

Submission to the Joint Select Committee on Social Media and Australian Society

June 2024



About FARE

The Foundation for Alcohol Research and Education (FARE) is the leading not-for-profit organisation working towards an Australia free from alcohol harms.

We approach this through developing evidence-informed policy, enabling people-powered advocacy and delivering health promotion programs.

Working with local communities, values-aligned organisations, health professionals and researchers across the country, we strive to improve the health and wellbeing of everyone in Australia.

To learn more about us and our work visit www.fare.org.au.

You can get in touch via email at info@fare.org.au

FARE is a registered charity, and every dollar you give helps fund projects keeping our communities healthy and safe. You can make a tax-deductible donation at: www.fare.org.au/donate.

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Executive summary

Everyone should be able to enjoy the benefits of using digital technologies to work, learn and play. This can happen when we have safe digital environments that support people's health and wellbeing. However, when it comes to harmful and addictive products like alcohol, social media platforms have designed marketing systems geared toward creating harm.

At present, social media platforms have designed marketing systems that target people's characteristics, interests and behaviours. Companies selling harmful and addictive products like alcohol access these sophisticated digital systems to aggressively market products that hurt people's health and wellbeing.¹⁻³

Alcohol use causes significant harm to Australian society. One Australian dies every 90 minutes and another is hospitalised every three and a half minutes because of alcohol.⁴ Alcohol-induced deaths are at the highest reported rate in 10 years⁵ and deaths from alcohol-related injuries have more than doubled over the past 10 years.⁶ Alcohol use exacerbates mental health conditions,⁷ and causes broader harm to the community, with almost half of all Australians having been harmed from another person's alcohol use. Among the harmful impacts of alcohol is its role as a trigger and exacerbating factor in family violence,^{8,9} with 23-65 per cent of police reported family violence incidents in Australia are estimated to involve alcohol.¹⁰

By design, people who purchase harmful and addictive products like alcohol the most are also targeted by social media marketing models the most.^{2, 11, 12} Extensive data collection allows social media platforms to develop detailed psychometric profiles that are combined with detailed accounts of people's browsing behaviour.¹³ These insights are used to tailor marketing activities, including content and messaging, towards an individual's specific susceptibilities.¹³ In the case of alcohol marketing, this ability to prey on people's susceptibilities is particularly harmful because it can disproportionately target people experiencing alcohol use disorders and dependence.¹⁴

The hidden and ephemeral nature of digital marketing also means that companies selling harmful and addictive products can target their digital marketing to children and young people out of sight. Children's exposure to alcohol marketing increases the likelihood that they will start drinking alcohol earlier and go on to drink at high-risk levels.¹⁵

In these ways, current social media platforms are creating a harmful online environment that actively undermines people's health and wellbeing, particularly children and people most at risk of harm from alcohol, such as people experiencing or recovering from addiction.

A regulatory approach addressing the systemic issues with how social media platform advertising models are designed and the dissemination and targeting of harmful digital marketing on social media platforms is needed to ensure people are protected from harms driven by social media platforms. People's wellbeing must be prioritised over commercial profits from social media platforms' marketing practices.

Summary of recommendations to the consultation

We welcome the opportunity to provide a submission to the Joint Select Committee on Social Media and Australian Society.

Our specific concern when it comes to the influence and impacts of social media on Australian society relates to the harms that arise from the online promotion and sale of harmful and addictive products, primarily alcohol, but similarly gambling and unhealthy foods on social media platforms.

The issue of harmful social media marketing practices, and digital marketing practices more broadly, continues to fall through the gaps of existing and recommended regulatory frameworks and warrants greater consideration in regulatory reforms seeking to prevent harms to Australians when online.

Our submission has relevance to the Committee’s following Terms of Reference (TOR):

- (d) the algorithms, recommender systems and corporate decision making of digital platforms in influencing what Australians see, and the impacts of this on mental health;
- (e) other issues in relation to harmful or illegal content disseminated over social media, including scams, age-restricted content, child sexual abuse and violent extremist material; and
- (f) any related matters (to which we submit that social media marketing systems are not effectively regulated to prevent harm to Australians from their digital marketing practices).

Related to TOR E, we present the issue of social media marketing of harmful and addictive products as a form of harmful content disseminated over social media. Related to TOR D, we present that the algorithms and recommender systems that underpin social media platform marketing models are harmful by design and amplify and exacerbate the issue of harmful product marketing and subsequent harms to Australians. We discuss the bi-directional relationship between alcohol use and mental health and how social media platform marketing exacerbates this issue. Related to TOR F, we raise that social media marketing systems are not effectively regulated to prevent harm to Australians from their digital marketing practices.

We make the below recommendations to the Committee.

No.	Recommendation
1	The Australian Government address the issue of harm from digital marketing practices.
2	<p>The Australian Government develop a regulatory framework with a legislative basis that effectively governs digital platform marketing systems. This framework should incorporate:</p> <ul style="list-style-type: none"> • Protections for children and people most at risk of harm from digital marketing of harmful and addictive products like alcohol, gambling, and unhealthy foods, • Surveillance and enforcement systems that deter non-compliance, and • Appropriate resourcing and powers to ensure effective implementation.
3	<p>Protections addressing digital marketing of harmful and addictive products should include the following requirements:</p> <ul style="list-style-type: none"> • Prohibit online platforms from advertising addictive and harmful products – including alcohol, gambling, and unhealthy food – to children, • Prohibit online platforms from advertising addictive and harmful to a person on digital platforms, unless the person has provided active, informed, and non-incentivised opt-in consent to receive this material, • Prohibit online platforms from using personalised targeted marketing of addictive and harmful products on digital platforms (regardless of consent), and • Require online platforms to display an evidence-based warning on all advertisements for addictive and harmful products that are advertised (i.e., where a person has provided consent to receive this advertising content).
4	Implement mandatory requirements for social media platforms to make advertising information accessible, including their data practices and automated decision systems, and advertising for harmful and addictive products on their platforms.

