

# ALCOHOL ADVERTISING: THE EFFECTIVENESS OF CURRENT REGULATORY CODES IN ADDRESSING COMMUNITY CONCERNS



## SUBMISSION COVER SHEET

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**Australian National Preventive Health Agency  
Issues Paper**

**Alcohol Advertising: The Effectiveness of Current Regulatory Codes  
in Addressing Community Concerns**

**Submission by the McCusker Centre for Action on Alcohol and Youth**

**March 2013**

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## Executive Summary

There is significant concern among health groups and the community about drinking patterns among young people in Australia. Independent market research commissioned by the McCusker Centre for Action on Alcohol and Youth in 2012 shows that 94% of West Australian adults are concerned about alcohol use among young people in WA, and 98% are concerned about alcohol-related violence in WA.<sup>1</sup> There is also overwhelming community support for action in key areas to prevent harm from alcohol, including the regulation of alcohol advertising: 71% of West Australian adults support legal controls to reduce young peoples' exposure to alcohol advertising (with only 6% opposed).<sup>1</sup>

Key themes in our submission include:

- Curbs on alcohol advertising and promotion are an essential part of a comprehensive approach to preventing harm from alcohol.
- There is consensus among expert health groups including the National Preventative Health Taskforce, the National Alliance for Action on Alcohol, the Australian Medical Association and the World Health Organization in regard to the need for appropriate controls on alcohol advertising.<sup>2-5</sup>
- Exposure to alcohol advertising influences young people's beliefs and attitudes about drinking and their drinking behaviours.
- The protection of children and young people should be the primary focus of approaches to alcohol advertising regulation.
- We support the expert recommendations of the National Preventative Health Taskforce in regard to alcohol promotion, and believe they should form the basis of government alcohol policy.
- Self-regulatory approaches have consistently failed to prevent the exposure of children and young people to alcohol advertising and ensure that alcohol advertising is socially responsible.
- There is a need for action on alcohol advertising; not discussion, debate or delay.
- Independent, legislated controls on the content, placement and volume of all forms of alcohol advertising and promotion are urgently needed.

We have set out recommendations which we believe reflect the evidence and the best interests of the community, and will particularly benefit young people. Recommendations include:

- Implement the recommendations of the National Preventative Health Taskforce.
- Alcohol promotions should be phased out from times and placements which have high exposure to young people aged up to 25 years.
- Introduce strong, independent, legislated controls on all forms of alcohol promotion to ensure it is socially responsible and exposure to young people is minimised.
- Prohibit the placement of alcohol advertising where exposure to young people cannot be controlled.
- Independent regulation should cover the content, placement and volume of all forms of alcohol advertising, marketing, promotion and sponsorship.
- Introduce meaningful sanctions for non-compliance that genuinely act as a deterrent.
- Amend the Commercial Television Industry Code of Practice to prohibit alcohol promotion during live sports broadcasts.

- Adequate, sustainable funding should be made available to replace alcohol sponsorship of sport, music and other events and activities to which young people are exposed.
- Investigate further means of curbing young peoples' exposure to alcohol promotion via the internet and social media, including through an international response.
- Require alcohol companies to publicly disclose their annual marketing expenditure.
- Remove the tax deductibility of alcohol advertising.
- Consider applying levies on alcohol advertising.
- Consider introducing a system of corrective advertising, whereby alcohol producers and retailers are required to fund independent health organisations to run marketing campaigns (completely independent of any alcohol industry interests or involvement) about the harms of alcohol. This could be implemented through a levy on companies involved in alcohol promotion requiring that a sum equivalent to 25% of their marketing budgets be allocated for this purpose.

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## Introduction

Alcohol is the cause of an immense range of harms, yet is one of the most widely marketed products in Australia. The National Health and Medical Research Council recommends that young people under the age of 18 should not consume alcohol, yet they are heavily exposed to promotion not only of alcohol, but of products that appear to be designed for the youthful palate and advertising that targets younger age groups. Alcohol is promoted through an ever-increasing range of media, in the absence of any effective controls on quantum, placement or content.

Against this background, the National Preventative Health Taskforce was commissioned by the Government to develop a National Preventative Health Strategy, with a focus on obesity, alcohol and tobacco. The Taskforce reviewed the available literature and evidence, published position papers for discussion, sought and reviewed submissions, and consulted widely. The Taskforce's final report presented a comprehensive approach to alcohol, including recommendations about alcohol promotion.

One of the Taskforce's recommendations was that the effectiveness of the present voluntary approach to regulating alcohol promotion should be monitored and evaluated. This task devolved to the Australian National Preventive Health Agency (ANPHA - whose establishment also followed a recommendation from the Taskforce).

For reasons that are not clear (apparently following discussion with "key stakeholders" who are not identified), ANPHA determined not to follow the recommendation to review the effectiveness of the self-regulatory system, but to develop a further discussion paper on various forms of alcohol advertising, revisiting issues that had already been reviewed by the Taskforce and indeed many other expert groups.

While we have provided comment on the ANPHA paper, we believe that the Taskforce report should remain the primary document, that its recommendations should form the basis for action by governments, and that ANPHA should carry out the recommended task of reviewing current self-regulation processes.

We note that the alcohol industry and its supporting organisations will defend the current system of self-regulation. Any comments from this industry should be viewed from the perspective that the role of the companies involved is to sell as much of their product as possible, and that they will resist any effective curbs on their freedom to advertise and promote. Self-regulation by this industry is a dismal failure – as it is no doubt intended to be.

We do not accept that this is a responsible industry that genuinely seeks to minimise harms or has concerns about use of alcohol by young people if these conflict with commercial imperatives. This industry knowingly exposes children and young people to alcohol promotion, develops products for the youthful palate, and opposes a range of actions that might reduce alcohol problems. We support the view of the WHO Expert Committee on Problems Related to Alcohol Consumption (p48)<sup>6</sup>:

The Committee recommends that WHO continue its practice of no collaboration with the various sectors of the alcohol industry. Any interaction should be confined to discussion of the contribution the alcohol industry can make to the reduction of alcohol-related harm only

in the context of their roles as producers, distributors and marketers of alcohol, and not in terms of alcohol policy development or health promotion.

We are concerned that the ANPHA report gives undue credence to the positions taken by alcohol companies, to alcohol industry organisations (even presenting an organisation such as the International Center for Alcohol Policy as though it were a credible, independent authority). It is further a matter of concern that while the industry's self-regulatory processes are very fully described (albeit with some apparent inaccuracies), the inadequacies in these processes and the concerns of health and other groups are not well explored in relation to issues ranging from regulation to the development of new forms of promotion to which children and young people are heavily exposed.

Problems related to alcohol are a major cause for concern in the community. Recent surveys of West Australians show that 98% are concerned about alcohol and violence, and 94% are concerned about young people and alcohol.<sup>1</sup> 71% support legal controls to reduce young peoples' exposure to alcohol advertising (with only 6% opposed).<sup>1</sup> There is a need for action that recognises the urgency of this problem, not further discussion papers and reviews, which may be seen as a means of deferring action.

We therefore recommend that ANPHA support the implementation of the recommendations of the National Preventative Health Taskforce, with a further emphasis on new approaches to alcohol promotion through the Internet and new media, and complemented by supporting material from later publications and reports such as the AMA report, *Alcohol marketing and young people: time for a new policy agenda*, and the British report, *Health first: an evidence-based alcohol strategy for the UK*.

In the absence of any effective action, we further recommend that a system of corrective advertising be introduced, analogous to that implemented for televised tobacco advertising in the US in the late 1960s. This would entail the alcohol industry (producers and retailers) being required to fund independent health organisations to run marketing campaigns (completely independent of any alcohol industry interests or involvement) about the harms of alcohol. This could be implemented through a levy on companies involved in alcohol promotion requiring that a sum equivalent to 25% of their marketing budgets be allocated for this purpose.



## Background

The McCusker Centre for Action on Alcohol and Youth (the McCusker Centre) welcomes the opportunity to make a submission regarding the issues paper, *Alcohol Advertising: The Effectiveness of Current Regulatory Codes in Addressing Community Concerns*.

The McCusker Centre is an independent organisation committed to reducing harms from alcohol among young people. The work of the McCusker Centre is directed towards raising awareness of the magnitude of alcohol-related harms among young people, the approaches we know can work, other options and the need to act without delay. Alcohol advertising is a priority area of concern for the McCusker Centre.

The McCusker Centre is the Secretariat for the WA Alcohol and Youth Action Coalition, supported by 83 member organisations. The position of the McCusker Centre outlined in our submission is consistent with the position statements of the WA Alcohol and Youth Action Coalition.

The McCusker Centre is a supporting organisation of the National Alliance for Action on Alcohol (NAAA). Alcohol marketing and promotion is a priority area for action for the NAAA. We support the position of the NAAA in regard to alcohol marketing and promotion.

The key themes within our submission include:

- Curbs on alcohol advertising and promotion are an essential part of a comprehensive approach to preventing harm from alcohol.
- There is consensus among expert health groups including the National Preventative Health Taskforce, the NAAA, the Australian Medical Association and the World Health Organization in regard to the need for appropriate controls on alcohol advertising.<sup>2-5</sup>
- Exposure to alcohol advertising influences young people's beliefs and attitudes about drinking and their drinking behaviours.
- The protection of children and young people should be the focus of approaches to alcohol advertising regulation.
- We support the expert recommendations of the National Preventative Health Taskforce in regard to alcohol promotion, and believe they should form the basis of government alcohol policy.
- Self-regulatory approaches have consistently failed to prevent the exposure of children and young people to alcohol advertising and ensure that alcohol advertising is socially responsible.
- There is a need for action on alcohol advertising; not discussion, debate or delay.
- Independent, legislated controls on the content, placement and volume of all forms of alcohol advertising and promotion are urgently needed.

We support the recommendations of the National Preventative Health Taskforce in regard to alcohol advertising and promotion<sup>4</sup> which we believe should be the starting point for alcohol policy:

In a staged approach, phase out alcohol promotions from times and placements which have high exposure to young people aged up to 25 years, including:

- Advertising during live sport broadcasts

- Advertising during high adolescent/child viewing
- Sponsorship of sport and cultural events

Monitor and evaluate the effectiveness of the voluntary approach to alcohol promotions agreed by the Ministerial Council on Drug Strategy in April 2009.

Introduce independent regulation through legislation if the co-regulatory approaches are not effective in phasing out alcohol promotions from times and placements which have high exposure to young people up to 25 years.

Require health advisory information labelling on containers and packaging of all alcohol products to communicate key information that promotes safer consumption of alcohol.

Require counter-advertising (health advisory information) that is prescribed content by an independent body within all alcohol advertising at a minimum level of 25% of the advertisement broadcast time or physical space.

We are concerned that the recommendations of the National Preventative Health Taskforce have not been progressed by governments to date. The Taskforce reviewed alcohol issues and presented clear recommendations for comprehensive approaches, including action on alcohol advertising that we believe should be the starting point for ANPHA's position. The ANPHA issues paper does not give due attention to the Taskforce's recommendations, and it is not clear why the decision was made to conduct further review when the Taskforce had already undertaken this work. ANPHA was given a clear remit to "monitor the compliance of the alcohol industry with voluntary codes of practice and other commitments on responsible alcohol advertising" [p94].<sup>7</sup>

The House of Representatives Standing Committee on Social Policy and Legal Affairs conducted an inquiry into the regulation of billboard and outdoor advertising in 2011 which sought public submissions. The Committee outlined a range of recommendations relevant to ANPHA's issues paper in the report, *Reclaiming Public Space*,<sup>8</sup> which are consistent with those of the Taskforce and a range of other reviews and reports, for example, the Australian Medical Association's report *Alcohol Marketing and Young People: Time for a new policy agenda*,<sup>3</sup> RAND Europe's *Assessment of young people's exposure to alcohol marketing in audio-visual and online media*<sup>9</sup> and the Alcohol Health Alliance UK report *Health First: An evidence-based alcohol strategy for the UK*.<sup>10</sup>

The Issues Paper [section 3] refers to "consultation with...a number of key stakeholders" in regard to ANPHA's approach to alcohol advertising; however, we are not aware of who those stakeholders were. To the best of our knowledge, a range of key health groups in Australia were not consulted on this important matter.

## Alcohol and young people

There is significant concern among health groups and the community about drinking patterns among young people in Australia. Independent market research commissioned by the McCusker Centre in 2012 shows 94% of West Australian adults are concerned about alcohol use among young people in WA, and 98% are concerned about alcohol-related violence in WA.<sup>1</sup>

The NHMRC Australian Guidelines to Reduce Health Risks from Drinking Alcohol recommend that for children and young people under 18 years of age, not drinking is the safest option.<sup>11</sup> The use of alcohol by children and adolescents is therefore of concern, rather than the 'misuse' of alcohol as noted in the Issues Paper [section 26].

There is much cause for concern regarding young people's drinking behaviours. Eighty per cent of alcohol consumed by young people aged 14 to 24 years is consumed in ways that put the drinker's (and others') health at risk of acute harm, including from falls, assault injuries, road crashes and burns.<sup>12</sup> The 2010 National Drug Strategy Household Survey identified that one in three [33.1%] 14 to 19 year olds drink alcohol in a pattern that places them at risk of an alcohol-related injury from a single drinking occasion at least once a month.<sup>13</sup>

While it is encouraging that fewer Australian school students are drinking, of those who do drink, many drink at levels considered to place adults at risk of harm, and **levels of risky drinking among young people have not declined.**<sup>14</sup> Among current drinkers (those who have used alcohol in the 7 days prior to the survey), risky drinking has stayed at a similar level for older high school students, with 48% of 16 to 17 year old current drinkers having consumed more than four drinks on one occasion in the past seven days in 2011 (compared to 47% in 2008).<sup>14</sup> Many young people drink to get drunk; 45% of current drinkers aged 16 to 17 years report intending to get drunk on most or every occasion when they drink alcohol.<sup>14</sup>

In light of the NHMRC guidelines which recommend not drinking as the safest option for young people under 18, the fact that many young people continue to drink, and drink at risky level, is cause for concern. Drinking patterns among young adults are also concerning, with more than half of male and more than a third of female university students aged 17 to 25 drinking at hazardous levels at least once a month.<sup>15</sup>

As noted in section 26 of the Issues Paper, there are a range of short- and long-term negative outcomes associated with alcohol use by young people. Rates of alcohol-related harm in young people are unacceptable and have increased significantly over recent years, particularly those aged 16 to 24 years.<sup>16</sup> The range of alcohol-related harms experienced by young drinkers includes:

- Younger, risky drinkers are most likely to report a loss of memory, with over a third of those aged 12 to 17 years (37.7%) and 18 to 19 years (36.5%) reporting memory loss after drinking at least once in the previous month.<sup>13</sup>
- Almost half (45.8%) of all Australian school students aged 16 to 17 who report drinking in the previous week also report being sick or vomiting after drinking.<sup>14</sup>
- Young people are over-represented in road safety statistics.<sup>17, 18</sup>

- On average, five Australians under the age of 25 die from injury and disease caused by hazardous drinking in a week.<sup>19</sup>
- There is growing evidence that alcohol impacts on the developing brain and may be linked to alcohol-related problems in later life.<sup>11</sup> The brain continues to develop into the early 20s, and alcohol can irreparably damage young brains leading to problems with memory, planning and organisation, impulse control and mood regulation.<sup>20</sup>

The potential for harm extends beyond the drinker. Young people are impacted by others' harmful alcohol use in a number of significant ways.

- Alcohol use during pregnancy is a leading cause of preventable birth defects.<sup>21</sup>
- Young people are more likely to report being verbally abused, physically abused or put in fear by someone under the influence of alcohol than any other age group. One in five (21.4%) Australians aged 12 to 17 years and almost half of 18 to 19 year olds (46.9%) and 20 to 29 year olds (46.0%) have been victims of alcohol-related incidents in the previous year, including verbal abuse, physical abuse or being put in fear by someone under the influence of alcohol.<sup>13</sup>

## **Alcohol advertising, promotion, marketing and sponsorship**

Young people are exposed to alcohol promotion in a wide range of forms including television, radio, online (including social media, YouTube, mobile phones and websites), sponsorship (including sport and music events), print (including magazines and newspapers), outdoor (including billboards, bus shelters and on public transport) and product placement (including in music videos).

Alcohol companies and retailers spend hundreds of millions of dollars each year promoting their products. As expenditure on all forms of alcohol advertising and promotion is not publicly available, the available estimates are likely to significantly underestimate the total spend on all alcohol advertising and promotional activities. Alcohol advertising spend in Australia on direct television, radio, cinema, outdoor and print media only was estimated at \$125 million in 2007.<sup>22</sup> This is a very conservative estimate - the total advertising and promotional spend by the alcohol industry would be much higher when other forms of promotion, including sponsorship, internet advertisements and point-of-sale promotions are taken into account. Further, there has been a significant increase in advertising by liquor retailers. It is fair to assume that the level of alcohol advertising expenditure in Australia is substantially greater than \$500 million a year.

Alcohol is one of the most heavily marketed products in the world,<sup>23</sup> and the alcohol industry is becoming increasingly globalised. For example, Australian advertising companies are creating joint ventures with international advertisers to produce global marketing campaigns for multinational alcohol companies.<sup>24</sup> Anheuser-Busch InBev is the world's leading global brewer and has ambitions of making beer brand Budweiser the first truly global beer brand<sup>25</sup>, while Diageo is the world's leading premium drinks business and trades in around 180 markets<sup>26</sup>. Global alcohol companies spend billions of dollars on marketing; in 2012, Diageo's global marketing budget was reported as US\$2.74 billion.<sup>27</sup>

## **Internet and new media**

The ANPHA issues paper does not offer any significant discussion on alcohol advertising through the internet and new media. There is growing concern regarding the promotion of alcohol using social media and digital technologies due to the rapid expansion of digital communication and the extent to which young people have taken up such forms of communication.<sup>3</sup> The internet and new media are now areas of major investment for alcohol companies. For example, Diageo reportedly spends 20% of its global marketing budget on social media<sup>27</sup> and has a multi-million dollar partnership with Facebook<sup>28</sup>, and Heineken has a multi-million dollar global digital advertising partnership with Google<sup>29</sup>.

The growth of new media has enabled the development of new marketing tools and techniques, including increasingly interactive, personalised and ubiquitous marketing in an environment that is subject to limited regulation.<sup>3</sup> To date there does not appear to be any effective means of ensuring minors cannot access online alcohol promotions. A recent study examining the effectiveness of commercial filters in restricting access to online alcohol marketing on 25 alcohol brand websites found only half of the websites had a process in place to 'block' entry to users aged less than 18 years, and in no cases were users prevented from trying again with a different birth date.<sup>30</sup>

Approaches to preventing the exposure of children and young people to alcohol advertising through the internet and new media should be a focus of governmental activity in this area. Further detail on the absence of effective controls on alcohol advertising on the internet and new media is provided in the section titled 'Deficiencies of the ABAC Scheme'.

