



Response to the Commercial TV Industry Code of Practice public consultation

Cancer Council Australia

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Cancer Council is the peak, non-Government cancer control organisation in Australia. As the national body in a federation of eight state and territory member organisations, Cancer Council Australia works to make a lasting impact on cancer outcomes by:

- shaping and influencing policy and practice across the cancer control continuum;
- developing and disseminating evidence-based cancer information;
- convening and collaborating with cross sectorial stakeholders and consumers to set priorities; and
- speaking as a trusted voice on cancer control in Australia.

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Cancer Council's response to the Commercial TV Industry Code of Practice public consultation

Cancer Council is Australia's leading non-government cancer control organisation committed to protecting the community from cancer risk factors including alcohol. We take the opportunity of the current public consultation on the Commercial TV Industry Code of Conduct to simultaneously provide feedback to both Free TV Australia and the Australian Communications and Media Authority (ACMA). It is Cancer Council's strong view that ACMA should play a more active role in the regulation of alcohol advertising.

Alcohol is a cause of seven types of cancer

Alcohol is a toxic, psychoactive, and dependence-producing substance and classified as a Group 1 carcinogen (the highest risk group) by the International Agency for Research on Cancer.¹ Alcohol consumption is causally linked to seven types of cancer including common cancers such as breast, bowel and liver, and has been identified as having a role in at least five others.² There is no 'safe' level of alcohol use, and it is well established that even drinking small amounts of alcohol increases the risks of developing cancer.^{3 4} It is estimated that 3,500 cases of cancer are due to alcohol use in Australia each year.⁵

Evidence-based measures that protect the community from cancer and other negative outcomes due to alcohol consumption are vital.

Stronger community safeguards are needed for alcohol advertising

There is a wealth of research which shows that the extensive amount of alcohol marketing our children, and the wider community are exposed to is causing harm. Alcohol is more heavily advertised than the average product, resulting in widespread marketing that is impossible to avoid.^{6 7} It is marketed and promoted in many settings, including across traditional channels such as broadcast, print and out-of-home media, at point of sale through price promotions and in-store placements, and at sporting and cultural events through sponsorship. Many alcohol ads use themes that appeal to young people, such as humour and friendship, and many young Australians are regularly exposed to multiple forms of alcohol advertising in their daily lives.^{8 9} For instance, half of all alcohol advertising on Australian television appears during popular children's viewing times, which are not limited to times when child classification programs are broadcast.

We encourage ACMA to consider this extensive body of evidence in addition to the submissions received during the current review process. We would be happy to provide further evidence and information related to this if required.

A substantial body of research has examined the effectiveness of the current industry-managed system of alcohol advertising regulation in Australia. This research has consistently concluded that the current industry-managed approach does not effectively protect children and young people from exposure to alcohol marketing.^{10 11}

Concerns about Free TV Australia writing its own rules and conducting its own consultation to review the Code

We acknowledge Free TV Australia as the peak industry body representing commercial television broadcasters. Free TV Australia makes it clear on its website that advocacy to progress the interests of

Free TV broadcasters is one of its key functions.¹² Given the evidence that the current industry-managed approach to regulating alcohol advertising has been shown not to be effective in protecting children and young people, and that it is the responsibility of FreeTV Australia as the peak industry body to prioritise the interests of its members, we consider that independent regulation is more appropriate for alcohol advertising. Cancer Council considers it inappropriate and inadequate for any industry body to be writing and reviewing its own rules, particularly regarding the advertising of products known to cause significant harm, such as alcohol.

Free TV Australia's primary role in representing the interests of commercial television broadcasters is not compatible with pursuing the necessary community safeguards for alcohol advertising.

Free TV Australia's approach to the current review only underscores the conflicts of interest that prevent them from providing appropriate community safeguards for alcohol advertising.

We urge ACMA to step away from reliance on codes developed by industry bodies, and to put community health and wellbeing above the profits of the broadcast and alcohol industries. This would better serve the requirements in the Broadcasting Services Act 1992 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).

There is an urgent need to reform alcohol marketing controls in Australia. In the absence of a national regulatory framework with a legislative basis, pressing issues regarding the content of the Free TV Code are outlined below.

We consider that the draft revised Code does not provide appropriate safeguards around alcohol advertising, and that the draft Code is not in line with community attitudes and expectations. We strongly oppose the changes to the Code that increase broadcast alcohol advertising. Any changes to the Code should be focused on reducing exposure to alcohol advertising, not increasing it.