Harm from social media marketing systems

Recommendation: The Australian Government address the issue of harm from digital marketing practices.

Everyone should be able to enjoy the benefits of using digital technologies to work, learn and play. This can happen when we have safe digital environments that support people's health and wellbeing. Our specific concern when it comes to protecting people on social media platforms relates to the harms that arise from the online promotion and sale of harmful and addictive products, primarily alcohol, but similarly gambling, and unhealthy foods.

Social media platform marketing systems are geared toward creating harm

Social media platforms have designed algorithmic models that feed on people's intimate lives so that advertisers can learn and target people's predispositions with personalised advertising most likely to affect the individual.¹³ The algorithmic models are designed to target individual characteristics, interests and behaviours, to exploit an individual's specific susceptibilities to advertising content.¹³ Further, the programmatic advertising systems employed by social media platforms aim to identify people who are most likely to make a purchase, and to spend higher amounts when doing so, who then become a core target group for advertisements.^{2, 11, 12} To ensure the content of the advertisements are most likely to resonate with a person, 'dynamic' advertisements are used, tailoring the sales promotion, price and product in the advertisement automatically based on the information deduced about individuals.^{1, 2}

Companies selling harmful and addictive products – such as alcohol, gambling, tobacco and unhealthy food – use these sophisticated digital systems and tools to aggressively market products that hurt people's health and wellbeing.¹⁻³ This means people most at risk of harm from these products are being disproportionately targeted by marketing for these harmful products. For example, a recent Australian study found that alcohol companies target Australians with high-risk alcohol use with more frequent alcohol advertising promoting alcohol to be purchased online and delivered into the home than people with low-risk alcohol use.¹⁶

Alcoholic products cause significant harm to Australians. Alcohol use is causally linked to over 200 disease and injury conditions¹⁷ and nearly 6,000 people lose their lives and more than 144,000 people are hospitalised from use of alcoholic products each year.⁴ Alcohol use contributes 4.5% of the total burden of disease in Australia.¹⁸ Alcohol is an addictive substance. The 2019 National Drug Strategy Household Survey found that 10% of Australians who used alcohol products were likely to meet the criteria for alcohol dependence.¹⁹

In addition to the harm to people who use alcohol, alcohol has broader harmful impacts in the community. Research indicates that almost half of all Australians (around 10 million people) have been harmed from another person's alcohol use.²⁰ Among the harmful impacts of alcohol is its role as a trigger and exacerbating factor in family violence. Australian and international research has established a clear association between alcohol use and the frequency and severity of family violence.^{8, 9} Between 23 per cent and 65 per cent of police reported family violence incidents in Australia are estimated to involve alcohol.¹⁰

Alcohol companies prey on people most at risk of harm, as this is where their highest profit comes from. In 2019 alcohol companies sold the most alcohol to the heaviest drinking 5% of the Australian population, with this group using 36.1% of all alcohol (drinking almost eight standard drinks per day). The heaviest drinking 10% of the Australian population accounted for 54.1% of all alcohol consumed (drinking almost four standard drinks per day).²¹ By design, platforms and companies target advertising to people who purchase products the most.^{2, 11, 12} For example, if people are using alcoholic products in large quantities, alcohol companies target more marketing material to these people,¹⁴ encouraging them to continue a high level of alcohol use.

With harmful and addictive products, this means that this this form of targeting has the potential to cause the most harm.

The advertising methods afforded to alcohol companies by social media platforms enables them to deliver highly personalised digital marketing campaigns that target specific demographics and behavioural profiles, including high frequency of alcohol use. The extensive information accessed for digital marketing can be joined together because of the deep integration between social media platforms and alcohol companies. Social media platforms use information from an alcohol company's website and loyalty program to generate 'custom' audiences made up of the alcohol company's existing customers, and then the platform develops 'lookalike' audiences of potential new customers who have similar characteristics to the alcohol company's most valuable existing customers (i.e., people who make more frequent purchases or spend large amounts on alcoholic products) and target this audience with alcohol advertisements.¹

Alcohol companies know that these sophisticated marketing databases result in higher use of alcoholic products than traditional forms of marketing²² and continue to invest heavily in these marketing methods. For example, the alcohol and gambling corporation Endeavour Group have developed and continue to invest heavily in their EndeavourX initiative, which uses an AI-powered personalised marketing engine to drive increased sale of alcoholic products.²³ Endeavour Group's personalised marketing engine is fuelled by information about individuals, including data collected on 6.2 million Australians through their My Dans program alone,²⁴ and is trained to find and target people who are most likely to click through an advertisement to buy alcoholic products.²³ Endeavour Group have described their digital marketing method as the "Netflix approach" whereby they collect extensive personal information to target individuals with personalised marketing – continually encouraging them to buy more alcohol.¹⁴

Alcohol advertising through social media platforms creates harmful online environments

The community are bombarded with advertising for alcohol when they are online. An analysis from FARE and The University of Queensland investigating alcohol advertising online found almost 40,000 distinct alcohol advertisements were published on Meta platforms over a 12-month period from 351 alcohol producers, retailers and licenced venues. This averages 765 alcohol advertisements going out into the community each week through Meta platforms alone.²⁵

The ability for alcohol companies to target an individual with alcohol marketing specifically designed to appeal to them, directly to the palm of their hand through their devices, means it is difficult for people wanting to reduce their alcohol use to escape this pervasive marketing. This advertising exploits people's vulnerability to influence them to impulsively purchase alcohol products and is particularly harmful and unethical.