## **Sponsorship**

Sponsorship is an important strategy for alcohol companies to build brand awareness and credibility, attract new recruits to a product, and capitalise on an expected transfer of favourable emotions and images which consumers have of an event to the sponsoring brand.<sup>31</sup> Alcohol sponsorship of sporting and cultural organisations and events is a key method through which young people are exposed to alcohol promotion. Recent Australian research found children absorb sports sponsorship messages, with 76% of children aged 5 to 12 able to correctly match at least one sport with its relevant sponsor.<sup>32</sup>

Alcohol sponsorship of sport also sends conflicting messages to the community. The public, including young people, could reasonably assume that by accepting sponsorship from alcohol companies, sporting and other organisations are endorsing their products. Sporting organisations' close ties with the alcohol industry also mean that groups who would be expected to be natural allies of the health field may support alcohol industry positions. Research shows elite athletes are receptive to supporting health promotion through sport, and nearly three quarters disagree that athletes should promote unhealthy foods and alcohol.<sup>33</sup> Alcohol sponsorship of sports and children's sporting heroes deprives health groups of supporters, advocates and role models.

## **Alcohol products**

It appears that alcohol companies develop, package and promote products that specifically appeal to young people. A wide range of alcohol products are likely to appeal to young people. These products are often:

- Very sweet;
- Fruit-flavoured;
- Colourful (in terms of packaging and/or the drink itself or feature designs, characters or other devices that predominantly appeal to young people); or are
- Packaged in containers which facilitate rapid consumption or the consumption of large quantities (e.g. shots or casks).

The physical appearance of ‘alcopops’ is also a key contributor to their appeal for younger drinkers, including the range of colours and flavours to choose from.<sup>34</sup> Research with 12 to 17 year old Australian adolescents found a number of factors contributed to ‘alcopops’ appeal to young people, including the taste, alcohol strength, cost, convenience and advertising.<sup>34</sup>

Taste testing studies where young people (both under and over 18 years) are asked to indicate whether a range of de-identified commercial pre-mixed or ‘ready-to-drink’ products contain alcohol and their taste preferences have found that young drinkers often have difficulty correctly identifying whether ‘ready-to-drink’ products contain alcohol.<sup>35, 36</sup> In these studies, difficulties identifying alcohol have been particularly apparent in regard to alcoholic products that look and taste like a chocolate milkshake, or other milk-based products, and these products are often considered to be highly attractive to young drinkers.

## **Alcohol retail advertising**

In addition to advertising by alcohol companies, recent years have seen an increase in advertising and promotion by liquor retail outlets.<sup>37</sup> Promotions include heavily discounted prices for large quantities of alcohol, which may appeal to the price sensitive youth market.

A VicHealth study of alcohol advertising in Victorian daily newspapers over a 20 year period (1989-2009) found that alcohol advertising in newspapers is now dominated by large scale liquor retailers, or ‘liquor barns’, and greater prominence in advertising is given to the price of products through the promotion of special offers and bulk-buy discounts.<sup>38</sup> Price-focused alcohol advertising related to ‘liquor barns’ can be seen through online, outdoor and other forms of promotion. There has also been a substantial increase in television advertising and other forms of promotion, including in association with sports sponsorship.

## **Public relations, lobbying and front groups**

In addition to sophisticated marketed campaigns, alcohol companies invest in ‘social aspects/public relations’ organisations (SAPROs) as part of strategies to demonstrate corporate social responsibility while promoting industry-friendly interventions.<sup>39</sup> Among the SAPROs operating globally is the International Center for Alcohol Policy, and in Australia, Drinkwise. Support for industry self-regulation has been identified as a common position among industry-funded SAPROs.<sup>39</sup>

The lobbyist registers of the federal and state governments reflect lobbying as an important strategy for alcohol companies and related industry groups. As the lobbyist registers only list current third party lobbyists, they are likely to provide a conservative picture of lobbying in Australia. Companies are not required to register employees who lobby government on behalf of their company.

The registers of lobbyists in a number of jurisdictions were accessed on 27 February 2013. The Australian Government Register of Lobbyists listed a number of alcohol companies as clients of registered lobbyists, including Lion, Asahi Group Holdings, Accolade Wines, Jagermeister and Wesfarmers Limited. Advertising industry groups – the Australian Association of National Advertisers and the Outdoor Media Association – were also listed as clients of registered lobbyists.<sup>40</sup>

The Victorian Lobbyists Register listed a range of alcohol companies and advertising industry groups as clients, including SAB Miller, Diageo Australia, Lion, Constellation Wines Australia, Jagermeister, AANA, Wesfarmers, Asahi Group Holdings Ltd, Flavoured Beverage Holding Group (Independent Distillers) and the Outdoor Media Association.<sup>41</sup>

The WA Register of Lobbyists listed a range of alcohol companies and advertising industry groups as clients, including Lion, Distilled Spirits Industry Council of Australia Inc (DSICA), Accolade Wines, Jagermeister, Wesfarmers Limited and Outdoor Media Association.<sup>42</sup>

### **Tax deductibility of alcohol advertising**

Alcohol advertising is tax deductible under Australia's current tax regime. In effect, the tax deductibility of alcohol advertising provides an incentive for alcohol companies to advertise and thus contributes to the volume of alcohol advertising in Australia. Removing this tax deductibility would increase the real price of alcohol advertising and assist in reducing the volume of alcohol advertising in Australia. We recommend ending the tax deductibility of alcohol advertising, consistent with the recommendations of the National Preventative Health Taskforce in their submission to the Henry tax review.<sup>43</sup>

### **The volume of alcohol advertising and promotion**

Health messages related to risky alcohol consumption and associated harms are drowned out by the sheer volume of alcohol promotion. Education has an important role to play within a comprehensive approach to alcohol but will have vastly less opportunity for impact in the face of massive amounts of alcohol promotion, and in an environment in which alcohol is readily accessible. The expenditure by the alcohol industry is impossible to match, and health campaigns promoting responsible consumption and emphasising the impact of alcohol-related harm cannot compete with the level of alcohol marketing that promotes pro-drinking messages.

## Exposure of young people to alcohol advertising and promotion

Australian children and adolescents are exposed to unacceptably high levels of alcohol advertising, reflecting the failure of Australia's self-regulatory advertising system to prevent their exposure. There is a substantial body of Australian research which indicates the extent to which young people in Australia are exposed to alcohol advertising and promotion. A brief summary of just a small selection of the literature shows that:

- Australian teenagers aged 13 to 17 years are exposed to alcohol advertising on television at approximately the same level as young adults aged 18 to 24 years.<sup>44</sup>
- A 2010 review of alcohol advertisements on Australian television found that around half of all alcohol advertisements appeared during children's popular viewing times.<sup>45</sup>
- Over 94% of students aged 12 to 17 report having seen alcohol advertising on television, and the majority report having seen alcohol advertisements in magazines, newspapers, on the internet, on billboards and promotional materials and in bottle shops, bars and pubs.<sup>46</sup>
- A review of youth oriented magazines (popular with 18 to 30 year olds) available in Australia showed that over two-thirds featured alcohol advertising and more than half of the advertisements contravened at least one section of the Alcohol Beverages Advertising Code.<sup>47</sup>
- Analyses of music videos broadcast on Australian television on Saturday mornings found around one-third of music videos contained drug references, and alcohol featured in almost all of these.<sup>48</sup>
- An analysis of the telecast of the XXXX™ GOLD Beach Cricket Tri-nations 2008 identified that the XXXX™ logo was clearly visible during 74% of the game time, with uninterrupted screening of the logo lasting up to 71 seconds. The logo was visible on a large range of surfaces including on players uniforms, stumps, players' cricket bats, telecast graphics, fence signage, promotional hats worn by spectators and on the scoreboard.<sup>49</sup>

There are concerns that many alcohol promotions to which young people are exposed contain features that would be expected to appeal to young people.<sup>50, 51</sup> Children and young people are regularly exposed to advertisements depicting alcohol consumption as fun, social and inexpensive.<sup>45</sup> Research has found that young people perceive messages in alcohol advertisements regarding social benefits of consuming alcohol, including that the advertised products would make them more sociable and outgoing, help them have a good time and fit in, and be more confident.<sup>52</sup>

Some alcohol advertisements contain characters that would be expected to appeal to young people. Research with WA school students aged 9 to 15 years found that three quarters (75.4%) of the children could recognise Bundaberg Rum's Bundy R. Bear and correctly associate him with an alcoholic product.<sup>50</sup>

While alcohol advertisers claim to target their campaigns at the 18 years and older demographic,<sup>53, 54</sup> it is impossible for alcohol advertising to target 18 year olds (the legal alcohol purchase age) without also appealing to 17 year olds and younger teenagers. The World Health Organization notes in the *Global strategy to reduce the harmful use of alcohol*, "It is very difficult to target young adult consumers without exposing cohorts of adolescents under the legal age to the same marketing".<sup>2</sup>



## **Impact of alcohol advertising on young people**

The evidence for the impact of alcohol advertising on young people is consistent and comprehensive. Exposure to alcohol advertising influences young people's beliefs and attitudes about drinking, and increases the likelihood that adolescents will start to use alcohol and will drink more if they are already using alcohol.<sup>55</sup> Research shows strong associations between exposure to alcohol advertising and young people's early initiation to alcohol use and/or increased alcohol consumption.<sup>56, 57</sup> Recent research on the impact of television alcohol advertising found that exposure to alcohol advertising and affective reactions to those advertisements influence young people's drinking and the development of alcohol-related problems.<sup>58</sup>

As noted by leading UK expert Professor Gerard Hastings, "It is now been established beyond all reasonable doubt that alcohol advertising – as with advertising for tobacco and fast food – does influence behaviour".<sup>31</sup>

Exposure to alcohol promotion contributes to the normalisation of alcohol use<sup>3</sup> and works to reinforce the harmful drinking culture that exists in Australia.

Put simply, if advertising didn't work, the alcohol industry would not invest in it to the extent they do or oppose curbs to their advertising with such determination.

Given the strength and consistency of independent evidence for the impact of alcohol advertising, those presenting the evidence as inconclusive are now largely limited to those with vested interests in limiting curbs on alcohol promotion and perpetuating ineffective approaches to self-regulation. The promotion of doubt by those industries with conflicting interests should not distract from the strength of the independent evidence for the impact of alcohol advertising or the case for effective constraints.

## **Independent regulation of all forms of alcohol advertising and promotion is needed**

It is evident that simply modifying or expanding the current self-regulatory system in Australia is not sufficient due to its extensive failings (See the section titled 'Current approaches to the regulation and self-regulation of alcohol advertising in Australia'). A new, independent approach to the regulation of alcohol advertising in Australia is urgently needed.

Strong, independent, legislated controls on all forms of alcohol advertising and promotion should be introduced to ensure that it is as responsible as possible and that exposure to young people is minimised. Such a system would include comprehensive codes and enforceable decisions with sanctions that genuinely act as a deterrent.

As noted in the Australian Medical Association's report, *Alcohol marketing and young people: Time for a new policy agenda*, according to the Australian Government guidelines for best-practice regulation, alcohol marketing would appear to meet several criteria that make explicit government regulation necessary.<sup>3</sup> The guidelines state that explicit government regulation could be considered where:

- the problem is high-risk, of high impact or significance, for example a major public health and safety issue;
- the community requires the certainty provided by legal sanctions;
- universal application is required (or at least where the coverage of an entire industry sector or more than one industry sector is judged as necessary); or
- there is a compliance issue with a history of disputes and repeated breaches of fair trading principles.<sup>59</sup>

Alcohol advertising should not be permitted where exposure to young people cannot be controlled. This includes alcohol advertisements placed:

- Online, where advertisements are often placed in connection with content that appeals to young people, and on sites that are frequented by young people such as YouTube and Facebook; and
- On public transport or at public transport stops (such as train and bus stops). Children and young people represent a considerable proportion of public transport users,<sup>60</sup> and can be expected to be exposed to public transport advertising to a greater extent than other sections of the community. As previously noted, outdoor advertising cannot be switched off, avoided or ignored, and is highly visible to those using public transport, as well as those driving and walking past.

There are a number of additional approaches that could support legislated controls on all forms of alcohol advertising, including:

- Making alternative funding available to replace alcohol sponsorship of sport, music and cultural events which appeal to young people aged up to 25.
- Consider introducing a system of corrective advertising, whereby alcohol producers and retailers are required to fund independent health organisations to run marketing campaigns (completely independent of any alcohol industry interests or involvement) about the harms of alcohol. This could be implemented through a levy on companies involved in alcohol promotion requiring that a sum equivalent to 25% of their marketing budgets be allocated for this purpose.

Opposition to strong, independent regulation on alcohol advertising often includes calls for evidence of the success of the proposed regulatory approach before it has been implemented. The limited international experience in the implementation of comprehensive restrictions and methodological difficulties mean that conclusive evidence on strong alcohol advertising restrictions is not available.<sup>61</sup>

However, the consistent evidence of the impact of exposure to alcohol advertising on attitudes to alcohol and drinking behaviours, along with evidence of the impact of tobacco advertising restrictions, provides strong support for policy action in this area.<sup>61</sup> As Babor and colleagues point out, “The most probable scenario, based on theoretical and empirical evidence available, is that extensive restriction on marketing would have an impact” [p196].<sup>61</sup>

### **International regulation of alcohol advertising**

While a strong, national approach to the regulation of alcohol advertising is urgently needed, consideration should be given to the concurrent need for international regulation of alcohol

marketing. A substantial amount of alcohol advertising crosses national borders, for example through the internet and social media, and international broadcasts of alcohol sponsored sporting events. To date, approaches to curbs on alcohol advertising have focused on domestic settings and there has not been an international response to alcohol advertising that crosses national boundaries.<sup>62</sup> As noted by Casswell, “The global exposure of young people to alcohol marketing requires an urgent policy response”.<sup>62</sup> Australia could actively contribute to the development of international controls on alcohol promotion.

## **Current approaches to the regulation and self-regulation of alcohol advertising in Australia**

The self-regulatory system in Australia has consistently failed to ensure alcohol is promoted responsibly and that exposure to young people is minimised. The current system of alcohol advertising self-regulation in Australia has failed to keep pace with current marketing practices, for example the use of online and new media, and does not have regard for the global nature of the alcohol industry.

Australia’s approach to the regulation of alcohol advertising is variously referred to as “self-regulation”, “quasi-regulation” and “co-regulation”. The alcohol industry and related groups appear to prefer the terms quasi- or co-regulation which may present the codes and complaint review systems as more removed from industry interests than they are. Given the overwhelming dominance of the alcohol and advertising industries in the development and operation of the alcohol advertising codes and complaint mechanisms, we believe that the current approach should be described as self-regulation.<sup>63, 64</sup> Given the consistent failure of this approach to protect children and young people and ensure alcohol advertising is responsible, it is reasonable to assert that alcohol advertising in Australia is not subject to any effective regulation.

The key features of Australia’s alcohol advertising regulatory and self-regulatory landscape are described here, along with a summary of deficiencies.

### **Alcohol Beverages Advertising Code Scheme**

The Alcohol Beverages Advertising Code (ABAC) Scheme is the alcohol-specific code of practice in Australia’s self-regulatory advertising system. The ABAC regulates the content of alcohol advertising in various media. The ABAC Scheme presents itself as a ‘quasi-regulatory’ scheme; that is, the ABAC Scheme is “recognised by the Australian Government” and “Government representatives sit on the Management Committee that directs the scheme”.<sup>65</sup> However, in reality alcohol and advertising interests are almost exclusively represented among the ABAC Scheme’s Directors and Management Committee.

#### **ABAC Scheme governance**

Formal governance of the ABAC Scheme is overseen by three Directors representing each of the major alcohol producer associations. According to the Australian Securities and Investments Commission register as at 17 September 2012, the address and principal place of business of the

ABAC Scheme was the Distilled Spirits Industry Council of Australia; the three directors of the ABAC Scheme were the Executive Director of the Distilled Spirits Industry Council of Australia, Chief Executive of the Brewers Association of Australia and New Zealand and the Chief Executive Officer of the Winemakers' Federation of Australia; and the secretary was the Executive Officer of the ABAC Scheme.

### **ABAC Scheme Management Committee**

The ABAC Scheme's Management Committee includes representatives from each of the three major alcohol producer associations (noted above as Directors), a representative from the Communications Council ("the peak body representing agencies in the marketing communications industry"<sup>66</sup>), and one government representative. The ABAC Rules and Procedures states the Management Committee includes: "A representative of Australian Governments with a nominee put forward by the relevant Federal Minister for consideration by the other members of the Management Committee....".<sup>67</sup> An Independent chair may be appointed to the Management Committee by the Directors of the ABAC Scheme Ltd (i.e. the directors of the three major alcohol producer associations in Australia), and the position of deputy chair is rotated between the Brewers Association, the Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia on an annual basis.<sup>67</sup>

The ABAC Scheme may refer to itself as 'quasi-regulatory'; however, with formal governance overseen solely by alcohol interests and a management committee which almost exclusively represents alcohol and advertising interests, the reality is that the overall direction of ABAC is from the industry.

### **Deficiencies of the ABAC Scheme**

The ABAC Scheme fails on many of the elements of good practice in self-regulation outlined in Box 1, page 3 of the Issues Paper. There are numerous deficiencies in the design and operation of the ABAC Scheme which render the scheme completely ineffective. The ABAC Scheme has had plenty of opportunity to prove itself but has consistently failed to address its many deficiencies.

Deficiencies in the design and operation of the ABAC scheme include:

1. ABAC presents itself as having public health and government input, but in practice this is very limited and far outweighed by other interests.
2. ABAC is a voluntary scheme. Non-signatories have no obligation to comply with the Panel's decisions and therefore go unregulated. Non-signatories to the ABAC scheme include the Coles Group (parent company of Liquorland, First Choice Liquor and Vintage Cellars), who have 20% of the liquor retailing market share in Australia.<sup>68</sup>
3. There is no scope in the ABAC Scheme to penalise advertisers who breach the codes, even those who are signatories. Determination reports do not indicate that the Panel provides any recommendations or actions for advertisers to undertake when a complaint is upheld. We are not aware of any consequences for advertisers who breach the Code. The ABAC

scheme is a 'toothless tiger' - with no threat of penalties there is no incentive for advertisers to comply with the code or the Panel's decisions.

