

11/11/2024

**RE: Invitation to provide feedback on Commercial Television Industry Code of Practice**

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being for all. PHAA seeks to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

PHAA views voluntary industry codes as an inherently substandard form of regulation of unhealthy products. In practice and in law such arrangements are simply NOT regulation. Experience shows that such instruments are adhered to on a voluntary basis, generally only present weak constraints compared to proper regulatory regimes, and that non-compliance is often easy and has little or no cost. In addition, codes are often adopted to forestall political progress on establishing effective real regulation, so as to strategically seek to delay the implementation of real regulation, as well as waste extended amounts of time for governments, regulators, stakeholders and consumers in debating the content of codes and in undertaking low-quality reviews of codes. The present discussion takes place in this context.

*Alcohol harms*

Alcohol advertising can influence a person's likelihood to consume alcohol.<sup>i</sup> Alcohol is responsible for a substantial burden of death, disease and injury in Australia,<sup>ii</sup> affecting not only those drinking the alcohol, but other people, children, families, and the broader community. Alcohol is involved with approximately one third of all suicide death,<sup>iii</sup> it is linked to several types of cancer,<sup>iv</sup> and is involved between 23-65% of all police-reported family violence incidents.<sup>v</sup>

Alcohol harm is preventable, and reducing the amount of alcohol consumed will reduce health and social harms in the Australian community. Free TV Australia should not allow this harmful product to increase its advertising reach from approximately 89 hours per week to approximately 115 hours per week (over 1,300 additional hours per year).

Free TV Australia has the opportunity to be part of alcohol harm reduction in Australia. Free TV Australia should at least reduce the amount of alcohol advertising by changing the code to decrease weekday M-rated zoning hours to align with weekend, public holiday and school holiday M-rated hours.

However, PHAA encourages Free TV Australia to take this further and consider preventing alcohol advertising before 10:30pm, to reduce child and adolescent exposure to alcohol advertising. We also encourage removing the exemption that allows alcohol advertisements during sports broadcasting.

*This code*

In this specific matter, PHAA strongly **does not support** Free TV's proposed simplification of the M-zone classification times, which increases M-zone hours during weekdays and drastically increases M-Zone hours on weekends, public holidays and school holidays.

We would welcome simplification of the M-zone hours if:

- the weekday zoning aligned with current weekend, public holiday and school holiday zoning, and

- if alcohol advertisements were not permitted during sports broadcasting, and
- if gambling advertisements were not permitted.

In the code, alcohol advertisements can only be shown in M-zoned (and higher) hours, thus, increasing the number of M-zoned hours would increase the number of hours that alcohol can be advertised.

Currently, the code has an exemption for alcohol advertising where sports broadcasting falls outside the M-zone rated hours. We strongly urge that this exemption be disallowed due to the high volume of children viewership during sports events.<sup>vi</sup> Children are particularly susceptible to advertising,<sup>vii,viii</sup> with research showing that alcohol advertising fosters positive attitudes and expectancies towards alcohol consumption and contribute to earlier initiation of drinking among young individuals.<sup>ix,x</sup> Free TV can prevent this increased risk of alcohol advertising exposure to children, and we urge Free TV to do so.

*Related issue: gambling*

Finally, the Australian government should regulate to prohibit online gambling advertising inline with the recommendations of the federal Inquiry into online gambling and its impacts on those experiencing gambling harm 2023 [You Win Some, You Lose More](#) report. This should NOT be left to a near meaningless voluntary Marketing and promotion of gambling products has increased significantly in recent years,<sup>xi</sup> despite the clear harms of gambling including financial stress, family conflict and harm to the physical, social and mental health of communities, families and individuals.<sup>xii,xiii</sup> With Australia having the highest levels of gambling losses per capita at a rate of around 5% per annum,<sup>xiv</sup> now is the time for Free TV to stop further harm and prohibit online gambling advertising.

Yours Sincerely,



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Chief Executive Officer  
Public Health Association of Australia

<sup>i</sup> Noel, J. K., Sammartino, C. J., & Rosenthal, S. R. (2020). Exposure to Digital Alcohol Marketing and Alcohol Use: A Systematic Review. *Journal of Studies on Alcohol and Drugs, Supplement*, s19, 57–67. <https://doi.org/10.15288/jsads.2020.s19.57>

<sup>ii</sup> Whetton, S., Tait, R. J., Gilmore, W., Dey, T., Agramunt, S., Abdul Halim, S., McEntee, A., Mukhtar, A., Roche, A., Allsop, S., & Chikritzhs, T. (2021). Examining the Social and Economic Costs of Alcohol Use in Australia: 2017/18. <https://ndri.curtin.edu.au/ndri/media/documents/publications/T302.pdf>

<sup>iii</sup> Conner, K. R., Huguet, N., Caetano, R., Giesbrecht, N., McFarland, B. H., Nolte, K. B., & Kaplan, M. S. (2014). Acute Use of Alcohol and Methods of Suicide in a US National Sample. *American Journal of Public Health, 104*(1), 171–178. <https://doi.org/10.2105/AJPH.2013.301352>

<sup>iv</sup> U.S. Department of Health and Human Services, National Cancer Institute, & National Institute of Health. (2021, July 14). Alcohol and Cancer Risk. <https://www.cancer.gov/about-cancer/causes-prevention/risk/alcohol/alcohol-fact-sheet#what-is-the-evidence-that-alcohol-drinking-can-cause-cancer>

<sup>v</sup> Foundation for Alcohol Research Excellence. (2024). Family Violence. <https://fare.org.au/policy/family-violence/>

<sup>vi</sup> Carr, S., O'Brien, K. S., Ferris, J., Room, R., Livingston, M., Vandenberg, B., Donovan, R. J., & Lynott, D. (2016). Child and adolescent exposure to alcohol advertising in Australia's major televised sports. *Drug and Alcohol Review, 35*(4), 406–411. <https://doi.org/10.1111/dar.12326>

<sup>vii</sup> Pechmann, C., Levine, L., Loughlin, S., & Leslie, F. (2005). Impulsive and Self-Conscious: Adolescents' Vulnerability to Advertising and Promotion. *Journal of Public Policy & Marketing, 24*(2), 202–221. <https://doi.org/10.1509/jppm.2005.24.2.202>

<sup>viii</sup> World Health Organization. (2022). *Food Marketing exposure and power and their associations with food related attitudes, beliefs and behaviours*. <https://www.who.int/publications/i/item/9789240041783>

<sup>ix</sup> Smith, L. A., & Foxcroft, D. R. (2009). The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. *BMC Public Health, 9*(1), 51. <https://doi.org/10.1186/1471-2458-9-51>

<sup>x</sup> Anderson, P., de Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. *Alcohol and Alcoholism, 44*(3), 229–243. <https://doi.org/10.1093/alcalc/agn115>

<sup>xi</sup> Thomas, S. L., Bestman, A., Pitt, H., Cassidy, R., McCarthy, S., Nyemcsok, C., Cowlshaw, S., & Daube, M. (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 Reduction Journal, 15*(1), 51. <https://doi.org/10.1186/s12954-018-0254-6>

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<sup>xii</sup> Productivity Commission. Gambling, Report No. 50. Volumes 1 & 2. Canberra: Productivity Commission; 2010.

<sup>xiii</sup> Goodwin, B. C., Browne, M., Rockloff, M., & Rose, J. (2017). A typical problem gambler affects six others. *International Gambling Studies*, 17(2), 276–289. <https://doi.org/10.1080/14459795.2017.1331252>

<sup>xiv</sup> Office QGSs. Australian gambling statistics 1992-93 to 2017-18. Queensland Treasury; 2019