A survey by FARE and VicHealth conducted with 220 people seeking to reduce alcohol, gambling and unhealthy foods found that over 90% of participants were concerned about online marketing for the products they are trying to reduce and 83% felt that seeing marketing for these products makes it harder for them to reduce their use or consumption of these products.²⁶ Participants indicated they would prefer to see less or no online marketing for the products they are trying to reduce (between 89% and 96%) and 42% stated unprompted that they want to see better regulation of this marketing (see select quotes from survey participants below).²⁶

"I struggle with alcohol and have struggled with gambling in the past so when I see [online advertisements], I sometimes get tempted and triggered...The constant bombardment with the marketing is wearing down my resilience." – FARE Survey Participant

“I am an alcoholic and I feel targeted with marketing that promotes alcohol despite choosing preferences within browsers not to see alcohol.” – FARE Survey Participant

“I have found myself thinking about purchasing alcohol more when I see advertising all the time. I probably have started buying a bit more online as a result.” – FARE Survey Participant

“The fact that both gambling and alcohol seem to be ‘self-regulating’ is very concerning. There should be a ban on both.” – FARE Survey Participant

A review of research with people experiencing alcohol problems suggests that the more a person uses alcohol, the more attentive they are to alcohol cues like marketing, which in turn leads to increased cravings for alcohol.²⁷ This creates a harmful cycle in which alcohol marketing becomes more noticeable the more a person craves and uses alcohol, and the more a person notices alcohol marketing, the more they crave alcohol. Social media marketing models fuel this cycle by sending more alcohol advertising to people who use more alcohol, as discussed above.

Concerningly, social media advertisements are also becoming intrinsically linked to online sale and delivery of alcohol. Research from FARE and The University of Queensland, has found many alcohol advertisements on Meta platforms contain a direct link to an online platform where alcohol is sold through buttons imbedded in the advertisements, with over three quarters of alcohol retailer advertisements containing a button prompting the purchase of alcohol products.^{25, 28} In this way, alcohol advertising on social media integrates advertising with retail, meaning social media platforms are now playing a role in significantly expanding alcohol availability.¹

This introduces an additional dimension to the issue of alcohol advertising, where the advertisement becomes the storefront. This is coupled with alcohol retailers relentlessly promoting alcohol home delivery through social media advertising, which can see alcohol delivered into homes in less than 30 minutes. Rapid alcohol delivery amplifies the harm from predatory targeted alcohol advertisements, pushing people to buy alcohol impulsively from their phones at the touch of a button and have it delivered in fast timeframes. FARE’s 2020 Annual Alcohol Poll found the majority (70%) of people who ordered alcohol via rapid alcohol delivery drank alcohol at high-risk levels, including 38% who drank more than 10 standard drinks on the day of delivery.²⁹

Online alcohol advertising linked with rapid alcohol delivery is a highly dangerous model of alcohol marketing and supply, which causes serious harms, including deaths. In 2021, Jimmy Brings was investigated by the NSW alcohol regulator over the death of a 49-year-old man. Jimmy Brings delivered the man nearly daily deliveries of wine and spirits. The company sold him \$24,000 worth of alcohol across almost 300 orders, often multiple bottles a day, in the three years prior to his death. On one occasion, he placed an order before placing the exact same order 10 minutes later.³⁰ Despite this, Jimmy Brings continues to disseminate hundreds of advertisements via Meta social media platforms each year, with FARE’s research showing the company disseminated almost 1000 ads over a 19-month period following this death with almost all of these advertisements containing a button with a direct link to alcohol sale.²⁸

FARE often hears from community members affected and concerned by this expansion of online sale and marketing of alcohol products. Shanna Wan, CEO of Sober in the Country, and Local Hero – Australian of the Year in 2022, spoke to FARE about the unsafe online environment created by online alcohol marketing for her community (see story below). Another community member, Alex Bagnara spoke to FARE about her close friend who died from kidney failure that was secondary to alcohol-related liver disease. Alex believes her friend’s alcohol use intensified when he started to have alcohol delivered during the COVID-19 pandemic lockdowns through a company that delivers alcoholic products in as little as 20 minutes and spoke about the

contribution of online alcohol advertising and sale to the harms faced by her friend (excerpts below, see her full story [here](#)).



“I can’t begin to tell you how frequently I hear from people in my community who are trying to stay sober, but they are seeing this avalanche of alcohol advertising coming at them on social media. It is absolutely overwhelming.

Young people and people who are in detox and early recovery are really struggling with the ads they are seeing online.

They’re being targeted by algorithms, and they don’t even know how it is happening. It’s insidious, it’s constant, and there’s no getting away from it.

When these ads are linked to rapid online delivery, bringing alcohol into people’s homes in less than 30 minutes, they are even more harmful. People are seeking help for alcohol dependency and then in their face is an ad saying, ‘I can bring this to your door’.

I know a lady who died recently, she drank herself to death in her own home, and that grog was being delivered to her religiously. It’s just devastating.”

Shanna Whan

CEO Sober in the Country / Local Hero – Australian of the Year 2022



“I think the availability of fast delivery alcohol, and the targeted ads he was shown on social media, contributed to my friend’s death.”