4. The ABAC does not define the term 'advertisement'. While the preamble to the ABAC refers to advertisements for alcohol beverages, it only defines 'alcohol beverage', not 'alcohol advertisement'. This is a major flaw in the Code, as many indirect forms of advertising are deemed to not be covered by the scheme. When deciding whether or not an advertisement is an "alcohol beverage advertisement" for the purposes of the ABAC, the Panel do not have an explicit definition on which to base their decisions.
5. The ABAC only covers certain forms of direct advertising, with major forms of promotion - sponsorship<sup>69</sup>, product placement<sup>70</sup> and gift with purchase<sup>71</sup> - excluded.

As noted above, sponsorship of sporting and cultural events is a key method through which young people are exposed to alcohol promotion. However, the ABAC Panel states:

"The ABAC scheme does not extend to sponsorship arrangements by alcohol companies of sports or other cultural or community activity. As a result, the Panel has no role in assessing such arrangements."<sup>69</sup>

Product placement is a recognised promotional activity intended to increase consumers' exposures to brands through strategic placement in television shows, movies, music videos and other media. Analyses of music videos broadcast on Australian television on Saturday mornings found around one-third of music videos contained drug references, and alcohol featured in almost all of these.<sup>48</sup> A complaint to ABAC regarding alleged product placement of the liquor Midori in the music video 'You Make Me Feel' by Cobra Starship was dismissed, as product placement was not considered to be within the scope of the ABAC Code.<sup>70</sup>

Gift-with-purchase promotions are a popular marketing strategy used by alcohol advertisers. The gifts offered upon purchase of a particular product may hold strong appeal with young people, for example, lip gloss, nail polish or branded merchandise (e.g. beach balls, hats, clothing). There are currently no provisions within the alcohol and advertising industries self-regulatory advertising codes which regulate gift-with-purchase promotions.<sup>71</sup>

6. The ABAC Scheme only deals with the content, not the placement of advertisements. Placement is addressed in an incomplete and inconsistent manner under a number of other codes and guidelines.

The placement of alcohol advertisements in cinemas and online does not appear to be covered by any regulatory body. In September 2011, a complaint was submitted to ABAC regarding a Corona advertisement placed before an M-rated movie that commenced at 6.55pm, with the complainant noting that the movie was rated for those under the age of 18. As the ABAC Panel has no jurisdiction over the placement of alcohol ads in cinemas, the complaint was dismissed.<sup>72</sup>

In December 2011, a complaint was submitted to ABAC regarding a Crown Lager advertisement on the 'Bratz' game website. The advertisement was placed before the 'My Little Pony' game, aimed at 3 to 8 year olds. The complaint was dismissed by the Panel as ABAC only covers the content, not placement, of alcohol advertising.<sup>73</sup> The determination report stated:

"It is clear that the website on which the advertisement appeared would have a primary audience of children or adolescents. In the Panel's view it is highly undesirable for an alcohol advertisement to appear on such a site, however, the Panel is only permitted to consider whether the content (not the placement) of the advertisement breaches the ABAC."<sup>73</sup>

In a previous determination regarding the appearance of alcohol advertisements on a children's website, ABAC stated:

"There is, however, no code or regulation which prescribes where alcohol ads can be placed on the internet. This means that the appearance of an alcohol ad on a children's gaming site does not of itself offend a specific requirement of the ABAC or any other code applying to alcohol advertising".<sup>74</sup>

7. The ABAC Scheme does not adequately regulate alcohol advertising on social media. As noted above, there is growing concern about the promotion of alcohol using social media and digital technologies, and the ABAC Scheme has failed to keep pace with the rapidly developing technologies available to alcohol advertisers.

As demonstrated above, there are no regulations relating to the placement of internet advertisements. While the ABAC Scheme does have regard for the content of alcohol advertisements on social media platforms, the review of advertising content is only initiated when a complaint is made by the public regarding a specific advertisement, and even then, the review is likely to be limited to the content which was the subject of the complaint. There appears to be no existing means of proactively monitoring the compliance of alcohol advertising on social media.

There are particular features of social media that present challenges to effective regulation; for example, alcohol companies' official Facebook pages and Twitter accounts are continually changing with frequent posting of official updates and user-generated content. The nature of social media renders it near impossible to effectively regulate content.

Complaints submitted to the ABAC Scheme about alcohol company Facebook pages have found multiple posts and photos to be in breach of the ABAC Code. Examples of such breaches are outlined below:

- A complaint was submitted to the ABAC Scheme in regard to the official Facebook pages of the Thirsty Camel Bottle shops in WA, Victoria and NSW.<sup>75</sup> Several of the Facebook pages featured posts the complainant believed failed to present a mature, balanced and responsible approach to alcohol consumption, and encouraged excessive consumption; for example, official posts included, "24 hours in a day, 24 beers in a case – coincidence?? I think not!" (Thirsty Camel WA Facebook page); "If

you're going to lay around the house and drink beer all day, you gotta start early in the morning" (Thirsty Camel Vic & NSW Facebook pages), and "Scientists have discovered getting drunk actually enhances your memory, that's good news after the weekend I have had!" (Thirsty Camel NSW Facebook page). All three statements were found to promote or encourage excessive or irresponsible consumption of alcohol.

- A complaint was submitted to the ABAC Scheme regarding the Vodka Cruiser official Facebook page.<sup>76</sup> The complainant listed eleven posts and images they believed contravened the ABAC Code, including a photo of a woman holding a glass of clear liquid with the caption "VODKA Just like water, only better!" and a photo of a woman holding a mug with the caption "I'm not an alcoholic, alcoholics go to meetings. I'm a drunk, we go to parties." Several images were found to have breached the ABAC Code in relation to encouraging excessive consumption of alcohol; failing to present a mature, balanced and responsible approach to the consumption of alcohol; encouraging underage drinking or having strong or evident appeal to children or adolescents; and suggesting the consumption or presence of the product may create or contribute to a significant change in mood or environment.

In both situations, the offending images or posts were present on Facebook for a matter of months before the complaints were submitted. It is likely that any damage resulting from the inappropriate advertisements would have occurred long before the advertisements were drawn to the attention of the ABAC Scheme. In addition, without proactive monitoring of social media content it is likely that the number of complaints received by the ABAC Scheme is not representative of the extent of inappropriate alcohol advertising on social media.

8. The provisions of the ABAC Code are weak, unclear and open to interpretation.
9. The ABAC Adjudication Panel only examines issues raised by the complainant. All separate complaints raising different issues are adjudicated individually.<sup>77</sup> This is an inefficient process and relies on complainants interpreting and applying the code; each advertisement should be reviewed against the full Code when it goes to Panel.
10. The Alcohol Advertising Pre-Vetting Service (AAPS) is not mandatory for all advertisements. The AAPS provides a user-pays service to alcohol advertisers whereby proposed advertisements are assessed against the ABAC Code. According to ABAC Rules and Procedures:

"Individual alcohol beverage producers may use the AAPS pre-vetting service to assess whether proposals conform to either or both of the following codes the Australian Association of National Advertisers Code of Ethics (AANA) or the Alcohol Beverages Advertising Code (ABAC).

For beer producers all advertisements for alcohol beverages (excluding internet and point of sale advertisements and promotion of alcohol at events) should be pre-

vetted against the ABAC Code and may be pre-vetted against the AANA Code of Ethics. For spirits producers all advertisements for alcohol beverages (excluding internet and point of sale advertisements and promotion of alcohol at events) should be pre-vetted against the ABAC Code and the AANA Code of Ethics. For wine producers all television, cinema and outdoor advertising should be pre-vetted against the ABAC Code and the AANA Code of Ethics. For all producers pre-vetting of naming and packaging is optional.”<sup>67</sup>

Many alcohol advertisements therefore appear without being assessed against the ABAC scheme prior to release. However, some advertisements that have been pre-vetted have been found later to breach the ABAC Code.<sup>78</sup>

11. The ABAC Scheme is completely reliant on complaints from the community to identify potential advertisements that breach the ABAC. The ABAC Scheme does not have a monitoring or surveillance role which is proactive in identifying advertisements that may breach its code.
12. Making a complaint to the ABAC Scheme is difficult and confusing. The ABAC Scheme does not normally accept complaints directly; complaints must be lodged through the Advertising Standards Bureau (ASB). The ASB considers the complaint in regard to the AANA Advertiser Code of Ethics and the Advertising Code for Children; the complaint is then passed on to the ABAC Scheme for review. This process is lengthy and not clearly explained on the ABAC Scheme website.

The ABAC Scheme website states that the ASB accept complaints “via email, letter or fax”<sup>79</sup>; however, under the email address provided on the ‘Contact us’ page of the ASB website, it is stated, “Please do not use this email to lodge complaints about advertisements”. The McCusker Centre has attempted to submit complaints to the ASB by email; however, emailed complaints have been rejected. In one instance, the McCusker Centre was told to resubmit the complaint using the online form (Gordon B, 2011, personal communication, Mar 9).

13. The ANPHA issues paper states “advertisers and complainants are usually consulted during the assessment process” [section 14]. The McCusker Centre and others have lodged a number of complaints with the ASB and the ABAC Scheme and have not been consulted during the assessment process.
14. The complaints process is protracted, particularly in relation to the fast-moving world of advertising campaigns. Advertisements which are the subject of complaints are allowed to continue while the complaint is being reviewed, which may take some weeks or months. In the McCusker Centre’s experience with ABAC, it has taken up to 3 months for a determination to be made. Advertising campaigns for which complaints are made may come to a natural end before a determination is made. When considering new media, such as advertising on the internet and social media, the damage from inappropriate advertisements may have been done long before a determination is made. The protracted



and complex complaint and review process favours alcohol advertisers and provides little incentive for advertisers to comply with the ABAC Scheme.

### **Non-compliance with the ABAC Scheme**

There have been numerous examples of non-compliance with the ABAC Scheme by both signatories and non-signatories to the ABAC Scheme.

#### **Example one: Skinnygirl Cocktails**

The ABAC Scheme received two complaints regarding the name and packaging of Skinnygirl Cocktails, a Beam Global product. The complainants believed the name and packaging of the product targeted young people, particularly young girls, and promoted it as a lower calorie product without highlighting the alcohol content. The complaint was upheld; the product material was found to have strong or evident appeal to adolescents and the image of the female character on the label was not a depiction of a person over the age of 25 years. Beam Global sought a re-hearing; the Panel's original decision to uphold the complaints was confirmed. The determination report did not note any recommendations to modify the product.<sup>80</sup> As at January 2013, Skinnygirl Cocktails were still available for sale, unchanged.

#### **Example two: Bacchus Shot Buckets**

A complaint was submitted to the ABAC Scheme on 9 December 2011 regarding the name and packaging of Bacchus Shot Buckets, a product containing 28 individually packaged 30mL shots in bright colours with names and flavours that closely resembled confectionery such as 'Pancake', 'Banana Split' and 'Chocolate Éclair'. The complainant believed the packaging and naming of the product appealed to children, encouraged excessive consumption, and did not present a mature and responsible approach to the consumption of alcohol. In February 2012, the ABAC Panel found the naming and packaging of the Shot Bucket breached two sections of the Code relating to encouraging under-age drinking and appealing to children or adolescents. The determination report made no mention of the Panel's recommendations in regard to modifying the product to minimise its appeal to children.<sup>81</sup> Bacchus Distillery had no obligation to comply with the Panel's determination as it is not a signatory to the ABAC Scheme. As at January 2013, the product was still available for sale, unchanged.

#### **Example three: Three Kings**

Four complaints were submitted to the ABAC Scheme between December 2010 and February 2011 regarding Independent Distillers' Three Kings outdoor, print and online advertisements. Each of the complaints related to the age of the models in the advertisements, who looked very young, wore youth fashion and were depicted skateboarding. The ABAC Panel noted it had no jurisdiction over the advertiser as it was not a signatory to the ABAC Scheme, but found the advertisements breached the ABAC for encouraging underage drinking, appealing to children and adolescents, featuring models under the age of 25 and featuring models not clearly depicted as adults.<sup>82-84</sup> No action appeared to be taken despite the Panel's determination; the number of complaints over a December to February timeframe suggests the advertisements continued over a series of weeks beyond ABAC's initial December 2010 determination.

A content analysis of Australian television alcohol advertisements found that 75% of the advertisements analysed contained at least one element that could be construed as a breach of the AARB Code, with the largest numbers of potential breaches for the provisions relating to the association of alcohol with success and using appeals that are likely to be attractive to young people.<sup>85</sup>

We could provide many more examples of non-compliance to the ABAC Scheme. The extent of non-compliance with the ABAC Scheme and the lack of enforcement of the Panel's decisions are illustrative of an ineffective self-regulatory system.

### **Outdoor Media Association Guidelines**

Outdoor advertising is a medium to which all members of the community, including young people, are highly exposed; it dominates our public spaces, is visible 24 hours a day and cannot be ignored. Indeed, young people are especially likely to be exposed to alcohol advertising on public transport and in transit stations; young people aged 18 to 24 years are more likely than older people to use public transport.<sup>60</sup> Many children and adolescents use public transport; around half (49%) of WA secondary school students use public transport to travel to and from school at least once a week, and over a quarter (28%) use public transport every day.<sup>86</sup>

The Outdoor Media Association (OMA) has a voluntary Code of Ethics and Alcohol Advertising Guidelines that are poorly implemented and monitored. The OMA's Alcohol Advertising Guidelines place only one restriction upon the placement of outdoor alcohol advertising; its display is limited to outside a 150 metre sight line of a school gate. This guideline does not apply where there is a bottle shop, club or pub in the vicinity, and does not apply to advertising on buses and taxis.

Non-compliance with this guideline is common. Between August and October 2010, three separate outdoor alcohol advertisements were identified near Shenton College, a high school in Shenton Park, Western Australia. Between March 2011 and November 2012, four alcohol advertisements were placed near the entrance to the Living Waters Lutheran College in Warnbro, Western Australia. Each advertisement was within 150m of the school entrance. The OMA was notified on each occasion.

The McCusker Centre has written to the OMA on a number of occasions to voice our concerns about young people's exposure to alcohol advertising and to request action to prevent further breaches of the OMA guidelines. We are not aware of any action by the OMA to prevent the placement of alcohol advertisements near schools. The OMA have shown a lack of interest in preventing young people's exposure to alcohol advertising, with the placement of alcohol ads outside schools described a mistake or 'glitch in the system'.<sup>87, 88</sup>

Currently, breaches of the OMA's Alcohol Advertising Guidelines must be identified and reported by the community. The OMA do not have a monitoring or surveillance role to identify advertisements that may breach the guidelines. This major weakness is compounded by a lack of awareness of the Alcohol Advertising Guidelines among the community.

In order to prevent young people's exposure to outdoor alcohol advertising, effective compliance monitoring and meaningful sanctions must be put in place. The Standing Committee on Social Policy and Legal Affairs in the 2011 inquiry into the regulation of billboard and outdoor advertising recommended that the ASB conduct and publish annual random compliance surveys of outdoor advertising across specific industries, including the alcohol sector, and ASB members take on a formal monitoring role of outdoor advertising and self-initiate investigations where warranted.<sup>8</sup> We are not aware of any action in response to the Committee's recommendations.

### **Commercial Television Industry Code of Practice**

The Commercial Television Industry Code of Practice is administered by the Australian Communications and Media Authority (ACMA). The Commercial Television Industry Code of Practice states alcohol advertisements may only be broadcast in M, MA or AV classification periods, which covers 8.30pm – 5am and 12 noon – 3pm on weekdays (school days), and 8.30pm – 5am on weekdays and weekends (school holidays).<sup>89</sup>

A major loophole in section 6.7 of the Code of Practice states:

“A commercial which is a “direct advertisement for alcoholic drinks” (as defined in Clause 6.11) may be broadcast...as an accompaniment to the live broadcast of a sporting event on weekends and public holidays.”

This loophole enables alcohol advertisements to be shown during the live broadcast of any local, national or international sporting event. Children and young people are likely to make up a significant proportion of the audience of sporting broadcasts, particularly on weekends and public holidays.

An analysis of data from January to December 2007 showed almost half (44%) of the alcohol advertisements screened at weekends and weekday public holidays in the five metropolitan television markets of Adelaide, Brisbane, Melbourne, Perth and Sydney were shown between the hours of 5am and 8.30pm.<sup>22</sup> This loophole must be closed as part of a comprehensive strategy to reduce young peoples' exposure to alcohol promotion, in line with the recommendations of the National Preventative Health Taskforce.<sup>4</sup>

### **Community concern and access**

There is a high degree of community concern about alcohol and young people in Australia, and overwhelming community support for action in key areas to prevent harm from alcohol, including the regulation of alcohol advertising. Independent market research by Painted Dog Research, commissioned by the McCusker Centre, found that 71% of West Australian adults support legal controls to reduce young peoples' exposure to alcohol advertising (with only 6% opposed; sample of 1450).<sup>1</sup> Only 18% of West Australian adults oppose phasing out alcohol sponsorship of sporting events if governments provided replacement funding (65% support; sample of 1600).<sup>90</sup> In 2012, a poll of Australians' attitudes towards alcohol found 68% of Australian's believe that alcohol advertising and promotions influence the behaviour of people under 18 years.<sup>91</sup>

The current alcohol advertising self-regulatory system is confusing, complex and difficult for the community to access; a range of different agencies – including the Advertising Standards Bureau, the Australian Association of National Advertisers, the Alcohol Beverages Advertising Code Scheme and the Australian Communications and Media Authority – administer a range of separate codes, with different procedures for each complaints process. In 2012, only 4% of Australians correctly identified the Advertising Standards Bureau as the organisation to direct alcohol advertising complaints to.<sup>91</sup>

The limited community access is reflected in the low number of complaints received by the ABAC Scheme – in 2011, the ABAC Scheme received 119 complaints<sup>92</sup>; in 2010, they received 87<sup>93</sup>. It appears that the ABAC Scheme receives so few complaints as few people are aware of the relevant agencies, the process is complex and many in the community would not have confidence in a system run by alcohol and advertising industries.

The current self-regulatory approach to alcohol advertising does not appear to meet community standards and expectations. Approaches to alcohol advertising regulation should reflect community concern about alcohol and young people and processes should be easily accessible to the community.

