the Draft report to specify that ACMA be instructed to amend the Australian Subscription Television Broadcast Code of Practice to restrict advertising of alcohol products on subscription television before 8.30pm and after 5.00am.
17. That ANPHA’s final report amends Recommendation 3 of the Draft report to restrict alcohol advertising in cinemas before 8.30pm and after 5.00am and this recommendation be extended to restrict alcohol advertising in movies that are rated G or PG.
18. That ANPHA’s final report amends Recommendation 3 of the Draft report to remove references to voluntary arrangements being established.
19. That ANPHA further explores the regulatory options available for cinema advertising within the ACMA and/or the ACCC as outlined in Recommendation 3 of the Draft report, to determine the likelihood of these models being effective.
20. That ANPHA propose independent regulation of all alcohol advertising under one regulatory structure if it cannot confidently recommend that other regulatory models will result in effective regulation.
21. That ANPHA’s final report further examines the proposal of ACCC authorisation of the OMA as outlined in Recommendation 4 of the Draft report to determine the likelihood of this model being effective.
22. That ANPHA proposes independent regulation of all alcohol advertising under one regulatory structure if it cannot confidently show that other regulatory models will result in effective regulation.
23. hat ANPHA’s final report includes a recommendation that the ACCC and ASB conduct and publish compliance surveys of outdoor alcohol advertising on an annual basis, as per the recommendation from the House of Representatives Social Policy and Legal Affairs Inquiry into the regulation of billboard and outdoor media (Outdoor Advertising Inquiry) in 2011.
24. That ANPHA’s final report amends Recommendation 5 of the Draft report to increase the distance which alcohol advertising is allowed near schools from 150m to 500m and that any reference to the ‘sight line of a primary or secondary school’ be removed from the regulatory standards.
25. That ANPHA’s final report recommends a phase out of alcohol sponsorship of sport and cultural events.
26. That ANPHA’s final report includes a recommendation that ANPHA’s Community Sponsorship Fund be extended through an increase in alcohol taxation to enable the phasing out of alcohol sponsorship at sporting and cultural events.
27. That ANPHA’s final report amend Recommendations 9.3 and 9.7 of the Draft report to compel the alcohol industry to report their advertising practices under a reporting framework to be established by the Government.
28. That ANPHA’s final report in Recommendation 9.4 of the Draft report specifies how increased awareness of ABAC will be undertaken and the mechanisms for research.
29. That ANPHA in its final report include a recommendation to introduce counter-advertising policies to ensure that the community receives clear and consistent messaging about risk associated with alcohol consumption from an independent source.
30. That ANPHA’s final report recommends that State and Territory Liquor Licensing legislation prohibit and restrict the harmful and irresponsible promotion of liquor in their jurisdictions, where these legislative arrangements do not currently exist.
31. That ANPHA’s final report recommends that State and Territory Liquor Acts (where these do not currently exist), introduce criteria for promotions that are considered ‘harmful’ or ‘irresponsible’. The criteria should cover the nature of the promotion and how it may encourage liquor consumption, promotional price of the alcohol product, duration of the promotion, implications of the promotion for public safety and amenity and the exposure of children to the promotion.
32. That ANPHA’s final report recommends that State and Territory Ministers with responsibility for alcohol control are granted the power to have active promotions deemed to be harmful or irresponsible discontinued or removed at their discretion, where these do not currently exist.
33. That ANPHA’s final report recommends that Liquor Promotion Regulations be introduced or strengthened under State and Territory Liquor Acts to address the following: promotions conducted at on and off-licence premises with equal enforcement; declare ‘Shopper dockets’ (liquor promotion vouchers on the receipts for purchases) a prohibited promotional activity; prohibit point of sale promotional materials for liquor (e.g. ‘happy hours’, free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices) from being displayed on and around licensed premises where minors are likely to be present; and prohibit alcohol promotions from being placed on State and Local Government property.

[view the submission](/wp-content/uploads/ANPHA-alcohol-advertising-draft-report-submission-April-2014.pdf)

### Metadata