“Alcohol companies would send him push notifications with special deals and reminders, when he was in a really vulnerable state.”

“They would deliver him alcohol with little or no vetting. I am sure that there were times when he was sold alcohol online, while already intoxicated – and that if he had gone into a licensed premises, he may have been denied service.”

Alex Bagnara

Social media platforms enable and encourage marketing of alcohol to children and young people

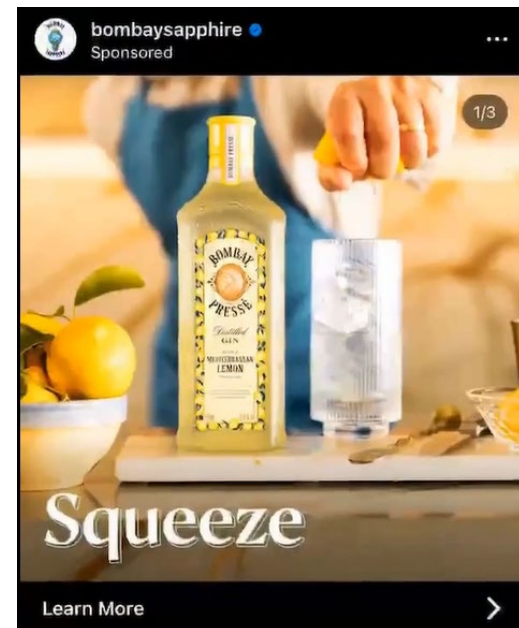
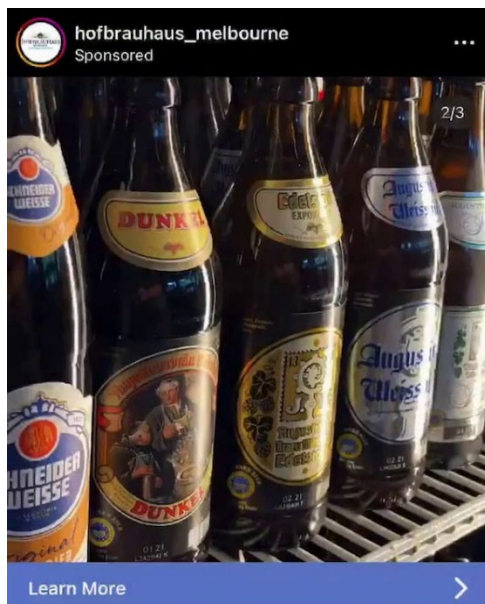
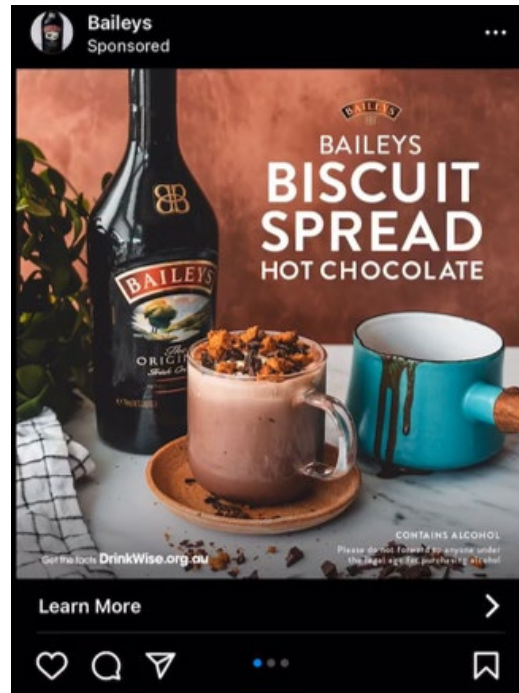
Social media platforms similarly engage in harmful profiling of children and young people to sell advertising opportunities, enabling and encouraging companies – including those selling harmful and addictive products – to target children and young people with marketing. Many examples have recently demonstrated this repeated behaviour by Meta.

Meta has been shown to have gathered psychological insights on almost 2 million children in Australia and New Zealand to sell targeted advertising.³¹ This includes monitoring children in real-time to identify their current mood, including when they feel ‘overwhelmed’ and ‘anxious’, to sell targeted advertising.³¹ Meta uses data it collects about young people to infer whether a young person might be susceptible to harmful product marketing, tagging children and young people as interested in harmful products such as alcohol, gambling and unhealthy food for marketing purposes,^{32,33} and approving sponsored content promoting these harmful products to be targeted at children.³³ Further facilitating this harmful marketing to children, Meta charges approximately \$3 for alcohol advertising to be sent to 1000 Australian children aged 13-17 years old.³³

Research by VicHealth conducted with adolescents and young adults aged 16-25 years old provides further insight into the ways in which Meta’s advertising model is tuned to learn and target young people’s predispositions toward the consumption of harmful and addictive products.³⁴ The research found that, on average, the young participants had 194 advertisers upload data about them to Meta and that the Meta advertising model generated 787 advertising interests about them.³⁴ The Meta advertising model assigned an average of 6.3 alcohol-related advertising interests to the young participants, including 41 alcohol-related advertising interests that were assigned to 5 participants who were under the age of 18 (e.g., ‘alcohol’, ‘beer’, ‘Dan Murphy’s’, ‘Vodka’). Two alcohol retailers had uploaded data about a participant under the age of 18 years old.³⁴ As a result, the young participants reported being frequently exposed to advertising for harmful and addictive products like alcohol and gambling on social media platforms, including participants aged under 18 years old.³⁴ Combined, the 54 young people aged 16 and 17 years old captured 104 alcohol advertisements and over half reported seeing targeted alcohol advertisements on social media either regularly or sometimes (17.2% and 41.4% respectively).