### **Self-regulation of unhealthy industries**

There is a lack of logic in leaving any form of regulation to the industry that causes the problems, that seeks to sell as much of the product as possible, and whose shareholders would not look kindly on anything that might reduce sales. Alcohol companies' fiduciary duty to their shareholders to maximise returns on their investments necessarily means that the objectives of the alcohol industry and public health agencies are opposed. Unhealthy industries, including the alcohol industry for which "sales and profits are dependent on many consumers drinking at risky quantities", should not be left to self-regulate their own marketing and promotions.<sup>94</sup>

A recent paper published in *The Lancet* by Professor Rob Moodie and colleagues, on behalf of The Lancet Non-Communicable Disease (NCD) Action Group, assessed the effectiveness of self-regulation, public-private partnerships and public regulation models of interaction in regard to the alcohol, tobacco and ultra-processed food and drink industries. Moodie and colleagues concluded that unhealthy commodity industries should have no role in the formation of national or international non-communicable diseases policy.<sup>94</sup> Key messages of the paper included:

- the alcohol industry use similar strategies to the tobacco industry to undermine effective public health policies and programs (strategies include promoting ineffective individually-targeted information and educational approaches as an alternative to regulatory measures); despite the common reliance on industry self-regulation and public-private partnerships to improve public health, there is no evidence to support their effectiveness or safety; and
- In light of the present and predicted scale of NCD epidemics, the only evidence-based mechanisms that can prevent harm caused by unhealthy commodity industries are public regulation and market intervention.<sup>94</sup>

Dr Tim Lobstein, a UK public health expert, articulated the point succinctly:

“Self-regulation simply does not work in a highly competitive marketplace. Asking the companies to restrict their own marketing is like asking a burglar to fix the locks on your front door. They will say you are protected, but you are not.”<sup>95</sup>

### **The tobacco experience**

There is strong opposition by the alcohol and advertising industries and related groups to changes to the current self-regulatory approach to alcohol advertising. Similar strong opposition was provided over many years by the tobacco industry, with support from advertising and sports groups, to the threat of restrictions on tobacco advertising.

Removing avenues for tobacco advertising has been a central feature of Australia’s comprehensive approach to reducing smoking rates. Governments have long since rejected the tobacco industry’s identical arguments for self-regulation. It is no longer argued that tobacco companies should be part of the policy-making process or could be trusted with voluntary agreements on advertising.<sup>96</sup>

There are many parallels between the approaches and strategies used by the tobacco and alcohol industries to avert strong regulation.<sup>96, 97</sup> Both tobacco and alcohol industries have long known the harms associated with their products, denied the evidence, undermined research, recruited opinion-leaders, and invested substantially in corporate social responsibility activities to distract governments and the community and delay stronger regulation.<sup>96</sup> Both industries publicly maintain that their products should not be used by children and adolescents, yet they promote their products in ways that would be exposed and appeal to young people.<sup>96</sup>

As with tobacco, alcohol companies will never be effective in regulating their own advertising.<sup>96</sup>

### **The international experience**

Access to internal marketing documents from UK alcohol producers and their advertising agencies have provided valuable insights into the strategic planning that underpins alcohol advertising, with relevance beyond the UK.

As part of an investigation into the conduct of the UK alcohol industry, the House of Commons Health Select Committee obtained a large number of internal marketing documents from alcohol producers and their advertising agencies. An analysis of these documents by Professor Gerard Hastings and colleagues was titled, “They’ll Drink Bucket Loads of the Stuff”, a quote from a creative brief for an alcohol campaign targeting young women.<sup>31</sup>

The analysis found that the UK self-regulatory alcohol advertising system – a system similar to Australia’s – had major flaws. Hastings noted, “The self-regulatory codes do not protect young people; they just hone the advertiser’s skills – either in camouflage or creativity” [p6].<sup>31</sup>

The marketing documents show that young people were a key target for recruiting new drinkers and establishing brand loyalty.<sup>98</sup> The internal documents included market research data on 15 and 16 year olds which were used to guide campaign development and deployment for alcohol products.

The analysis also noted that advertisers promote sociability and social success, and appeal to masculinity and femininity – all which are prohibited by the UK self-regulatory codes. It was found, “producers and agencies can exploit the ambiguities in the codes and push the boundaries of both acceptability and adjudication” (p5).<sup>31</sup>

Analyses of the documents showed that advertisers exploited the ambiguities in the self-regulatory codes and used sophisticated communication strategies and subtle emotional concepts that passed review by regulators who were not privy to the strategising that underpinned the advertisements.<sup>98</sup>

Hastings’ summary of the UK internal documents is consistent with concerns expressed about the situation in Australia:<sup>31</sup>

“These reveal major shortcomings in the current self regulatory codes covering alcohol advertising. Specifically, the codes do not, as they are supposed to, protect young people from alcohol advertising; prevent the promotion of drunkenness and excess; or the linking of alcohol with social and sexual success. Nor do they even attempt to address sponsorship, and the documents show this is being systematically used to undermine rules prohibiting the linking of alcohol with youth culture and sporting prowess. Finally, the codes are extremely weak in their treatment of new media which are rapidly become the biggest channel for alcohol promotion.

The result is a regulatory system that is impossible to police and vulnerable to exploitation.” (p1)

Given the global nature of the alcohol industry and similarities in self-regulatory approaches between countries, the international experience and how alcohol companies operate in other countries is highly relevant to a discussion of alcohol advertising regulation in Australia.

As noted by Moodie and colleagues, “There is little evidence that self-regulatory approaches are effective”.<sup>94</sup> We are not aware of anywhere in the world where self-regulatory approaches to alcohol advertising have been independently evaluated as effective.<sup>61, 94, 98, 99</sup> The consensus among those concerned with preventing harm from alcohol is that the regulation of alcohol advertising should be independent of the alcohol and advertising industries.<sup>10, 98</sup>

## **Alcohol Advertising Review Board**

It is evident from the failings of the self-regulatory alcohol advertising system in Australia that an alternative system of alcohol advertising review is needed. The Alcohol Advertising Review Board (AARB) was developed by the McCusker Centre and Cancer Council WA, with support from health organisations around Australia, in response to the weaknesses of the current self-regulatory advertising system. The role of the AARB is to review community complaints about alcohol advertising and deliver rational and considered determinations, free of industry influence. The AARB is chaired by Professor Fiona Stanley AC. The mission of the AARB is to administer an independent alcohol advertising complaint review service to help protect the community from inappropriate alcohol advertising and encourage effective regulation of alcohol advertising in Australia.

The AARB aims to:

- Provide an independent system of alcohol advertising review;
- Support the community to respond to inappropriate alcohol advertising;
- Ensure the complaint process is easy for community members to engage in; and
- Address the content and placement of all forms of alcohol advertising.

### **AARB Code and Procedures**

The AARB Code covers all forms of alcohol advertising and promotion and sets criteria for acceptable alcohol advertising content in Australia. The AARB Content Code is constructed using only provisions from existing alcohol advertising codes around the world. Some provisions are drawn from the ABAC, and others are from codes from jurisdictions with self-regulatory or quasi-regulatory systems similar to that of Australia, particularly New Zealand, the UK, and Canada. In each case, the alcohol and advertising industries have accepted and supported the application of the codes to their advertising. As there are no appropriate placement codes to reference, the AARB Placement Code features provisions that would reasonably prevent young people's exposure to alcohol advertising. The AARB Code is focused on reducing exposure of alcohol advertising to young people and ensuring alcohol advertising is socially responsible.

When a complaint is received by the AARB, the Advertiser is notified and invited to respond to the complaint within seven working days. Complaints are then put to 3 panel members who consider the advertisement with regard to the AARB Code. The AARB has an extensive pool of Panel members, drawn from a range of professions including public health, research, medicine, law, education and marketing. If the Panel find an ad in breach of the AARB Code, the advertiser is notified and the AARB requests they remove or modify the ad. In common with the ABAC Scheme process, there are no penalties associated with breaches of the AARB Code. Instead, the AARB publicly names and shames alcohol companies that advertise irresponsibly, something the industry's system rarely does. For further information the AARB Code and Procedures are provided in Appendices A and B.

### **Impact of the AARB**

Since the launch of the AARB in March 2012, the need for such an initiative has become increasingly clear. In May 2012, Professor Fran Baum resigned from her position on the ABAC Scheme, noting that she had been a minority public health voice on the ABAC Panel and that on a number of occasions the arguments that she presented were not accepted by other members of the panel. Professor Baum noted, "There is now a new process has been established which offers a much clearer public health perspective" and "A new approach to assessing the public health impact of alcohol advertising is very timely".<sup>100</sup>

To date, the AARB has released three quarterly reports, detailing complaints received; concerns raised by the community; advertisements that would appeal to children and young people; and alcohol advertisers who the AARB believe are failing to promote their products responsibly. The reports include recommendations for action regarding alcohol advertising regulation in Australia. The quarterly reports of the AARB are provided in Appendices C, D and E.

In the first six months of operation the AARB received 105 complaints relating to a wide range of alcohol advertising and promotion, including television advertisement content, sports sponsorship, placement of outdoor advertisements where young people may be exposed (e.g. near schools and playgrounds), name and packaging of alcohol products, placement of advertisements on or around public transport (e.g. buses, bus shelters) and internet advertisements, including email promotions and advertisements on Facebook and YouTube.

Of the 105 complaints received, 76 were reviewed by the AARB Panel. In the same six month period ABAC published 19 determination reports. It is notable that the number of determinations made by the AARB far exceeds those made through the alcohol industry's voluntary processes. This distinction is likely to reflect the level of community concern about alcohol advertising and support for an independent system of alcohol advertising review.

Examples of concerning advertisements for which complaints were received by the AARB include:

- Advertising for alcoholic products considered to be of likely appeal to young people, with names such as "Pom Pom", "Electric Pink" and "Hot Pink", and "Skinnygirl Cocktails";
- Jim Beam branded "electric skateboards";
- Jim Beam on Campus, a "student-led initiative that delivers unique events, parties and legendary moments at universities across Australia" (<http://jimbeam.com.au/jboc>);
- Alcohol advertisements placed near schools;
- Sponsorship of surfing and motor racing by alcohol companies; and
- Jim Beam Racing branded children's clothing, described as the most shocking example of alcohol advertising yet seen in Australia.<sup>101</sup>

The approach of the AARB represents a number of significant improvements on the self-regulatory system:

- The AARB is independent of the alcohol and advertising industries.
- The AARB defines a 'young person' as under 25 years, consistent with evidence regarding the impact of alcohol on the developing brain.
- The AARB has demonstrated it provides an efficient complaint review process. The AARB is committed to processing and responding to complaints as speedily as possible, with a target average of 20 working days for the handling of complaints. The AARB takes an active role in monitoring alcohol advertisements, as well as accepting complaints from the community. The ABAC Scheme is limited to a reactive system that relies on complaints from the public to identify non-compliant advertisements.
- The AARB Code covers both content and placement of all forms of alcohol advertising, marketing and promotion, with all complaints going to the one place. This is a more efficient, straightforward process and is easier for the community to engage in.
- The AARB Code has strong provisions which focus on protecting young people.
- Lodging a complaint is simple. The AARB accepts complaints via phone, fax, email or an online form, and provides direct contact details for the Executive Officer who is able to assist community members with lodging complaints.



- The AARB publicly names and shames irresponsible advertisers – something the self-regulatory system rarely seems to do.

## Concerns about ANPHA's issues paper

Below we have noted briefly some of the limitations of ANPHA's issues paper. These include:

1. The issues paper makes very limited reference to the work and recommendations of the National Preventative Health Taskforce in regard to alcohol advertising. It is disappointing that the issues paper appears to largely ignore the significant amount of work and recommendations of the Taskforce on this issue.
2. The Taskforce recommended that ANPHA monitor compliance with the existing self-regulatory codes relating to alcohol advertising in Australia. The issues paper does not start from where the Taskforce left off; ANPHA may indeed have gone backwards by broadening the discussion from the Taskforce's recommendations and implying that there is a need for further reviews
3. Examples of errors and omissions in ANPHA's issues include:
  - In sections 23 and 24, the description of the Outdoor Media Association (OMA) does not correctly describe the powers of the OMA's voluntary Code of Ethics; "...a Code of Ethics which all members must adhere to", "...the OMA requires members to limit the advertising of alcohol products on fixed signs that are within a 150m sight line of a primary or secondary school" (underline added for emphasis). We detail examples of the failings of the OMA's alcohol guidelines on page 25.
  - In section 41, the International Center for Alcohol Policy (ICAP) is quoted about the role of alcohol advertising without an explanation that ICAP is "funded by the largest multi-national beverage alcohol producers...to operate as an agent for industry interests in global and national policy arenas".<sup>102</sup>
  - Hastings and colleagues' 2005 paper is cited in section 33 as evidence that, in general, econometric studies have demonstrated that "alcohol advertising has little or no effect on consumption".<sup>103</sup> The conclusion of Hastings and colleagues' review of the research on alcohol marketing and young people's drinking is not presented in the issues paper: "There is now sufficient research evidence on the constituent elements of this marketing to say that the balance of probabilities now favours the conclusion that it is having an effect. The fact that exactly the same conclusions have been drawn for tobacco and food marketing suggests that plausibility is moving to veracity"[p306].<sup>103</sup>
4. The opinions of those with vested interests are presented alongside peer-reviewed evidence. This may be misinterpreted by some as suggesting the evidence base for stronger regulation of alcohol advertising is inconclusive.
5. The current alcohol advertising self-regulatory system as well as the codes and agencies involved are presented in a positive manner. There is little reference to the substantial literature on the failure of alcohol industry self-regulation.
6. The issues paper does not mention key reports, including the 2011 inquiry of the House of Representatives Standing Committee on Social Policy and Legal Affairs into the regulation of billboard and outdoor advertising, or the report of the Committee, *Reclaiming Public Space*.<sup>8</sup>

7. The purpose of the issues paper and submission process is unclear, as is the way forward. There is no discussion of actions, recommendations or alternatives to the current self-regulatory system within the issues paper.

## **Recommendations**

- Implement the recommendations of the National Preventative Health Taskforce.
- Alcohol promotions should be phased out from times and placements which have high exposure to young people aged up to 25 years.
- Introduce strong, independent, legislated controls on all forms of alcohol promotion to ensure it is socially responsible and exposure to young people is minimised.
- Prohibit the placement of alcohol advertising where exposure to young people cannot be controlled.
- Independent regulation should cover the content, placement and volume of all forms of alcohol advertising, marketing, promotion and sponsorship.
- Introduce meaningful sanctions for non-compliance that genuinely act as a deterrent.
- Amend the Commercial Television Industry Code of Practice to prohibit alcohol promotion during live sports broadcasts.
- Adequate, sustainable funding should be made available to replace alcohol sponsorship of sport, music and other events and activities to which young people are exposed.
- Investigate further means of curbing young peoples' exposure to alcohol promotion via the internet and social media, including through an international response.
- Require alcohol companies to publicly disclose their annual marketing expenditure.
- Remove the tax deductibility of alcohol advertising.
- Consider applying levies on alcohol advertising.
- Consider introducing corrective advertising processes whereby alcohol companies are required to fund independent health information advertisements, in a quantity relative to the volume of alcohol advertisements.

## Appendices

- A. Alcohol Advertising Review Board Content and Placement Code
- B. Alcohol Advertising Review Board Procedures
- C. Alcohol Advertising Review Board quarterly report: March to June 2012
- D. Alcohol Advertising Review Board quarterly report: June to August 2012
- E. Alcohol Advertising Review Board quarterly report: September to November 2012
- F. Australian Medical Association media release: Bathurst 1000 V8 Supercar sponsors are driving kids to drink (5 October 2012)
- G. McCusker Centre for Action on Alcohol and Youth media release: Alcohol advertising and children – call for action (12 February 2013)

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## **Alcohol Advertising Review Board Content and Placement Code**

### **Preamble**

Alcohol is no ordinary commodity. It is associated with harm to health, violence, crime, social disruption and economic cost. Per capita alcohol consumption in Australia has been rising over the past two decades and alcohol-related harm has reached critical levels, with especial concerns about drinking patterns among young people.<sup>1,2</sup> Alcohol companies spend hundreds of millions of dollars promoting their products, and their advertising is highly effective. Alcohol and advertising industry involvement in the regulation of their advertising is seen as both biased and ineffective.<sup>3</sup> Current definitions of advertising used in Australia exclude major forms of advertising, including sports sponsorship. Recognising the compelling need for responsible regulation of alcohol advertising and promotion in Australia, the Alcohol Advertising Review Board reviews complaints from the community about alcohol advertising.

### **Alcohol and harm:**

There is an urgent need for action to challenge Australia's harmful drinking culture. The social costs of alcohol-related harm to Australians are high. One in five Australians aged 14 years and above drinks at short-term risky/high-risk levels at least once a month.<sup>4</sup> This equates to more than 42 million occasions of binge drinking in Australia each year. The cost to the Australian community from alcohol-related harm is estimated to be more than \$36 billion a year.<sup>5</sup> An estimated 40% of all people detained by police attribute their offence to alcohol consumption.<sup>6</sup> Alcohol is associated with violence, injury, crime and car crashes.

Alcohol also causes considerable harm to health. Heavy drinking at a young age can adversely affect brain development and is linked to alcohol-related problems in later life.<sup>7</sup> On average, one in four hospitalisations of young people aged 15-24 years occurs because of alcohol.<sup>4</sup> Alcohol ingested by the mother is associated with harm to unborn babies and breastfeeding infants.<sup>4</sup> Excessive alcohol consumption is a major risk factor for a variety of health problems such as stroke, coronary heart disease and high blood pressure.<sup>8</sup> Alcohol is a risk factor for cancer of the mouth, pharynx, larynx, oesophagus, bowel and breast, with 5% of all cancers in Australia linked to long-term alcohol consumption.<sup>9</sup>

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<sup>1</sup> Chikritzhs T, Allsop S, Moodie R, Hall W. Per capita alcohol consumption in Australia: will the real trend please step forward? Medical Journal of Australia. 2010; 193(10):1-4.

<sup>2</sup> Chikritzhs T, Catalano P, Stockwell T, Donath S, Ngo H, Young D et al. Australian alcohol indicators, 1990-2001: Patterns of alcohol use and related harms for Australian states and territories. Perth, National Drug Research Institute and Turning Point Alcohol and Drug Centre Inc. 2003.

<sup>3</sup> Jones S, Hall D, Munro G. How effective is the revised regulatory code for alcohol advertising in Australia? Drug and Alcohol Review. 2008; 27:29-38.

<sup>4</sup> Australian Institute of Health and Welfare (AIHW) 2007 National Drug Strategy Household Survey: Detailed findings. Drugs Statistics Series 22. Canberra: AIHW, 2008.

<sup>5</sup> Lastlett A, Catalano P, Chikritzhs T, Dale C, Doran C, Ferris J, et al. The Range and Magnitude of Alcohol's Harm to Others. AER Centre for Alcohol Policy Research, Eastern Health, Fitzroy, Victoria; 2010.

<sup>6</sup> Australia New Zealand Policing Advisory Agency (ANZPAA). Operation Unit. Alcohol Misuse Statistics. ANZPAA: Melbourne. 2010. Located at <https://www.anzpaa.org.au/current-initiatives/operation-unite/alcohol-misuse-statistics>

<sup>7</sup> National Health and Medical Research Council (NHMRC). Australian guidelines to reduce health risks from drinking alcohol. Canberra: NHMRC, 2009.