Remove exemptions for alcohol advertising in association with sport

Children should be able to be free to watch sports without being relentlessly exposed to advertisements for harmful products such as alcohol. However, the Code currently permits alcohol advertising to be broadcast as an accompaniment to a Sports Program on a weekend or a public holiday and as an accompaniment to the broadcast of a Live Sporting Event. This means that alcohol advertisers are reaching Australian children through most major sport events broadcast on TV, which has resulted in children being exposed to as much alcohol advertising as adults when viewing televised sport.^{13 14} An analysis of Nielsen data of alcohol advertising during sport on free to air television in Australia over a 12-month period in 2018 to 2019 found that the top 10 alcohol advertisers placed 66,298 alcohol ads, of which 10,660 were during sport broadcasts.¹⁵ Alcohol advertisers broadcast an average of 201 alcohol ads per week during sport with an average duration of 75 minutes of alcohol advertising each week. It's clear that children and young people are bombarded with alcohol advertising during sport broadcasts that they cannot escape.

The Code is not in line with community attitudes toward alcohol advertising during sport. A 2023 study found 77% of Australians support restricting alcohol advertising on television during times when children are likely to be watching, including during live sport broadcasts, with only 6% opposed.¹⁶

We urge Free TV Australia and ACMA to remove the loopholes that permit alcohol advertising to be broadcast as an accompaniment to a sports program on a weekend or public holiday and as an accompaniment to the broadcast of a live sporting event. This change is essential in safeguarding children and young people from alcohol marketing and ensuring the safeguards within the Code are in line with community attitudes.

Changes to M classification zone times and subsequent impact on alcohol advertising must be reconsidered

Changes proposed by Free TV Australia will permit M classified content over longer periods of the day (including weekends, public holidays, and school holidays), and will extend the times during which alcohol advertising is permitted. Cancer Council shares ACMA's view that there are significant community concerns about the proposed extension to times when alcohol advertising is permitted.¹⁷

Evidence has clearly established the need to protect, not further expose, children to alcohol advertising. Research has developed to the extent that we now know that exposure to alcohol advertising is a cause of drinking among young people.¹⁸ The more children and young people are exposed to alcohol marketing, the more likely they are to start using alcohol and to drink more if they are already using alcohol.¹⁹

The proposed extension to times when alcohol advertising is permitted is not in line with the objective of the National Alcohol Strategy to minimise promotion of risky drinking behaviours and other inappropriate marketing. This includes action to implement measures to reduce alcohol advertising exposure to young people, including online and at sporting events. It is also not in line with community standards and attitudes, nor best practice advice by the World Health Organization, which recommends governments enact and enforce comprehensive restrictions on exposure to alcohol advertising across multiple types of media as one of the three 'best buys' to prevent harm from alcohol.²⁰

Ensure that alcohol ads cannot be broadcast during streamed family programs

Alcohol ads are regularly broadcast during popular streamed family friendly television shows such as Lego Masters, The Voice and MasterChef. Between 2020 and June 2024, there were 28 complaints to the Alcohol Beverages Advertising Code (ABAC) Scheme about alcohol ads during streamed family shows; all 28 complaints were dismissed by the industry-led system.²¹ As ACMA has pointed out, viewers increasingly do not distinguish between broadcast and online TV content. We agree with ACMA's assessment that viewers "expect comparable safeguards irrespective of viewing platform".²²

The Australian community is strongly supportive of stronger restrictions on streaming platforms; 75% support restricting alcohol advertising television streaming services such as SBS On Demand, 10 Play, 9 Now and 7 Seven Plus during times when children are likely to be watching.²³

We recognise, as outlined in ACMA's views on Free TV Code review, that there may be a legislative barrier regarding ACMA's code registration powers that prevents the Code from applying to TV programs delivered over the internet.²⁴ Similarly to ACMA, in the absence of legislative change to extend ACMA's code registration powers and regulatory remit to extend to online services, we urge Free TV Australia to encourage broadcasters to commit to voluntarily extend the broadcast television safeguards to all television content provided online.

All submissions should be made publicly available and independently assessed by ACMA

To assist with transparency and confidence in the Code review, we encourage Free TV Australia and ACMA to ensure that all submissions to this public consultation are made publicly available. In addition, we strongly encourage ACMA to independently review all submissions and conduct its own assessment as to whether the revised Code proposed by Free TV Australia meets community attitudes and expectations.

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