Recent Australian research similarly shows that young Australians are frequently targeted with alcohol advertising when online. A recent Australian pilot study found that on average children were targeted with at least six alcohol ads on a day they went online, with one teenager in the study targeted with 14 alcohol ads over a typical 2-hour period they spend online.³⁵ Alcohol ads included youth-oriented content, for example ads for lamington and cake flavoured vodka ready-to-drink products and alcoholic hot chocolates, and included interactive buttons prompting young people to ‘learn more’ about these products (see examples below).³⁵

Another recent Australian study with 125 young Australians aged 17-25 years found that over half (57%) of the young people were targeted with alcohol ads on Meta social media platforms. The 71 young people targeted with alcohol ads captured a combined total of 796 alcohol ads over a 30-minute period they spent browsing Facebook or Instagram – this equates to an alcohol ad being targeted to young people every 3 minutes they are on social media platforms. The study also found that teenagers under 18 years of age were among participants targeted with alcohol advertising when they were on Meta platforms.³⁶



Emerging research indicates that, in the same way described in the sections above, social media platform marketing systems target children and young people most likely to use alcohol with alcohol advertising. A recent Swedish study found that young people with previous alcohol use were seeing more alcohol advertising on social media platforms than young people without previous alcohol use.³⁷ Further, the study found social media platforms also facilitate young people under the legal age in purchasing alcoholic products, and that young people accessing alcohol through social media platforms were more likely to drink higher quantities of alcohol.³⁷

Evidence clearly shows that young people's exposure to alcohol marketing increases the likelihood they will start drinking alcohol at a younger age and that they will go on to drink alcohol at high-risk levels later in

life.^{15, 38} This is similarly shown to be the case with digital marketing specifically, with exposure to alcohol digital marketing increasing young people’s intention to drink alcohol, positive attitude toward alcohol use and actual alcohol use.^{39, 40}

Social media platforms are undermining children’s rights by their extensive profiling and targeting of children and young people online. In the General Comment on children’s rights in relation to the digital environment, the United Nations Committee on the Rights of the Child set out that businesses should be prohibited by law from “profiling or targeting children of any age for commercial purposes on the basis of a digital record of their actual or inferred characteristics.”⁴¹ The United Nations Committee on the Rights of the Child further set out that regulatory frameworks should be comprehensive in ensuring that social media platforms adhere to the highest standards of ethics, privacy and safety in relation to the design, engineering, development, operation, distribution and marketing of their products and services, and that this includes the need for high standards of transparency and accountability.⁴¹

At a recent event at Parliament House, *Digital Youth – Keeping kids healthy and safe online*, youth advocates Planning Saw and Khalid Muse spoke about the impact of harmful product marketing on themselves, their peers and young people they work with, and called on parliamentarians to take action and address this issue facing their communities (see excerpts below).

“These companies [gambling, alcohol and unhealthy food] specifically target those most harmed by their products – they exploit individuals struggling because they know that repeated exposure pulls them back in.

I remember the first time I made a bet. It was during the COVID-19 pandemic. I was away from family, stressed, and really felt like I needed a win. Being a huge sports fan, placing a bet felt like a strategic opportunity. What closed the deal was the free bonus bet I was offered. I’m sure you can predict what happens next in this story. The short-term highs were met with worse losses and had left me feeling more anxious than before. I was lucky to have the support of a close loved one.

After a few failed attempts at quitting, I self-excluded from all betting apps in 2022 and have never made a bet since. Yet, I still get Sportsbet ads when watching NBA highlights.”

Planning Saw
Youth Advocate and Medical Student



“I’m tired of my generation being relentlessly targeted and manipulated by industries and companies that just want to make profits from products that have been proven to cause a lot of harm – especially among ethnic-minority communities like mine where existing historical and socioeconomic vulnerabilities are exploited.

Growing up I was conditioned to believe that it is a self-control issue but what I have come to realise is that these systems are not conditioned for young people like me to thrive. I realised that this predatory harmful marketing is carefully planned, and we cannot escape it.

Whether it’s seeing celebrities like Snoop Dog promoting Menulog, elite athletes promoting Red Bull, junior sports clubs sponsored by McDonalds, or live sports being utilised as an avenue to promote alcohol and unhealthy food. The interplay of the things that make us happy are overlaid with pervasive marketing. And at some point, it is just too hard to resist.”

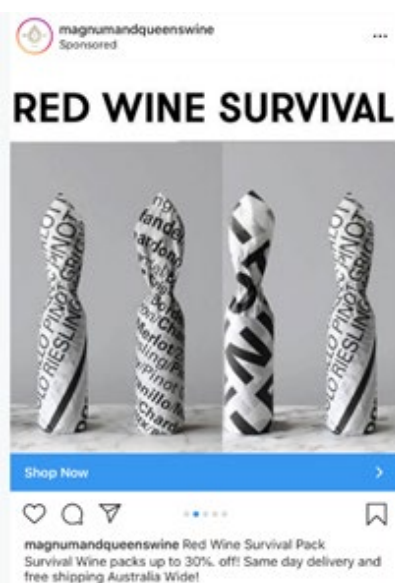
Khalid Muse
Youth Advocate and Associate Research Fellow



Social media marketing of alcohol targets alcohol and mental health issues

Alcohol is commonly positioned as a way to reduce stress and anxiety and this theme is present in alcohol advertisements on social media platforms.