<sup>8</sup> National Health and Medical Research Council, Alcohol and Health in Australia: <http://www.nhmrc.gov.au/your-health/alcohol-guidelines/alcohol-and-health-australia> (August 2011)

<sup>9</sup> Winstanley M, Pratt I, Chapman K, Griffin H, Croager E, Oliver I, et al. Alcohol and cancer: a position statement from Cancer Council Australia. Medical Journal of Australia. 2011; 194(9):479-482.

### **Alcohol advertising and drinking behaviours:**

The content and frequency of alcohol advertising can have an impact on an individual's behaviours and attitudes towards alcohol. Alcohol advertising impacts on drinking behaviours, both immediately in regard to brand preference as well as in the long term through reinforcing pro-drinking messages. In particular, there is growing evidence to support the effect alcohol advertising has on young people.<sup>10</sup> Alcohol marketing contributes to young people's attitudes to drinking, drinking initiation and drinking at harmful levels.<sup>11</sup> It effectively reinforces the harmful drinking culture that exists in Australia. Research evidence consistently shows strong associations between exposure to alcohol advertising and young people's early initiation to alcohol use and/or increased alcohol consumption.<sup>12</sup>

### **Self-regulation of alcohol advertising in Australia:**

In Australia, the content of alcohol advertising is self-regulated by the alcohol and advertising industries. The Alcohol Beverages Advertising Code (ABAC) is the alcohol-specific advertising code of practice. The Alcohol Beverages Advertising Code (ABAC) is the alcohol-specific advertising code of practice. ABAC is a voluntary code, and the ABAC Scheme is governed by alcohol industry representatives.

The alcohol-specific advertising code of practice deals with the content of ads only. The ABAC system is voluntary, and not all members of the industry – including powerful players such as retailers – are covered. The ABAC does not envisage the regulation of alcohol advertising content in emerging media. Making a complaint is a protracted process, and often a determination is not effective against advertising campaigns that have limited timeframes. Ultimately, the ABAC Adjudication Panel appears to support industry interests: the determinations consistently show that the Code's tests and provisions are interpreted in favour of advertisers.<sup>13,14</sup>

The regulation of the placement of alcohol advertising is inconsistent or non-existent. Indeed, some forms of placement, such as the placement of alcohol advertisements on the internet or the showing alcohol advertisements in cinemas, fall through the gaps entirely.

We believe that the current alcohol advertising self-regulation system has consistently failed to ensure that alcohol advertising is socially responsible and, in particular, it fails to protect young people from exposure to alcohol marketing.

### **The Alcohol Advertising Review Board Code**

The Alcohol Advertising Review Board's Code (the Code) sets criteria for acceptable alcohol advertising content in Australia.

The Alcohol Advertising Review Board Content Code *is constructed using only provisions from existing alcohol advertising codes around the world*. Some provisions are drawn from the ABAC, and others are from codes from jurisdictions with self-regulatory or quasi-

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<sup>10</sup> Babor T, et al. Alcohol: No Ordinary Commodity. Second Edition. New York: Oxford University Press; 2010.

<sup>11</sup> Babor T, et al. Alcohol: No Ordinary Commodity. Second Edition. New York: Oxford University Press; 2010.

<sup>12</sup> Snyder L, Milici F, Slater M, Sun H, Strizhakova Y. Effects of alcohol advertising exposure on drinking among youth. Archives of Pediatrics & Adolescent Medicine. 2006; 160:18–24.

Smith L, Foxcroft D. The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. BMC Public Health [Internet]. 2006; 9(51). Available from: BioMed Central.

<sup>13</sup> Jones S, Donovan R. Self-regulation of alcohol advertising: it is working for Australia? Journal of Public Affairs. 2002; 2(3):153-165.

<sup>14</sup> Jones S, Hall D, Munro G. How effective is the revised regulatory code for alcohol advertising in Australia? Drug and Alcohol Review. 2008; 27:29-38.

regulatory systems similar to Australia's, particularly New Zealand, the UK, and Canada. Each of those codes purports to ensure that alcohol advertising is socially responsible, that it neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and that it does not encourage young people to drink. In each case, the alcohol and advertising industries have accepted and supported the application of the codes to their advertising.

The Alcohol Advertising Review Board considers that placement of alcohol advertising should be governed by the Alcohol Advertising Review Board Placement Code.

**Scope:**

The Code covers all forms of advertising in Australia including, but not limited to, television, press, radio, online, digital and billboards, and advertising through promotional activities such as sports sponsorship.

The Alcohol Advertising Review Board will interpret the Code and judge community complaints about alcohol advertising. Applying the rules of the existing self-regulatory systems, the Alcohol Advertising Review Board will endeavour to reach a commonsense outcome. The Panel will especially focus on children's and young people's exposure to alcohol marketing and promotions.

In making its determinations, the Alcohol Advertising Review Board will consider the nature of the product being advertised, the media used, and the exposure of the audience targeted by the advertisement. The Board's determinations will be communicated to the advertiser, and made easily accessible for the general public and the media. The Alcohol Advertising Review Board represents an innovative approach that will deliver rational, considered and consistent alcohol advertising review, free of industry influence.

## CONTENT CODE

### 1. Definitions:

**Alcohol Advertisement:** An Alcohol Advertisement is defined as any message (the content of which is controlled directly or indirectly by the advertiser) communicated in any medium to Australians with the intent to influence their choice, opinion and behaviour with respect to Product.<sup>15</sup> Packaging, naming and labelling of Alcoholic Beverages are considered Alcohol Advertisements.<sup>16</sup> Content on websites, including advertisers' own websites, non-paid for space under the alcohol advertiser's control such as social networking sites and marketing communications on all Australian websites, is considered Alcohol Advertisements.<sup>17</sup>

**Alcohol Advertiser:** An Alcohol Advertiser markets or sells liquor and uses its name or any identifying feature to promote the sale of liquor in any way.<sup>18</sup>

**Alcoholic Beverage:** An Alcoholic Beverage is defined as containing more than 0.5% alcohol.<sup>19</sup>

**Claim:** A Claim can be implied or direct, written, spoken or visual. The name of a product can constitute a Claim.<sup>20</sup>

**Product:** Product encompasses goods, services, ideas, causes, brands, opportunities, prizes or gifts associated with Alcoholic Beverages.

**Young person:** A Young Person is a person under the age of 25. This definition is guided by the National Preventive Health Taskforce report 'Preventing alcohol-related harm in Australia', which notes that: 'Alcohol affects brain development in young people; thus, drinking, particularly 'binge drinking', at any time before brain development is complete (which is not until around 25 years of age) may adversely affect later brain function'<sup>21,22</sup>.

### 2. Application and Scope

The authority of this Code applies to the content and placement of Alcohol Advertisements.

Compliance with the Code is assessed according to certain relevant factors, which include (but are not limited to):

- the Alcohol Advertisement's probable impact when taken as a whole and in context;
- the audience actually, or likely to be, or intended to be, reached by the Alcohol Advertisement; and
- the medium/media used to deliver the communication.<sup>23</sup>

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<sup>15</sup> Canadian Code of Advertising Standards, Definitions

<sup>16</sup> UK Standard: The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks captures promotion through packaging and labelling as advertising

<sup>17</sup> New UK Advertising Standards Authority online remit, March 11: <http://www.asa.org.uk/Regulation-Explained/Online-remit.aspx>

<sup>18</sup> New Zealand Code for Advertising Liquor, Definitions

<sup>19</sup> UK CAP Code Definitions

<sup>20</sup> UK BCAP Introduction (v)

<sup>21</sup> National Preventive Health Taskforce (2009) 'Preventing Alcohol related harm in Australia: A Window of Opportunity' <http://www.health.gov.au/internet/preventativehealth/publishing.nsf/Content/tech-alcohol>

<sup>22</sup> Consistent with ABAC (b)(1) that states adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults

<sup>23</sup> Canadian Code of Advertising Standards, Scope of the Code (modified, NB extended application to apply to placement)

### **3. General provisions:**

#### **a. Compliance**

- i. Alcohol Advertisements must be prepared with a sense of responsibility to the audience and to society<sup>24</sup> and must reflect the spirit, not merely the letter, of the Code.<sup>25</sup>
- ii. Alcohol Advertisements shall comply with the Commonwealth law and the law of the relevant State or Territory.<sup>26</sup>

#### **b. Accuracy and truth:**

- i. Alcohol Advertisements must not contain inaccurate Claims, statements, illustrations or representations, either direct or implied, about a Product.<sup>27</sup>
- ii. The accuracy and/or truth of an Alcohol Advertisement will be determined by the overall general impression it conveys.<sup>28</sup>

#### **c. Disguised Advertising Techniques**

No Alcohol Advertisement shall be presented in a format or style which conceals its commercial intent.<sup>29</sup>

#### **d. Safety**

Alcohol Advertisements must not depict situations that might reasonably be interpreted as encouraging unsafe or dangerous practices or acts.<sup>30</sup>

#### **e. Health**

Alcohol Advertisements must not depict material contrary to Prevailing Community Standards on health and safety.<sup>31</sup>

#### **f. Community Standards**

Alcohol Advertisements shall not display obvious indifference to, or encourage, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.<sup>32</sup>

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<sup>24</sup> UK BCAP General Provisions 1.2

<sup>25</sup> UK BCAP General Provisions 1.1

<sup>26</sup> AANA Code of Ethics 1.1

<sup>27</sup> Canadian Code of Advertising Standards 1(a) (modified ie use of defined 'Product' to replace 'products and services')

<sup>28</sup> Canadian Code of Advertising Standards 1(a) Note – minor editorial changes, no change to substance of the Canadian provision.

<sup>29</sup> Canadian Code of Advertising Standards 2

<sup>30</sup> Canadian Code of Advertising Standards 10. Modified – removed 'without reason, justifiable on educational or social grounds; other minor editorial change

<sup>31</sup> AANA Code of Ethics, 2.6

<sup>32</sup> Canadian Code of Advertising Standards 14(d) (modified – minor editorial changes)

#### 4. Alcohol-specific provisions:

##### a. Young people

- i. Alcohol Advertisements shall not<sup>33</sup>:
  - 1. be directed at, or have a strong or evident appeal to, Young People;
  - 2. associate any Product with youth or youth symbols,
  - 3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
  - 4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.<sup>34</sup>
- ii. Adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults of this age.<sup>35</sup>

##### b. Consumption

- i. Alcohol Advertisements must only depict responsible and moderate consumption of alcohol beverages<sup>36</sup> and must not encourage consumption that is inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.<sup>37</sup>
- ii. Alcohol Advertisements must not feature, condone or encourage, directly or by implication, irresponsible or immoderate drinking. That applies to both the amount of alcohol presented and the way drinking is portrayed.<sup>38</sup>
- iii. Alcohol Advertisements must not portray persons with any Alcoholic Beverage in situations in which the consumption of alcohol is prohibited.<sup>39</sup>
- iv. Alcohol Advertisements must not suggest that refusal of alcohol is a sign of weakness.<sup>40</sup>

##### c. Change in mood and/or success

- i. Alcohol Advertisements must not imply that the presence or consumption of alcohol is in any way essential to the enjoyment of an activity or an event,<sup>41</sup> or that it is essential to the success of a social occasion.<sup>42</sup>
- ii. Alcohol Advertisements must not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly, must not:
  - 1. depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of social

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<sup>33</sup> (i) to (iii) from Canadian Broadcast Advertising of Alcoholic Beverages Code, 1. NB: (i) modified to insert the 'strong or evident appeal to' from ABAC

<sup>34</sup> UK BCAP Code 19.15.2

<sup>35</sup> ABAC (b)(i)

<sup>36</sup> ABAC (a)(iv)

<sup>37</sup> ABAC (g)

<sup>38</sup> UK BCAP Code 19.5

<sup>39</sup> Canadian Broadcast Advertising of Alcoholic Beverages Code (p)

<sup>40</sup> UK BCAP Code 11.8.1(a)

<sup>41</sup> Canadian Broadcast Advertising of Alcoholic Beverages Code (g)

<sup>42</sup> UK BCAP Code 19.4

acceptance, social status,<sup>43</sup> or personal, business, social, sporting, sexual or other success;<sup>44</sup>

2. suggest that the consumption of alcohol beverages offers any therapeutic benefit or is a necessary aid to relaxation; or<sup>45</sup>
3. refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol.<sup>46</sup>

**d. Alcohol and sex**

Alcohol Advertisements shall not be sexually provocative or suggestive or suggest any link between liquor and sexual attraction or performance.<sup>47</sup>

**e. Alcohol and behaviour**

Alcohol Advertisements must not link alcohol with daring, toughness, aggression, or unruly, irresponsible or antisocial behaviour.<sup>48</sup>

Alcohol Advertisements shall not attempt to establish the Product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of Product should take precedence over other activities.<sup>49</sup>

**f. Alcohol and drugs**

Alcohol Advertisements must not draw any association with drug culture, narcotics or illegal drugs.<sup>50</sup>

**g. Challenge, restriction on messages around stronger beverages**

Alcohol Advertisements must not challenge or dare people to drink or sample a particular alcohol beverage, and must not contain any inducement to prefer an alcohol beverage because of its higher alcohol content.<sup>51</sup>

**h. Operation of vehicles, skilled activity, sport**

Alcohol Advertisements may not portray Alcoholic Beverages in such a way as to associate the product with the operation of any vehicle

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<sup>43</sup> Social acceptance and social status from the Canadian Broadcast Advertising of Alcoholic Beverages Code (f)

<sup>44</sup> ABAC (c)(i)

<sup>45</sup> ABAC (c)

<sup>46</sup> Canadian Broadcast Advertising of Alcoholic Beverages Code (o)

<sup>47</sup> New Zealand Code for Advertising Liquor 2(d)

<sup>48</sup> UK BCAP Code 19.5

<sup>49</sup> Canadian Broadcast Advertising of Alcoholic Beverages Code (e) (modified – removed 'as a status symbol' as it is covered elsewhere)

<sup>50</sup> New Zealand Code for Advertising Liquor 2(a)(iv)

<sup>51</sup> ABAC (e) Note: Removed 'other than low alcohol beverages'

or with any activity requiring a significant degree of skill, care or mental alertness, including sporting and physical activities.<sup>52</sup>

**i. Use of imperative language**

Alcohol advertising must not use imperative language to urge people to purchase or consume Product.<sup>53</sup>

**j. Health claims**

Alcohol Advertisements may give factual statements about product contents, including comparisons, but must not make any health claims, which include fitness or weight control claims.<sup>54</sup>

**5. Standards to be applied to the naming and packaging of Alcoholic Beverages**

Without limiting the application of the other provisions in this Code, labels, graphics, artwork, brand names, packaging, containers and other marketing materials and techniques shall not:

1. have an appearance of special appeal to Young People by way of designs, motifs, cartoon characters or other devices that predominantly appeal to Young People;
2. lead to confusion with confectionary or soft drinks;
3. lead to confusion as to the alcoholic nature and/or alcoholic strength of the product;
4. draw any association with illicit drugs.<sup>55</sup>

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<sup>52</sup> Canadian Broadcast Advertising of Alcoholic Beverages Code (l), (m) (Minor editorial modification)

<sup>53</sup> Canadian Broadcast Advertising of Alcoholic Beverages Code (k)

<sup>54</sup> UK BCAP Code 19.18

<sup>55</sup> New Zealand Code for Advertising Liquor 2(a)



## **PLACEMENT OF ALCOHOL ADVERTISING**

### **1. Placement: General**

Alcohol Advertisements should not be placed:

- (i) in places or at broadcast times where Young People are exposed or are likely to be exposed; or
- (ii) in connection with content that appeals to Young People.

### **2. Television (free to air and pay TV)**

Alcohol Advertisements shall not be broadcast between 5am and 9pm.

### **3. Radio**

Alcohol Advertisements shall not be broadcast between 5am and 9pm.

### **4. Cinema**

Alcohol Advertisements may only be shown during R18+ films.

### **5. Publications**

Alcohol Advertisements are not permitted in publications that appeal or are likely to appeal to Young People.

This provision does not apply to alcohol industry publications.

### **6. Outdoor**

Alcohol Advertisements are not permitted within 500m of schools.

This provision does not apply to Alcohol Advertisements that are on premises licensed to sell Alcoholic Beverages.

### **7. Transport advertising**

No Alcohol Advertisements shall be placed on any means of public transport.

No Alcohol Advertisements shall be placed at any train, tram, bus or ferry stops.

### **8. Internet**

Alcohol Advertisements shall not appear online in connection with content that appeals or is likely to appeal to Young People.

### **9. Sponsorship**

Alcohol Advertisements shall not appear at cultural or sporting events that appeal or are likely to appeal to Young People.

## **Alcohol Advertising Review Board Procedures**

### **1 Structure**

#### **1.1 Auspices, Management and Secretariat**

- a) The Alcohol Advertising Review Board will work under the auspices of the McCusker Centre for Action on Alcohol and Youth and Cancer Council WA.
- b) A Steering Committee from McCusker Centre for Action on Alcohol and Youth and Cancer Council WA will guide day-to-day operations. An Advisory Board will oversee key decisions relating to the Alcohol Advertising Review Board.
- c) The secretariat will be provided by the McCusker Centre for Action on Alcohol and Youth.

#### **1.2 Board**

The Alcohol Advertising Review Board will:

- (a) Monitor the implementation of the Alcohol Advertising Review Board Code (“the Code”) and Alcohol Advertising Review Board Procedures (“the Procedures”), and consider amendments where necessary;
- (b) Encourage alcohol advertisers to comply with the Code;
- (c) Actively encourage an effective regulatory system; and
- (d) Report to stakeholders and the community.

### **2 Review**

#### **2.1 Review Panel**

A Review Panel (“the Panel”) will be formed to review complaints concerning advertisements for alcohol beverages which are made to the Alcohol Advertising Review Board.

#### **2.2 Appointment of the Panel**

The Panel will be appointed by the Steering Committee from a relevant range of expertise.

No member of the Panel may, at the time of or during the term of his or her appointment to the Panel –

- (a) Be a current employee or member of the alcohol beverages industry; or
- (b) Accept money from any aspect of the alcohol beverages industry.

#### **2.3 Complaints Procedure**

- (a) There will be a commitment to processing complaints and responding to complaints as speedily as possible, with:
  - (i) A target of 20 working days on average for the handling of complaints, and
  - (ii) A need to ensure privacy as appropriate.
- (b) The identity of complainants will be kept confidential, unless the complainant requests to be identified. Anonymous complaints will be accepted.
- (c) Complaints will be accepted for current advertisements and advertisements which have ended within 4 weeks of the complaint being submitted.
- (d) All complaints received by the Alcohol Advertising Review Board for which a copy of the advertisement can be accessed will be considered, except where a majority of the Steering Committee deems a complaint to be outside the scope of the Alcohol Advertising Review

Board Code. If this occurs, the complainant will be notified and the complaint will not be referred to the Panel for review.

- (e) The advertisers responsible for advertisements which are the subject of complaints will be notified of the complaint in writing and invited to provide a written response within 7 working days (provided the advertiser can be identified and located). Non-response will not prevent the complaint being reviewed.
- (f) Complaints will be referred on to three Panel members for review. Copies of the advertisement against which a complaint has been lodged will be provided to the Panel members to assist them with their deliberations. Copies of the advertisers' response, if received, will also be provided. The Secretariat will seek to keep Panel members up to date with relevant prior complaints and determinations.
- (g) The Panel's determination will be by a simple majority.
- (h) If the Panel decides that the complaint is to be upheld, the Alcohol Advertising Review Board will contact the advertiser to request withdrawal or modification of the advertisement.
- (i) A record of all decisions will be maintained. Determinations will be communicated in writing and reports of determinations will be available online. Any responses to the complaint from the advertisers will be published in the determination report.
- (j) The Alcohol Advertising Review Board will, at the discretion of the Chair or another member of the Advisory Board, accept appeals from the complainant or the advertiser. If a determination is appealed, both parties will be invited to provide comment that will be considered as part of the second review. The original complaint and submitted comments will be considered by three Panel members who were not involved in the initial review of the complaint. The Panel's decision in the appeal process is final, and the complainant and advertiser will be notified of the outcome.

## **2.4 Annual and Interim Reports**

The Steering Committee will prepare interim and annual reports summarising the complaints received by the Panel and the resulting decisions. Reports will be made available online.

# **ALCOHOL ADVERTISING REVIEW BOARD**



## **First Report March - June 2012**

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## Alcohol Advertising Review Board

The Alcohol Advertising Review Board (AARB) considers and reviews complaints from the Australian community about alcohol advertising. It aims to provide an independent system of alcohol advertising review and support the community to respond to inappropriate alcohol advertising.

AARB reviews complaints on the basis of the Alcohol Advertising Review Board Code (the Code), which sets criteria for acceptable alcohol advertising in Australia. The Code aims to ensure alcohol advertising is socially responsible, neither conflicts nor detracts from the need for responsibility and moderation in liquor merchandising and consumption and does not encourage young people to drink. The Code can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au).

### Introduction from the Chair

Alcohol is one of the most heavily promoted products in Australia. Adults and children of all ages are exposed to alcohol promotion through all media, from press to television, radio to social media, public transport to sponsorship of sports and music festivals. And alcohol is being promoted in ever-more creative ways.

The Alcohol Advertising Review Board (AARB) was developed to provide a system of alcohol advertising review that is independent of industry and covers all forms of alcohol advertising and promotion. Since its launch, the AARB has attracted substantial attention from the community and the media – and from the alcohol and advertising industries, which attack anything that dares to compete with their self-regulatory (or as they like to claim, “quasi regulatory”) system. The AARB has received encouraging support from across Australia. The number of complaints we have received in the first three months and the extensive range of issues they raise show the extent to which alcohol advertising and promotion are present in our community. That over this period we received 63 complaints – far more than the number received by the alcohol and advertising industries’ well-established self-regulatory processes – shows how much scope there was for something new.



Our purpose is not to ban all advertising for alcohol, but to ensure that the community and young people in particular can be protected against inappropriate forms of alcohol promotion.

We have no powers to force action by alcohol advertisers, but we hope that they will take seriously the concerns we have raised and the determinations made by our panel members.

At a time when there is rightly so much concern about a culture of drinking to get drunk among young people, about alcohol-related violence and about problems associated with alcohol, from FASD to road trauma, there should be no place for the kind of advertising about which some of these determinations have been made.

### Professor Fiona Stanley AC

Chair, Alcohol Advertising Review Board

## Launch

The Alcohol Advertising Review Board was launched on 16 March 2012.

The launch attracted significant media coverage and received support from many health and other organisations around Australia.

An archive of media coverage is maintained on the AARB website at [www.alcoholadreview.com.au/news](http://www.alcoholadreview.com.au/news).

## Complaints Process

### Procedures

AARB aims to make submitting complaints as easy as possible. We accept complaints via an online form, email, phone, fax or post. Once a complaint is received, for which a copy of the advertisement is accessible, the Advertiser is notified and given seven working days to respond to the complaint. The complaint, along with any response received from the Advertiser, is then passed on to three Panel Members for review. Panel Members have seven working days to make a determination. Further details on AARB Procedures can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au).

### Complaints

The table below summarises the status of the complaints received by AARB in the first twelve weeks of operation to 7 June 2012.

<b>Complaints</b>	
Number of complaints received	63
Number of advertisements these complaints referred to	53
Number of complaints considered by the AARB Panel	44
Number of complaints upheld	25
Number of complaints upheld in part	17
Number of complaints dismissed	2

Complaints related to:

- Television advertisement content
- Sports sponsorship
- Naming and packaging of alcohol products
- Placement of outdoor advertisements where young people may be exposed (e.g. near schools and playgrounds)
- Placement of television advertisements during times children are likely to be watching
- Placement of advertisements on or around public transport (e.g. buses, bus shelters)
- Internet advertisements

Some complaints were not progressed to the review stage as:

- According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe; or
- It was not possible to access a copy of the advertisement which was the subject of the complaint.

### **Review Panel**

A total of 68 Panel Members participated in a review during the first twelve weeks of operation. Panel Members were drawn from a range of professions including public health, research, medicine, law, education and marketing.

### **Advertisers**

It is AARB procedure to notify alcohol advertisers of complaints and invite advertisers to respond within seven working days.

Advertisers who chose to participate in the AARB process and provide written responses to complaints regarding their products were:

- Independent Distillers Asia Pacific
- Winemakers Direct
- Direct Wine Cellars
- Bacardi Lion - when notified of a complaint, Bacardi Lion immediately removed the offending advertisement (reference 1/12). See below for further detail.

AARB commends these advertisers for participating in the AARB process.

Advertisers who declined to participate in the AARB process were:

- |   |                                 |
|---|---------------------------------|
| • Brown-Forman Australia                          | • Lion                          |
| • Beam Global Australia                           | • Some Young Punks Wine         |
| • Campari Australia                               | • Suntory Australia             |
| • Diageo Australia                                | • The Bottle-O 'Luckies Liquor' |
| • Foster's Group Limited (Carlton United Brewers) | • Woolworths Limited            |

### **Timeline for handling complaints**

AARB is committed to processing and responding to complaints as speedily as possible, with a target average of 20 working days for the handling of complaints.



Within the first twelve weeks of operation, complaints took an average of 21 days for a determination to be reached. The decision was made in the first instance that rather than release determinations in regard to some early initial complaints, AARB would wait until there were sufficient numbers for an adequate report.

## **Actions**

When a complaint is upheld, AARB notifies the advertiser and requests they modify or remove the advertisement.

Below we have summarised nine examples of complaints received, the panel's determination and subsequent actions. The full determination report for each example can be viewed at <http://www.alcoholadreview.com.au/articles/determination-reports/>.

### **Removal of an advertisement located near a playground**

**Advertisement:** An advertisement for Eristoff Vodka on a bus shelter next to a children's playground in Adelaide, South Australia.

**Complaint:** The complainant was concerned about the exposure of children to alcohol advertisements (ref 1/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(a)(i)(1) and (5)(1) of the Content Code, and sections (1)(i) and (7) of the Placement Code.

**Action:** The Advertiser, Bacardi Lion, was notified of the complaint and the advertisement was removed the next day. AARB commends Bacardi Lion for their prompt action in response to the complaint.

### **Placement of alcohol advertising near schools**

Two complaints were received about alcohol advertisements placed near schools.

**Advertisements:** 1. An advertisement for Carlton Dry in Moorine Rock, Western Australia, located approximately 350m from the local primary school.

2. An advertisement for Fat Yak Pale Ale in Perth, Western Australia, located approximately 150m from a local high school.

**Complaints:** Both complainants were concerned about the proximity of the alcohol advertisements to schools and the likelihood young people would be exposed to the advertisements (ref 15/12, ref 12/12).

**Determination:** Upheld. Both advertisements were found to have contravened sections (1)(i) and (6) of the Placement Code.

**Action:** AARB requests that Foster's Group Limited, the Advertiser for both products, thoroughly monitor the placement of their advertising, so as to limit the exposure to young people.

### Alcohol event sponsorship

**Advertisement:** Smirnoff Vodka advertising at Groovin the Moo, a music festival held in Bendigo, Townsville, Maitland, Canberra and Bunbury.

**Complaint:** Young people are likely to be exposed to the Smirnoff advertising as it was placed at a music festival that featured many bands that appeal to young people (ref 42/12).

**Determination:** Upheld. The advertisements were found to have contravened section (1)(i), (8) and (9) of the Placement Code, as they were placed at a music festival where young people are likely to be exposed.

**Action:** AARB requests Diageo Australia, the Advertiser of Smirnoff Vodka, reconsider their sponsorship of music festivals that are likely to appeal to young people, including the Groovin the Moo festival series.

**Advertisement:** Carlton Draught barrier boards at Patersons Stadium, Western Australia.

**Complaint:** The complainant was concerned about the association of sport and alcohol, and the exposure of young people to alcohol advertising. The complainant noted that young people would be exposed to the advertising at the ground, by watching the game on TV and viewing pictures of the game on online photo galleries (ref 29/12).

**Determination:** Upheld in part. The barrier boards were found to have contravened section (4)(h) of the Content Code and sections (1)(i), (1)(ii), (2), (8) and (9) of the Placement Code due to the likelihood of young people being exposed to the advertisements.

**Action:** AARB requests Foster's Group Limited, the Advertiser of Carlton Draught, reconsider the promotion of alcoholic products in association with AFL due to its appeal to young people.

### Alcohol and sport

AARB received two further complaints regarding Carlton Draught sponsorship of AFL.

- Advertisement:**
1. Official AFL Tipping Competition website, sponsored by Carlton Draught.
  2. 'Carton Draught Draught Pick' iPhone application.

**Complaints:** Both complaints were in relation to the association of sport and alcohol, and the advertisements' appeal to young people (ref 13/12, 20/12).

**Determinations:** The Official AFL Tipping Competition website, sponsored by Carlton Draught, was upheld in part (ref 13/12). The Panel found the advertisement contravened sections (4)(a)(i)(1), (4)(a)(i)(2), (4)(a)(i)(4) of the Content Code and sections (1)(i), (1)(ii) and (8) of the Placement Code due to AFL's appeal to young people and the likelihood young people will be exposed to the advertisement through the website.

The 'Carlton Draught Draught Pick' iPhone application was upheld in part (ref 20/12), and found to contravene section (4)(a)(i)(1) of the Content Code and sections (1)(i), (1)(ii) and (8) of the Placement Code due to AFL's appeal to young people and the likelihood young people will be exposed to the advertisement through the application.

**Action:** AARB recommends Foster's Group Limited, the Advertiser of Carlton Draught, reconsider the promotion of alcoholic products in association with AFL due to its appeal to young people.

Two separate complaints were received regarding the 'Wild Turkey 10'.

**Advertisement:** The 'Wild Turkey 10', a competition that offered local sporting teams the opportunity to win one of 10 sporting sponsorship packages worth over \$10,000.

**Complaint:** Both complainants were concerned about the association between alcohol and sport (ref 18/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(c)(ii)(1) and (4)(h) of the Content Code and section (3) of the Placement Code, as the advertisement associated Wild Turkey with sporting success and associated alcohol consumption with sporting activities.

**Action:** AARB requests the Advertiser, Campari Australia, withdraw their sponsorship of local sporting teams, and reconsider advertising through sports sponsorship in the future.

### **Name and packaging of alcohol products: appeal to young people**

**Advertisement:** The name and packaging of Skinnygirl Cocktails.

**Complaint:** The complainant believed the name and packaging of Skinnygirl Cocktails would have strong appeal to young people and is associated with youth through the name 'Skinnygirl' and the image used on the package. The complainant also expressed concern that the name 'Skinnygirl' suggests that consuming the product will help you be skinny (ref 32/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(a)(i)(1), (4)(a)(i)(2), (4)(a)(ii), (4)(j) and (5)(1) of the Content Code, as the majority of the Panel believed the name and packaging of the product would have strong appeal to young people and the term 'skinny' could be viewed as suggesting you will not gain weight when consuming the product.

**Action:** AARB encourages the Advertiser, Beam Global, to reconsider their use of imagery and design that appeal to young people.

### **Alcohol and a change in mood**

Two complaints were received regarding a Jagermeister television advertisement.

**Advertisement:** Jagermeister, 'Hunting Since 1935' television advertisement.

**Complaint:** 1. The first complainant raised concerns over the content of the advertisement, on the basis that the stag in the advertisement is likely to appeal to young people and there is a significant change in mood and environment associated with Jagermeister (ref 8/12).

2. The second complainant raised concerns over the content of the advertisement, on the basis that it only promoted the 'upside' of drinking. The advertisement was shown in a cinema before a film rated MA15+. As the content of the advertisement was already under review in relation to another complaint (ref 8/12), it was reviewed in regard to placement (ref 19/12).

**Determination:** The first complaint (ref 8/12), which related to content, was upheld in part. The Panel found the advertisement contravened section (4)(c)(ii); the product was strongly associated with a significant change in mood and environment. The second complaint (ref 19/12) was upheld in regard to placement, as it was shown at 6.50pm before an MA15+ movie.

**Action:** AARB requests the Advertiser, Suntory Australia, withdraw the advertisement immediately and consider the determination with regard to future advertising. AARB also requests Suntory Australia consider the placement of their advertisements in cinemas and only screen prior to films rated 18+ to reduce exposure to young people.

## **Alcohol and sex**

**Advertisement:** Woodstock Bourbon and Cola 'Calendar Babes'.

**Complaint:** The complainant believed the online advertisement contravened section (4)(d) of the Content Code on the basis that it associated alcohol with sex (ref 33/12).

**Determination:** Upheld in part. The Panel found the advertisement contravened section (4)(d) of the Content Code on the basis that the advertisement is sexually provocative as it features scantily clad women in sexually explicit poses with the text 'Wood U?'.

**Action:** AARB requests the Advertiser, Independent Distillers, withdraw the advertisement immediately.

## Alcohol Advertising Review Board Advisory Board

<b>Chair</b>	Professor Fiona Stanley AC	
	Dr John Boffa	Public health doctor
	Dr Rosanna Capolingua	General practitioner; Chair Healthway
	Professor Mike Daube	McCusker Centre for Action on Alcohol and Youth
	Professor Geoff Dobb	Federal Vice President, Australian Medical Association
	Dr Becky Freeman	University of Sydney
	Professor Sir Ian Gilmore	Immediate Past President, Royal College of Physicians of London
	Mr Peter Gordon	Lawyer; Co-Chair, McCabe Centre for Law and Cancer
	Mr Todd Harper	CEO, Cancer Council Victoria
	Mr Michael Moore	CEO, Public Health Association of Australia
	Professor Simone Pettigrew	University of Western Australia
	Mr Terry Slevin	Cancer Council WA
	Dr Norman Swan	Broadcaster
	Mr Michael Thorn	CEO, Foundation for Alcohol Research and Education

# **ALCOHOL ADVERTISING REVIEW BOARD**



## **Quarterly Report June – August 2012**

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## Alcohol Advertising Review Board

The Alcohol Advertising Review Board (AARB) considers and reviews complaints from the Australian community about alcohol advertising. It aims to provide an independent system of alcohol advertising review and support the community to respond to inappropriate alcohol advertising.

The AARB reviews complaints on the basis of the Alcohol Advertising Review Board Code (the Code), which sets criteria for acceptable alcohol advertising in Australia. The Code aims to ensure alcohol advertising is socially responsible, neither conflicts nor detracts from the need for responsibility and moderation in liquor merchandising and consumption and does not encourage young people to drink. The Code can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au)

## Message from the Chair

Six months after the launch of the Alcohol Advertising Review Board, the need for this initiative has become increasingly clear. The AARB received its hundredth complaint in August, and it is distressing to note the range of complaints covered about different forms of alcohol advertising and promotion.

While the AARB is new, and has only thus far been promoted through unpaid media coverage and interested organisations, the number of determinations clearly exceeds those made through the alcohol industry's voluntary process. This reflects both the level of concern in the community and a perception that independent review is likely to achieve more than consideration by bodies overseen by the alcohol and advertising industries.

We are especially concerned that nearly a quarter of the first hundred complaints received by the AARB related to online advertisements, including advertising through Facebook and You Tube. Online media are being increasingly used by alcohol companies to market their products. Notwithstanding notional age-related barriers, children and young people have ready access to virtually anything on the internet. In the absence of any effective regulation of these media, the extent of online alcohol promotion is a matter of grave concern.

Several Panel members expressed concern over the association between alcohol and motor sports through promotions such as sponsorship of V8 Supercars. Given the appalling toll of death and injury caused by alcohol and driving, it is almost beyond belief that alcohol companies seek to associate their products with fast cars in promotions to which many children and young people are exposed. These companies – as the rest of the community – should be making every effort to ensure that young people in particular are encouraged to avoid any association between drinking and driving.





In this report we have also noted a special concern about advertising and promotion by the Jim Beam company. While this company is far from alone in promoting irresponsibly, fifteen of the AARB's first hundred complaints were received about Jim Beam promotions, which range from television advertising to internet promotions, from branded "Electric Skateboards" to the Jim Beam on Campus promotion targeting students. We believe that this company merits special attention in relation to forms of marketing through which children and young people may be exposed to alcohol promotion.

While some advertisers have declined to cooperate with the AARB, it is pleasing to see that several companies have modified or removed their advertisements in response to our comments and requests. We hope that others will follow over time.

The Alcohol Advertising Review Board is an important step towards reducing the exposure of young people and others in the community to inappropriate forms of alcohol promotion, and we look forward to continuing with this important work.

**Professor Fiona Stanley AC**

Chair, Alcohol Advertising Review Board

## Complaints – Quarterly Update

The following information covers the twelve week period from 8 June to 31 August 2012.

### Procedures

The AARB aims to make submitting complaints as easy as possible. We accept complaints via an online form, email, phone, fax or post. Once a complaint is received, for which a copy of the advertisement is accessible, the Advertiser is notified and given seven working days to respond to the complaint. The complaint, along with any response received from the Advertiser, is then passed on to three Panel Members for review. Panel Members have seven working days to make a determination. Further details on AARB Procedures can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au).

### Complaints

The table below summarises the status of complaints received by the AARB in the twelve weeks from 8 June to 31 August 2012.