During the height of the COVID-19 pandemic, a time when the Australian community were experiencing heightened levels of isolation, anxiety, and economic uncertainty,⁴² alcohol companies used social media platforms to profit from Australians when they were doing it tough to promote alcoholic products as a way to cope and feel better during the pandemic (see examples below).⁴³



An analysis of alcohol marketing on social media platforms has similarly found that alcohol companies use social media to target and promote alcohol use among mothers, using the theme of the everyday stresses involved in parenting, with alcohol use promoted as a way for mothers to de-stress and relax.⁴⁴ With the extensive data collected for the purpose of targeting people with advertising on social media platforms, this advertising is most likely to be targeted at women, advertising the alcohol products that most likely appeal to them and at times when they are most persuadable to purchase alcohol.

As described above, social media platforms have been found to collect data on Australian children to identify when they are feeling overwhelmed and anxious to sell targeted advertising.³¹ It is likely that this similarly occurs for other audiences, and could be used to target people with alcohol advertising when they are feeling stressed or anxious, and in this way would disproportionately target people experiencing poor mental health and wellbeing.

The algorithms and recommender systems that underpin social media platform marketing systems are also likely to target alcohol marketing during content that indicates vulnerability of the viewer. For example, paid advertising by Carlton & United Breweries on YouTube was targeted during the video “How I Cured Years of Depression Within Days (Do These 4 Things).” The advertisement’s core theme promoted alcohol use as central to social connection. There are little protections in place to prevent this harmful placement of alcohol advertising from occurring. When the alcohol industry body that have tasked themselves with overseeing alcohol marketing in Australia were notified of this harmful placement of alcohol advertising on social media, they dismissed the community complaint stating that their self-developed marketing scheme is not designed to protect people at risk from alcohol harm, including people experiencing co-occurring mental health and alcohol use conditions.⁴⁵

Alcohol advertising that uses themes suggesting alcohol might improve mental wellbeing and that is targeted at people with poor mental health and wellbeing is particularly harmful, as scientific evidence shows that alcohol use can contribute to increased stress, anxiety, and depression in the long-term, and increased risk of attempted suicide.^{7, 46} Further, this advertising goes against the evidence-based NHMRC Australian Guidelines to Reduce Health Risks from Drinking Alcohol, which state that alcohol should not be used to cope with stress and anxiety, as it can amplify these problems.⁷

There is a strong association between high-risk and dependent alcohol use and mental health conditions such as anxiety and depression.⁴⁷ People are more likely to have higher alcohol use if they have more severe symptoms of depression or anxiety.⁴⁸ Stress can lead to the onset and maintenance of high-risk alcohol use, and alcohol can also be used in attempt to manage anxiety.⁴⁸ Social isolation and loneliness are associated with both high-risk alcohol use and anxiety and depression.^{49, 50} In this way, the association between alcohol use and poor mental health and wellbeing is bi-directional, in that alcohol use and mental health are each a cause and a consequence of each other.

Alcohol advertising that uses themes that suggest alcohol might reduce stress that is propagated on social media platforms and targeted at people with high-risk alcohol use or dependency are therefore likely to feed into and worsen this co-occurrence of high-risk alcohol use and poor mental health.

Preventing harm from marketing on social media platforms

Harm from digital marketing is falling through the gaps of existing and recommended regulatory frameworks

The issues we raise during this consultation are similar to those we have raised during the recent Australian Government consultations on the review of the Privacy Act, the Basic Online Safety Expectations, the Privacy

Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill and the Review of the Online Safety Act. However, these legislative instruments are all currently limited in their capacity to comprehensively address the issue of reducing harmful digital marketing practices by companies selling harmful and addictive products like alcohol. Comprehensive government regulation to protect people from harmful digital marketing practices is needed.

The Australian eSafety Commissioner has recently noted that harmful and targeted advertising, including advertising relating to alcohol and gambling, is a cross-cutting online harm concerning various government departments and regulators that is in need of regulatory attention.⁵¹

The issue of harmful digital marketing has similarly been identified as a regulatory gap between online safety, privacy and competition and consumer protection regulations in the United Kingdom (UK). In response, the UK Government considered specific measures for regulating online advertising in the UK through their Online Advertising Programme consultation.⁵² The Online Advertising Programme aims to ensure holistic coverage across the online content that can create harm for consumers and businesses, spanning both illegal and harmful but legal content online.⁵² The Online Advertising Programme consultation specifically identified advertising for alcohol, gambling and unhealthy foods as harmful advertising content. It identified a full statutory approach that addresses all actors within the digital marketing ecosystem as the most likely approach to be effective at increasing transparency and accountability of digital marketing, thus enabling effective action to prevent harms from digital marketing.⁵²

As part of its Online Advertising Program reforms, the UK Government has announced that it will introduce legislation to protect children and young people from the content, targeting and placement of advertising for products that are illegal to be sold to them, including alcohol, gambling and e-cigarettes.⁵³

A regulatory framework with a legislative basis is needed to govern digital platform marketing systems

Recommendation: The Australian Government develop a regulatory framework with a legislative basis that effectively governs digital platform marketing systems. This framework should incorporate:

- **Protections for children and people most at risk of harm from digital marketing of harmful and addictive products like alcohol, gambling, and unhealthy foods,**
- **Surveillance and enforcement systems that deter non-compliance, and**
- **Appropriate resourcing and powers to ensure effective implementation.**

A regulatory approach addressing the systemic issues with the way digital platforms, including social media platforms, are design and geared toward creating harm is needed. We need to place greater responsibility on online platforms by implementing a regulatory approach beyond industry-developed and administered codes of practice. Online platforms have demonstrated that they will not proactively seek to change without legal and regulatory measures that set standards for online safety and ensure transparency and accountability. This is because online platforms have vested commercial interests that conflict with promoting a truly safe online environment.

This is evident by leaked Meta research and documents showing the company is aware of how its social media platforms harm its users, including to children, but refuse to take meaningful actions to counter this because it conflicts with their core business objectives.^{54, 55} Speaking to these issues, former employee of Facebook, Frances Haugen, has stated:

“The thing I saw at Facebook over and over again, was there were conflicts of interest between what was good for the public and what was good for Facebook. And Facebook, over and over again, chose to optimise for its own interests, like making more money⁵⁴...

Facebook has realised that, if they change the algorithm to be safer, people will spend less time on the site, they will click on less advertisements, they will make less money.”⁵⁶

It is evident from past and present examples, that alcohol and social media platform company codes are ineffective at meeting the needs of the public interest. In July 2021, ahead of the UK’s Age Appropriate Design Code, Facebook announced that they would “*only allow advertisers to target ads to people under 18 (or older in certain countries) based on their age, gender and location.*”⁵⁷ Following these claimed changes by Facebook, an investigation by Reset Australia found that Facebook continues to harvest children’s data, such as their browsing histories and other online activities, through their Facebook Pixel.⁵⁸ The Facebook Pixel provides even more information about individuals than traditional third-party cookie tracking.⁵⁹ There is no legitimate reason for Facebook to do this other than to fuel its advertising delivery system. In effect, the measure taken by Facebook does nothing to prevent their AI systems from identifying, selecting, and targeting children that are most likely to interact with an advertisement based on information about their daily activities.

Alcohol companies and their lobby groups are also known in Australia to seek to prevent, undermine, or delay the introduction of evidence-based regulatory measures,^{60, 61} including marketing regulations.^{62, 63} When it is not possible to prevent reforms from occurring, the alcohol industry lobby for and adopt measures that are often ineffective. For example, research has consistently shown that industry codes of practice, such as the Alcohol Beverages Advertising Code Scheme, are ineffective at reducing exposure to alcohol advertising by people most at risk of harm from alcohol use, including young people.⁶⁴⁻⁶⁷

The failure of industry codes to effectively prevent harm in the online space has been acknowledged in the Australian Government consultation on the Basic Online Safety Expectations, which raised the need for government to develop regulations to ensure safe online environments. Similarly, the need to prevent vested commercial conflicts of interest in policymaking has recently been acknowledged in the National Preventative Health Strategy 2021-2030, which states that public health policies must be protected from influence by vested and commercial interests (p40).⁶⁸

Given that many social media platforms are built for selling marketing opportunities to companies and subsequently target their users with marketing via their platforms, we cannot expect, or trust, social media platforms to implement effective measures that limit current marketing activities to ensure a safe online environment. Their interests are too conflicted on this matter.

A regulatory framework with a legislative basis that effectively governs marketing on digital platforms, including social media platforms, is needed. This must incorporate surveillance and enforcement systems that seek to hold digital platforms and advertisers accountable for their digital marketing systems and activities to ensure that meaningful implementation of regulations ensues. Appropriate resourcing will be required to ensure the required surveillance and enforcement measures needed to address complex digital environments.

Protecting children and others most at risk of harm from digital marketing of harmful and addictive products

Recommendation: Protections addressing digital marketing of harmful and addictive products should include the following requirements:

- **Prohibit online platforms from advertising addictive and harmful products to children,**
- **Prohibit online platforms from advertising addictive and harmful products – including alcohol, gambling, and unhealthy food – to a person on digital platforms, unless the person has provided active, informed, and non-incentivised opt-in consent to receive this material,**
- **Prohibit online platforms from using personalised targeted marketing of addictive and harmful products on digital platforms (regardless of consent), and**
- **Require online platforms to display an evidence-based warning on all advertisements for addictive and harmful products that are advertised (i.e., where a person has provided consent to receive this advertising content).**

Current measures are not effectively protecting children and others most at risk of harm from digital marketing of harmful and addictive products online. As we have recommended above, the Australian Government should seek to address the issue of harm from digital marketing practices. This should include the introduction of protections for children and others most at risk from digital marketing of harmful and addictive products like alcohol, gambling, and unhealthy foods. The overarching goals should be:

- To prevent children and others most at risk of harm from being exposed to digital marketing of harmful and addictive products in online environments, and
- To prevent harmful data-driven marketing for harmful and addictive products.

The Privacy Act provides an avenue for addressing the latter goal, with recommendations from the Review of the Privacy Act currently being progressed. This includes measures regarding the use and disclosure of children’s data and data-driven marketing to children online, and the need to ensure data collection, use and disclosure are in the best interest of the child. While the details of this regulation are yet to be developed, it is essential that regulatory measures (e.g., via the Children’s Online Privacy Code that is proposed) set out that it is never in the child’s best interest for companies that sell or marketing harmful and unhealthy products to collect, use or disclose information about a child, or that a child’s information is collected, used or disclosed for marketing of harmful or unhealthy products.

A notable gap of the measures being progress through the Review of the Privacy Act, is in addressing harm from data-driven online marketing (including the systems underpinning the delivery of online advertising) to others in the community, including those experiencing vulnerabilities. Measures that sought to make digital marketing and underpinning digital marketing systems safe for everyone would protect not only the whole community, but also children and people experiencing vulnerabilities.