<b>Complaints</b>	
Number of complaints received	42
Number of advertisements these complaints referred to	41
Number of complaints considered by the AARB Panel	32
Number of complaints upheld	27
Number of complaints upheld in part	3
Number of complaints dismissed	2

Complaints related to:

- Television advertisement content
- Sports sponsorship
- Name and packaging of alcohol products
- Placement of advertisements on or around public transport (e.g. buses, bus shelters)
- Internet advertisements, including email promotions and advertisements on Facebook and YouTube

Some complaints were not progressed to the review stage as:

- According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe;
- The complainant was not able to provide enough information about the advertisement to enable it to be identified; or
- It was not possible to access a copy of the advertisement which was the subject of the complaint.

## Advertisers

It is AARB procedure to notify alcohol advertisers of complaints and invite advertisers to respond within seven working days.

Advertisers who chose to participate in the AARB process over the twelve week period from 8 June to 31 August 2012 and provide written responses to complaints regarding their products were:

- Australian Hospitality and Leisure Group (ALH)
- Blue Sky Brewery
- Burch Family Wines
- Chilli Marketing Australasia
- Independent Distillers Asia Pacific
- Liquor Home Delivery
- Thirsty Camel Bottleshops

The AARB commends these advertisers for participating in the AARB process.

Advertisers who declined to participate in the AARB process over the twelve week period were:

- Accolade Wines
- Beam Global Australia
- Carlton and United Breweries
- Diageo Australia
- Lion
- Suntory Australia
- Woolworths Limited

## Action taken by advertisers

When a complaint is upheld, the AARB notifies the advertiser and requests they modify or remove the advertisement.

Below we have summarised three examples of advertisers who have complied with AARB requests. The AARB commends the advertisers for modifying or removing the advertisements.

The full determination report for each example can be viewed at <http://www.alcoholadreview.com.au/articles/determination-reports/>.

## Cinema placement of an alcohol advertisement

**Advertisement:** A cinema advertisement for FNQ Lager played prior to a 10am screening of the children's film 'Brave', rated PG, in Townsville, Queensland.

**Complaint:** The complainant was concerned about the placement of an alcohol advertisement before a film rated PG, due to the likely exposure to children (ref 50/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (1) and (4) of the Placement Code, as it was placed prior to a film where children and young people were likely to be exposed.

**Action:** The cinema advertising company, Star Media Platinum, took full responsibility for the placement of the advertisement. They stated it was due to human error and that new procedures had been introduced to ensure the situation did not occur again.

#### **Modification of a print advertisement**

**Advertisement:** A print advertisement for MadFish Wines in the August edition of Madison magazine. The advertisement featured the line 'a glass of wine solves everything'.

**Complaint:** The complainant was concerned about the use of the line 'a glass of wine solves everything', believing it was irresponsible and inconsistent with the Code (ref 59/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (3)(a)(i), (3)(b), (4)(c)(ii) and (4)(e) of the Content Code, as the phrase 'a glass of wine solves everything' did not reflect the spirit of the code, suggested wine is for relief and/or relaxation and attempted to establish wine as a way to escape from life's problems.

**Action:** Following receipt of the determination, the Advertiser, Burch Family Wines, acknowledged the concerns of the AARB Panel and notified the AARB that they had withdrawn the reference to 'a glass of wine solves everything' on the print advertisement.

#### **Removal of a hotel competition advertisement**

**Advertisement:** An advertisement for a competition being run at the Hyde Park Hotel in North Perth, Western Australia. The advertisement featured the text "Eat our chicken parmigiana for 4 & jug'o'naught by yourself in an hour & receive a t shirt & world recognition."

**Complaint:** The complainant believed the contest to drink a jug of beer in one hour promoted excessive consumption of alcohol (ref 72/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(b)(i) and (4)(b)(ii) of the Content Code, as it promoted excessive consumption of alcohol over a short timeframe.

**Action:** When responding to the initial complaint, the Advertiser, ALH, stated the advertisement did not in any way encourage patrons to consume alcohol inconsistently with the Australian Alcohol Guidelines; but noted they had removed the advertisement from the Hotel premise, its website and Facebook pages.

## Advertisements that appeal to young people

The AARB believes young people's exposure to alcohol advertisements should be minimised, and that alcohol advertisements should not appeal to young people. Provision (4)(a)(i) of the AARB Code states:

### 4. Alcohol-specific provisions:

#### a. Young people

##### i. Alcohol Advertisements shall not :

1. be directed at, or have a strong or evident appeal to, Young People;
2. associate any Product with youth or youth symbols,
3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.

Below we have summarised four examples of advertisements that the AARB Panel found breached the Code in relation to their likely appeal to young people. The full determination report for each example can be viewed at <http://www.alcoholadreview.com.au/articles/determination-reports/>.

## Thirsty Camel Victoria Facebook

**Advertisement:** Images uploaded by Thirsty Camel on the Thirsty Camel Victoria Facebook page. The images included statements such as "I wish I could trade in my heart for another liver. Then I could drink more and care less", "Someone slipped a hangover into my drink last night" and "Alcohol doesn't answer any problems, it just helps you forget the question".

**Complaint:** The complainant believed the simple humour and cartoon-style images would appeal to young people. They also believed the images promoted excessive consumption of alcohol, depicted feelings and effects of excessive alcohol consumption and referred to alcohol as being able to help you forget your problems (ref 62/12).

**Determination:** Upheld. The advertisement was found to have contravened section (4)(a)(i)(1) of the Content Code, as the Panel believed the images would appeal to children and young people through the use of a cartoon camel character, the bright colours and the use of humour. The Panel also found the advertisement contravened sections (3)(a)(i), (4)(a)(i)(1), (4)(b)(i), (4)(b)(ii) and (4)(c)(ii)(3) of the Content Code.

**Action:** The AARB requested the Advertiser, Thirsty Camel Bottleshops, remove the images from the Thirsty Camel Victoria Facebook page. As of 21 November 2012, the images had not been removed.

### Jim Beam Electric Skateboard

**Advertisement:** Jim Beam Electric Skateboard, featuring Jim Beam branding.

**Complaint:** The complainant believed that the skateboard would have strong appeal to young people, that a skateboard is a common symbol of youth and that there was an association between Jim Beam and skateboarding, an activity predominately attractive to young people (ref 68/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(a)(i)(1), (4)(a)(i)(2) and (4)(a)(i)(3) due to its likely appeal to young people. The Panel also believed it contravened section (4)(h) of the Content Code, on the basis that it associated the product and drinking spirits with the operation of an electric skateboard, which is considered to be a skilled activity.

**Action:** The AARB requested the Advertiser, Beam Global, withdraw the skateboard due to its likely appeal to young people and the association between Jim Beam and the operation of an electronic skateboard, which is considered to be a skilled activity. As of 21 November 2012, the AARB had not been notified of any action by Beam Global in response to this determination.

### Bacchus Shot Buckets

**Advertisement:** The name and packaging of Bacchus Shot Buckets. The Bacchus Shot Bucket is a transparent bucket that holds 28 individually-packaged shots. The shot flavours are QF, Pancake, Cowgirl, Cowboy, Choc Éclair, Cowboy Espresso and Choc Banana Split.

**Complaint:** The complainant believed the confectionery-themed names and the bright colours of the shots were designed to appeal to young people (ref 63/12).

**Determination:** Upheld in part. The advertisement was found to have contravened sections (4)(a)(i)(1), (5)(1) and (5)(2) due to the likely appeal to young people, and the product could be confused with confectionery. The Panel also believed it contravened section (4)(b)(ii) of the Content Code, on the basis that shots are an irresponsible form of consuming alcohol and any promotion of shots implies the encouragement of irresponsible or immoderate drinking.

**Action:** The AARB requested the Advertiser, Bacchus Distillery, withdraw the product from the market due to its likely appeal to young people and its features which enable rapid, excessive consumption of alcohol. As of 21 November 2012, Bacchus Shot Buckets were still available for purchase.

### Jim Beam 'Wanna B Famous' promotion

Two separate complaints were received regarding the Jim Beam 'Wanna B Famous' promotion.

**Advertisement:** The Jim Beam 'Wanna B Famous' promotion, which offered 25,000 fans of the Jim Beam Australia Facebook page the opportunity to have their face on the Steve Johnson Jim Beam Racing V8 Supercar. The competition also offered a major prize that included the chance to 'Party like a V8 Superstar'.

**Complaints:** The first complaint was about the 'Wanna B Famous' promotion (ref 66/12). The complainant believed the advertisement was aimed at young men as they thought the use of fast cars, attractive women, alcohol and the prize of having your face on a race car is likely to appeal to that demographic.

The second complaint was for an internet advertisement for the 'Wanna B Famous' promotion (ref 67/12). The complainant expressed concerns over the placement of the advertisement on the YouTube homepage. They also believed the advertisement linked alcohol and success, through phrases such as 'Wanna B Famous' and 'Party like a V8 superstar', and noted the advertisement linked alcohol and motor racing.

**Determination:** Both upheld. The first complaint (ref 66/12) was found to have contravened sections (4)(a)(i)(1), (4)(c)(ii)(1), (4)(d) and (4)(h) of the Content Code. The Panel believed the advertisement would have strong appeal to young people, and in particular, young men – and the prize of having your face on a race car, partying with friends at an after-party and social networking via an iPad game would have strong appeal to young people.

The second complaint (ref 67/12) was found to have contravened sections (4)(a)(i)(1), (4)(c)(ii)(1), (4)(e) and (4)(h) of the Content Code. The Panel also believed it contravened sections (1) and (8) of the Placement Code, as it was placed on YouTube, a website where Young People are likely to be exposed.

**Action:** The AARB requested the Advertiser, Beam Global:

1. Cease running the Jim Beam 'Wanna B Famous' promotion due to its likely appeal to young people and the association it depicts between alcohol and motor racing;
2. Reconsider advertising their products on YouTube due to the likely exposure of young people to the advertisements; and
3. Reconsider their sponsorship of V8 Supercars.

As of 21 November 2012, the AARB had not been notified of any action by Beam Global in response to these determinations.

## Six Month Update

The following information covers the first six months of the AARB's operation, from 16 March to 31 August 2012.

### Complaints

The table below summarises the status of complaints received by the AARB in the first six months of operation.

Complaints	
Number of complaints received	105
Number of advertisements these complaints referred to	91
Number of complaints considered by the AARB Panel	76
Number of complaints upheld	52
Number of complaints upheld in part	20
Number of complaints dismissed	4

### Review Panel

A total of 79 Panel Members participated in a review during the first six months of operation. Panel Members were drawn from a range of professions including public health, research, medicine, law, education and marketing.

### Timeline for handling complaints

The AARB is committed to processing and responding to complaints as speedily as possible, with a target average of 20 working days for the handling of complaints.

Within the first six months of operation, complaints took an average of 21 working days for a determination to be reached.

### AARB media

The AARB has attracted significant media attention since the launch in March 2012.

The release of the AARB First Report on 2 August 2012 received national media coverage across online, print and radio.

An archive of media coverage is maintained on the AARB website at [www.alcoholadreview.com.au/news](http://www.alcoholadreview.com.au/news).

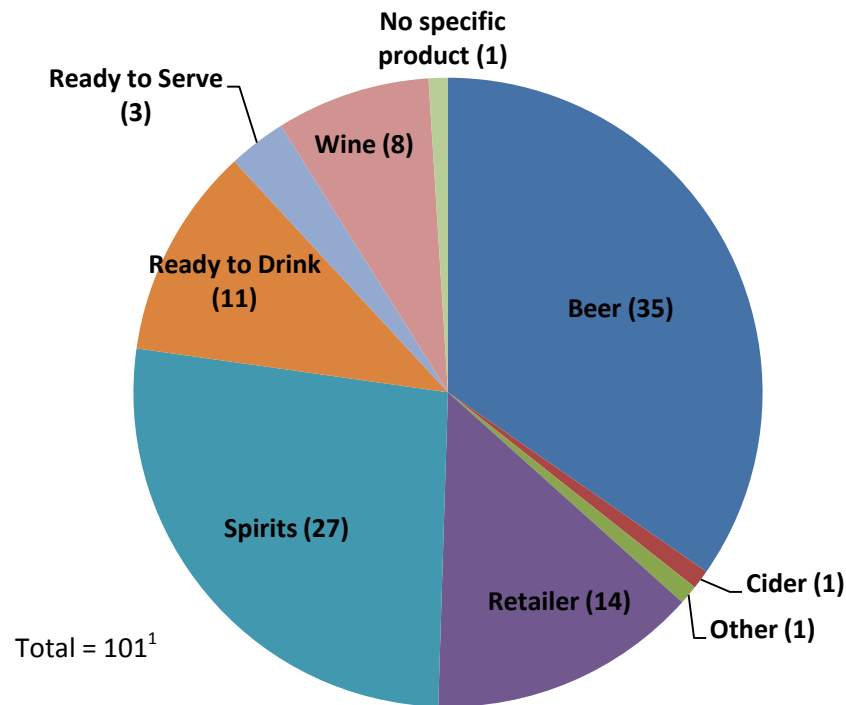


## First 100 Complaints

On 21 August 2012, the AARB received its 100<sup>th</sup> complaint. Below is an analysis of the 100 complaints.

### Type of Product

The chart below outlines the type of products to which complaints related.



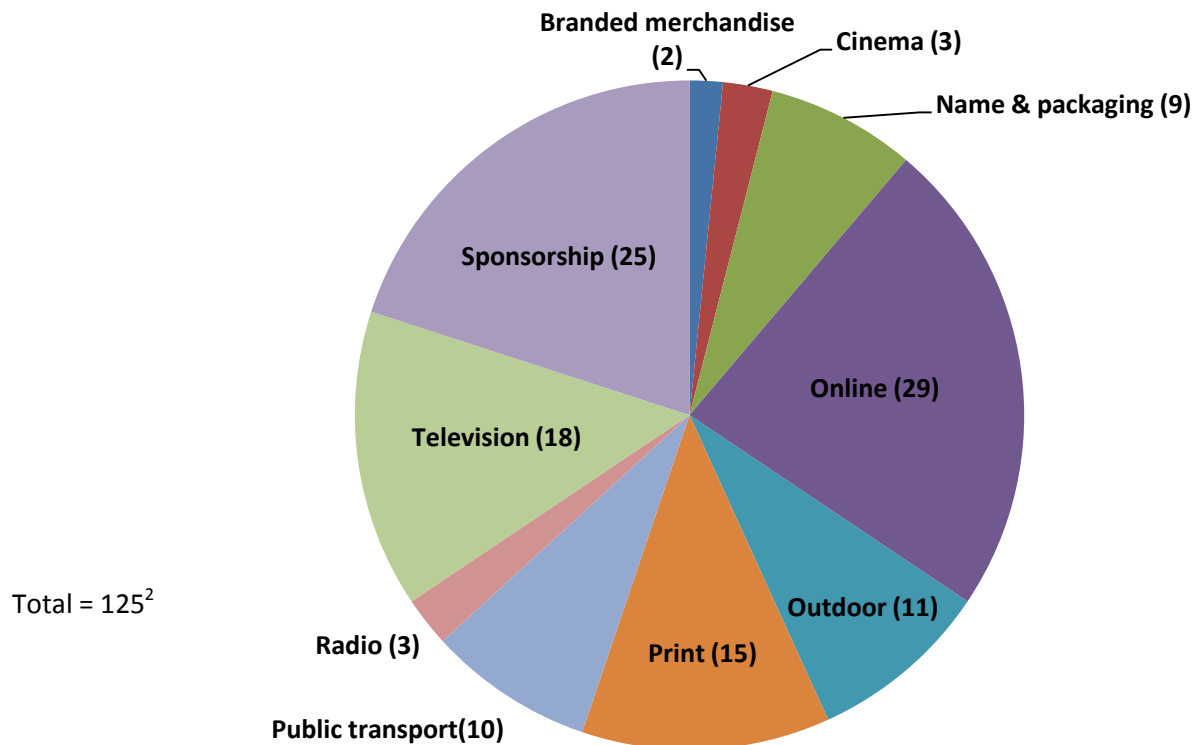
Of the first 100 complaints, complaints were most likely to relate to advertisements for beer products (35 complaints), followed by spirit products (27 complaints) and liquor retailers (14 complaints).

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<sup>1</sup> Note: The total is over 100 as one advertisement promoted both a spirit product and a ready to drink product.

## Form of advertisement

Below is a breakdown of the form of advertisement to which complaints related.



Of the first 100 complaints, the form of advertisement most likely to be complained about was online advertisements (29 complaints). Complaints relating to online advertisements included social media (e.g. Facebook and YouTube) and email content.

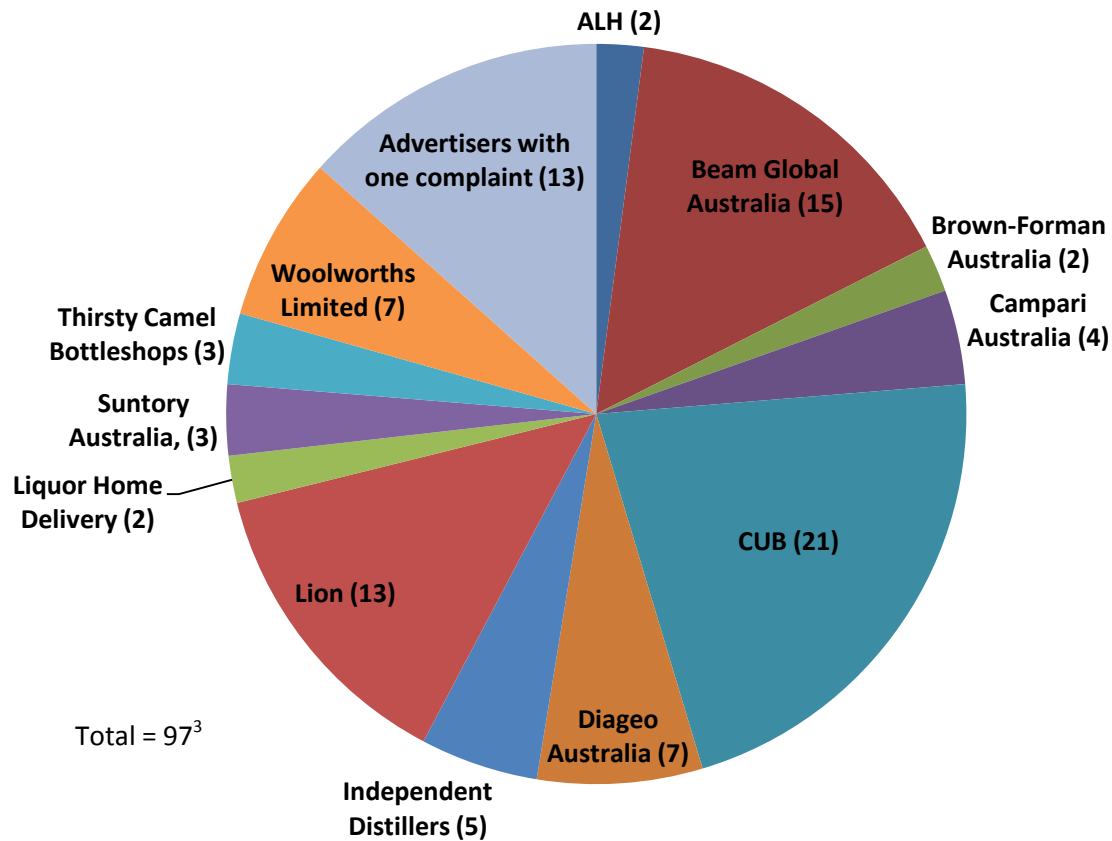
Other forms of advertisements which received a substantial amount of complaints were sponsorship (25 complaints), which covers sport and events sponsorship, and television advertisements (18 complaints).