Regarding the former goal, existing regulation and proposed digital reforms are limited in their scope to address the issue of harmful digital marketing in its entirety. For example, non-data driven marketing online can also be harmful, such as the examples discussed in above sections related to addictive and harmful products. As discussed above, this topic continues to fall through the gaps of ongoing regulatory discussions across digital reforms and the Australian Government should specifically seek to address the issue of harm from digital marketing practices.

Protections addressing digital marketing of harmful and addictive products should include the following requirements:

- Prohibit online platforms from advertising addictive and harmful products – including alcohol, gambling, and unhealthy food – to children,
- Prohibit online platforms from advertising addictive and harmful products to a person on digital platforms, unless the person has provided active, informed, and non-incentivised opt-in consent to receive this material,

- Prohibit online platforms from using personalised targeted marketing of addictive and harmful products on digital platforms (regardless of consent), and
- Require online platforms to display an evidence-based warning on all advertisements for addictive and harmful products that are advertised (i.e., where a person has provided consent to receive this advertising content).

There is strong community support for measures to keep Australians safe from online alcohol advertising.

Nationally representative surveys have shown that three quarters of Australians agree that age restricted products should not be advertised in places where children can see,⁶⁹ and support the introduction of laws that would protect children and young people from seeing alcohol advertisements when they are online.⁷⁰

A nationally representative survey shows that almost two thirds of Australians (65%) are concerned about social media platforms collecting their personal data that can be accessed by alcohol companies for marketing purposes and three in four Australians (76%) feel that alcohol companies should not be allowed to collect their data online and use it to target them with alcohol marketing.⁷⁰

Similar public concern and sentiment has been observed in representative surveys of Australians living in Queensland, South Australia and the Australian Capital Territory, in which between 72% and 75% of people agreed that data on people's activity online should not be collected or used to market alcoholic products.⁷¹⁻⁷³ These surveys also showed that the majority of people agree that alcohol companies should not be allowed to send push notifications to a person's phone prompting them to purchase alcohol (77%-84%), that there should be strong penalties for alcohol companies that advertise to people who have opted out of this advertising (78%-87%), and that health warnings should be shown on all alcohol advertisements online (78-84%).⁷¹⁻⁷³

Creating transparency in social media platform marketing

Recommendation: Implement mandatory requirements for social media platforms to make advertising information accessible, including their data practices and automated decision systems, and advertising for harmful and addictive products on their platforms.

To support the implementation of regulation of digital marketing, mandatory requirements should be implemented for online platforms, including social media platforms, to make advertising information accessible, including their data practices and automated decision systems.

Digital marketing is becoming increasingly personalised, targeted and ephemeral. While social media platforms are developing increasingly complex data-driven digital marketing systems that provide marketers with intimate insights into people's lives, their activities are becoming less visible to the public.

Research we are currently undertaking with The University of Queensland to understand the digital marketing landscape has demonstrated that leading social media platforms fail to make the operations of their advertising models transparent enough for independent observation and monitoring.⁷⁴ Although social media platforms and advertising agencies have access to detailed information about the digital marketing activities they provide, in the absence of regulatory requirements for transparency, they have failed to make this information accessible. This means that the true nature and extent of harmful digital marketing practices remain largely under the radar and social media platforms are not being held accountable for the harm perpetuated by their business actions.

Regulatory measures compelling transparency and accountability in the actions of social media platforms is essential for protecting people from harmful digital marketing practices and prioritising people’s health and safety. We recommend that mandatory measures are implemented requiring social media platforms to make information accessible about advertising and their practices around the use of data and automated decision systems. Specifically, social media platforms should be required to:

- Provide clear and simple explanations addressing the kinds of personal information the platform collects and holds, how personal information is collected or generated, and how an individual may access and seek correction of this information.
- Be transparent about how automated decision systems are used to make predictions, recommendations, or decisions about which, and how, specific marketing content is sent to individuals.
- Tag all advertising for harmful and addictive products, and by companies selling harmful and addictive products, as such, and to report on this content to facilitate monitoring and regulatory enforcement.

As a basic measure, social media platforms delivering marketing content via their platform should also be required to provide accessible information about the advertisements through a publicly accessible archive of paid content on the platform. This would enable the public, civil society organisations and Government to monitor advertising in real-time.⁷⁴ At a minimum, the archive should provide the following:

- The capacity to access and analyse data through a dedicated application programming interface
- Access to a searchable dashboard
- Permanency of advertisement in the archive to enable a retrospective analysis
- Access to deleted advertisements
- Extraction of the advertisements and metadata for analysis
- Information on specific targeting criteria used for individual advertisements
- Information on spend for advertisements
- Information on the reach of advertisements (i.e., how many and the demographics of people exposed).

Additionally, to address the increasing presentation of advertising as native content seamlessly integrated into the fabric of digital content, social media platforms should be required to mark all marketing content as such clearly, including influencer posts and other sponsored content, identifying the advertiser along with specific information about why an individual has been shown the advertisement (for example, as required by the EU Digital Services Act, Article 26.)⁷⁵

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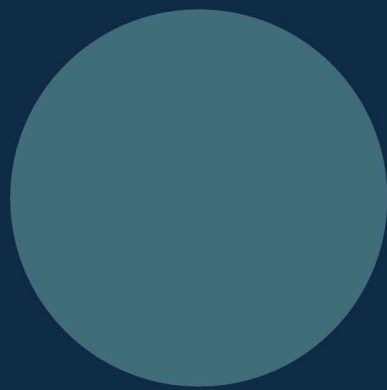
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