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<sup>2</sup> Note: The total is over 100 as some complaints related to promotions that covered more than one form; e.g. Online and sponsorship

## Advertisers

Below is a breakdown of Advertisers to which complaints related, and how many complaints they received.



For clarity, Advertisers who received one complaint were grouped together in the graph. These Advertisers were:

- Accolade Wines
- Bacardi Lion
- Bacchus Distillery
- Blue Sky Brewery
- Burch Family Wines
- Cellarbrations
- Chilli Marketing
- Direct Wine Cellars
- Some Young Punks Pty Ltd
- The Bottle-O
- The Oxford Hotel
- Wesfarmers
- Winemakers Direct

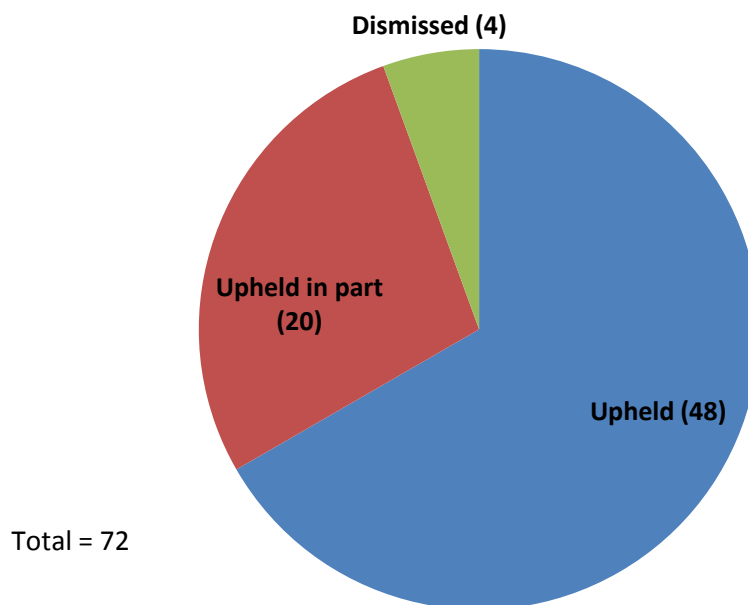
<sup>3</sup> Three complaints related to advertisements that were outside the scope of the AARB (advertisements relating to a school promotion and a non-alcohol product, and a complaint that did not specify a particular product). These have been excluded from the graph.

## Determinations

Of the first 100 complaints, 72 were reviewed by the AARB Panel. Some complaints were not progressed to the review stage as:

- According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe;
- The complainant was not able to provide enough information about the advertisement to enable it to be identified; or
- It was not possible to access a copy of the advertisement which was the subject of the complaint.

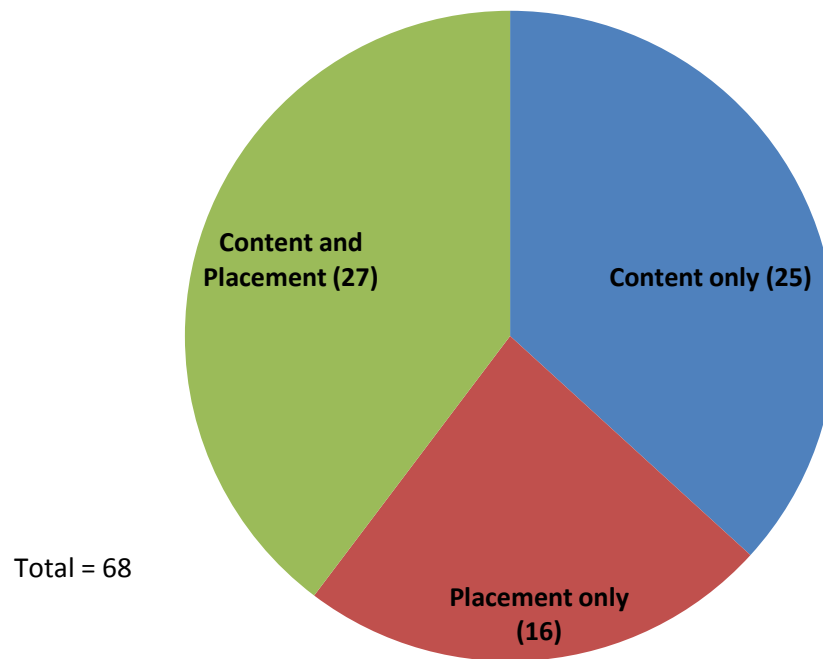
The graph below outlines how many of the complaints reviewed by the AARB Panel were upheld, upheld in part or dismissed.



### Content and Placement provisions

As demonstrated in the graph below, of the 68 complaints reviewed by the Panel that were upheld or upheld in part:

- 27 complaints breached provisions in both the Content and Placement Code,
- 25 complaints breached Content provisions only; and
- 16 complaints breached Placement provisions only.



### Young People content provision – Section (4)(a)

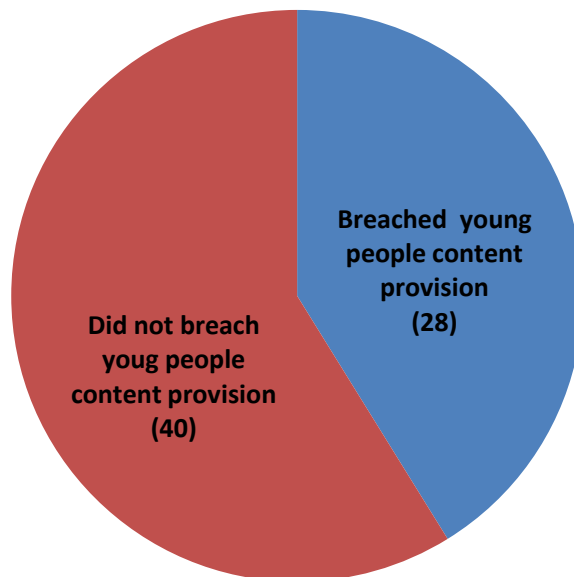
Section (4)(a) of the Content Code states:

#### 4. Alcohol-specific provisions:

- a. Young people
  - i. Alcohol Advertisements shall not:
    - 1. be directed at, or have a strong or evident appeal to, Young People;
    - 2. associate any Product with youth or youth symbols,
    - 3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
    - 4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.
  - ii. Adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults of this age.

Of the 68 complaints reviewed by the AARB Panel that were upheld or upheld in part, 41% (28 advertisements) were found to have breached at least one part of section (4)(a) of the Content Code.

#### Young people content provision



Total = 68

## Beam Global

Beam Global, responsible for the Jim Beam brand, attracted 15 complaints to the AARB in its first six months of operation.

The range of Jim Beam promotions causing concern includes:

- Jim Beam Racing (sponsorship of V8 Supercars, which associates alcohol with fast cars) and Jim Beam Surftag (a surfing competition sponsored by Jim Beam – the Jim Beam Surftag Facebook page contains images of young people wearing, and surfing in, Jim Beam-branded surf gear). These promotions may not only appeal to young people, but may counteract public health messages related to the dangers of drink driving and drinking around water.
- Continued targeting of young people through the Jim Beam on Campus initiative, “a student-led initiative that delivers unique events, parties, and legendary moments on universities across Australia” ([www.jimbeamoncampus.com.au](http://www.jimbeamoncampus.com.au)) and further initiatives targeting university students.
- Prizes such as a Jim Beam-branded electronic skateboard or having one’s face painted on a V8 Supercar.
- Television advertisements aired during AFL games, when many children and young people are exposed to this liquor promotion.

While the AARB has attracted complaints about these promotions, Jim Beam promotions in Australia also include:

- Competitions to win trips to Las Vegas;
- Jim Beam Devil’s Cut iPhone applications;
- Sponsorship of NRL; and
- The Jim Beam Party Crew, where groups of young women dressed in Jim Beam clothing attend licensed venues and Jim Beam-sponsored events around Australia representing the Jim Beam brand. “Whether it’s the V8’s, a music festival, the footy or maybe even your local on a Friday night, you can find us giving away great prizes, snapping pics and spreading the word that Jim Beam is where the party’s at” (Jim Beam Australia Facebook page).

While many other alcohol companies are engaged in marketing that either targets or exposes young people to alcohol promotion, Beam Global appears to be one of the worst offenders – as well as one of the most creative in using sports and social media.

## Conclusion

The AARB has made a considerable impact in the first six months. The large number of complaints received suggests there is a demand for an independent alcohol advertising complaint review service.

It is pleasing to see advertisers participating in the AARB process and taking action in response to complaints against their advertisements – in particular, those advertisers who are concerned about young people's exposure to alcohol advertising. The AARB commends these advertisers and encourages them to consider the AARB Code in developing advertising materials in the future.

However, there are still some advertisers who continue to decline to participate with the AARB processes, and whose advertisements continue to breach the AARB Code. The AARB will continue to encourage these advertisers to adhere to the AARB Code. Research shows that exposure to alcohol advertising contributes to young people's attitudes to drinking, drinking initiation and drinking at harmful levels, and advertisements that have strong appeal to young people are not acceptable.

Some advertisements that were the subject of complaints received by the AARB are especially disturbing, including Jim Beam-branded electronic skateboards, young people surfing in Jim Beam-branded clothing and Facebook pages containing images of young people drinking. There is increasing concern about online advertisements, particularly advertisements placed on Facebook and YouTube. These online media are not adequately regulated to limit the exposure to young people. While online promotions have notional age controls (such as online age gateways for websites offering promotions, or YouTube channels) – these are of little value, as young people can easily access online content. Images on Facebook pages that state "I wish I could trade in my heart for another liver. Then I could drink more and care less" and "Someone slipped a hangover into my drink last night" (Thirsty Camel Vic Facebook page) should not be tolerated.

In the first six months of operation the AARB published 76 determination reports. In the same time period the alcohol industry self-regulatory system published 19 determination reports. The AARB will continue to accept complaints about alcohol advertising and provide a place for the Australian community to voice their concerns. The AARB advocates for strong, independent, legislated controls on all forms of alcohol advertising in Australia, and the first six months of operation highlights the need for change.



# **ALCOHOL ADVERTISING REVIEW BOARD**



## **Quarterly Report September - November 2012**

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## Alcohol Advertising Review Board

The Alcohol Advertising Review Board (AARB) considers and reviews complaints from the Australian community about alcohol advertising. It aims to provide an independent system of alcohol advertising review and support the community to respond to inappropriate alcohol advertising.

AARB reviews complaints on the basis of the Alcohol Advertising Review Board Code (the Code), which sets criteria for acceptable alcohol advertising in Australia. The Code aims to ensure alcohol advertising is socially responsible, neither conflicts nor detracts from the need for responsibility and moderation in liquor merchandising and consumption and does not encourage young people to drink. The Code can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au).

### Introduction from the Chair

The Alcohol Advertising Review Board (AARB) was developed to provide a system that covers all forms of alcohol advertising and promotion.

In commenting on the last quarterly report we drew attention to alcohol promotion through social media. In this report, we note the wide range of promotional opportunities available to alcohol companies, particularly through sports sponsorship.

The twelve week period covered in this quarterly update was a typically busy period for Australian sport with NRL and AFL Finals, the annual Bathurst motor racing event and the start of the cricket season. It came as no surprise that nearly one third of complaints received during the twelve weeks were related to sport in some way, with complaints ranging from promotion through branded merchandise to television ads during AFL Finals to product logos painted on sporting fields.



We are a nation of sport fans, and there is growing community concern about the association between alcohol and sport. Examples of ways alcohol is promoted in association with sport include:

- Direct association of sportspeople with alcohol brands through advertising on clothing;
- Prominent branding on sporting equipment (e.g. branded surfboards for surfing events, branded race cars in motor racing events) and merchandise;
- Advertisements placed around sporting arenas, including on boundary fences, billboards, scoreboards and on the field;
- Branding on print advertisements and sports team websites;
- Television advertisements broadcast on weekends and at other times children will be exposed during major sporting events, including alcohol sponsored events;
- Naming rights for events, such as the 'Jim Beam Surftag' surfing competition; and
- iPhone applications associating sport and alcohol brands (such as the 'Carlton Draught Draught Pick').

A complaint about cricket commentary which appeared to promote VB beer during a televised international cricket match - without disclosure that this was an advertisement - was particularly concerning. This matter

has been referred to the Australian Communications and Media Authority (ACMA), as concerns about young people's exposure to alcohol promotions are amplified when the promotion (the commentary) is not clearly disclosed as an advertisement.

In this report we also express frustration over outdoor alcohol advertisements placed near schools. The issue of irresponsible placement of outdoor ads has been raised in previous AARB reports, yet continues to occur time and time again. Outdoor alcohol advertising near schools conflicts not only with the AARB Code, but with codes endorsed by the alcohol and advertising industries. When we are notified of beer and spirit ads located metres from early childhood facilities, pre-primary centres and primary schools, it is distressing that so little is being done to prevent the exposure of children and young people to alcohol advertising.

The Alcohol Advertising Review Board will continue to provide the community with a place to voice their concerns over alcohol advertising. We welcome complaints from anyone who has seen inappropriate or irresponsible alcohol promotions.

**Professor Fiona Stanley AC**

Chair, Alcohol Advertising Review Board

## Complaints – Quarterly Update

The following information covers the twelve week period from 1 September to 23 November 2012.

### Procedures

AARB aims to make submitting complaints as easy as possible. We accept complaints via an online form, email, phone, fax or post. Once a complaint is received, for which a copy of the advertisement is accessible, the Advertiser is notified and given seven working days to respond to the complaint. The complaint, along with any response received from the Advertiser, is then passed on to three Panel Members for review. Panel Members have seven working days to make a determination. Further details on AARB Procedures can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au).

### Complaints

The table below summarises the status of the complaints received by AARB in the twelve weeks from 1 September to 23 November 2012.

<b>Complaints</b>	
Number of complaints received	35
Number of advertisements these complaints referred to	33
Number of complaints considered by the AARB Panel	25
Number of complaints upheld	18
Number of complaints upheld in part	4
Number of complaints dismissed	3

Complaints related to:

- Television advertisement content
- Placement of television advertisements during times children are likely to be watching, including during live sport broadcasts
- Sports sponsorship
- Print advertisement content
- Naming and packaging of alcohol products
- Placement of outdoor advertisements where young people may be exposed (e.g. near schools)
- Placement of advertisements on or around public transport (e.g. buses, bus shelters)
- Internet advertisements, including alcohol advertisements on iPhone applications

Some complaints were not progressed to the review stage as:

- According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe;
- The subject of the complaint was outside the scope of the AARB Code;

- The complainant was not able to provide enough information about the advertisement to enable it to be identified; or
- It was not possible to access a copy of the advertisement which was the subject of the complaint.

## **Advertisers**

It is AARB procedure to notify alcohol advertisers of complaints and invite advertisers to respond within seven working days.

No Advertiser chose to participate in the AARB process over the twelve week period from 1 September to 23 November 2012. This is the first reporting period for which no advertisers chose to participate in the AARB process.

Advertisers who declined to participate in the AARB process over the twelve week period were:

- |                     |                           |
|---------------------|---------------------------|
| • Beam Global       | • Independent Distillers  |
| • Campari Australia | • Lion                    |
| • Casella Wines     | • Pernod Ricard Australia |
| • Coopers Brewery   | • Suntory Australia       |
| • CUB               | • Wesfarmers Limited      |
| • Diageo Australia  | • Woolworths Limited      |

## **Timeline for handling complaints**

AARB is committed to processing and responding to complaints as speedily as possible, with a target average of 20 working days for the handling of complaints.

Within the twelve week period, complaints took an average of 19 days for a determination to be reached.

## Actions

When a complaint is upheld, AARB notifies the advertiser and requests they modify or remove the advertisement.

### Alcohol and sport

During the twelve week period, the AARB received 11 complaints for alcohol advertisements relating to sport. This included television advertisements aired during live day time coverage of sport, sponsorship of national sporting events, branded merchandise and product packaging.

Below are summaries of six complaints received about alcohol advertising associated with four major sports: cricket, Australian Football League (AFL), National Rugby League (NRL) and motor racing. The full determination report for each example can be viewed at

<http://www.alcoholadreview.com.au/articles/determination-reports/>.

### Alcohol and cricket

**Advertisement:** A VB advertisement was heard during the Channel 9 coverage of the Australia v South Africa International Cricket Test, around 1.30pm WST on Sunday 11 November 2012. Two commentators were heard saying the following dialogue:

“The original big, cold beer, Victoria Bitter, it’s back to its best. The taste that you love, is back, full strength, full flavour, yep, Vic Bitter’s back and as a matter of fact you could dig it up now. It’s back on the label, we’ve restored the iconic labelling over the iconic taste. We’re going back to hard earned thirst. Reward yourself with Vic Bitter after a hard day’s work, that’s a little later Slats, you and me.”

“Those famous ads. As a matter of fact, I’ve got one now.”

“Hard earned thirst boy. Hard earned runs, at the Gabba.”

The dialogue is heard while the camera is focused on the cricket oval and the players are preparing for the next over in the match. The VB jingle is played throughout the dialogue.

**Complaint:** The complainant believed the advertisement blurred the lines between sport and advertising alcohol, and believed the advertisement would have a direct influence on children watching the cricket match (ref 98/12).

**Determination:** Upheld.

Contravened section (3)(c) of the Content Code, as the Panel believed the VB commentary was presented in a format or style which concealed its commercial content.

Contravened section (1), (2) and (9) of the Placement Code, on the basis that children and young people were highly likely to be exposed to the advertisement, the advertisement was

placed in connection with content (cricket) that would appeal to young people, and the advertisement was broadcast at a time when young people were likely to be watching.

**Action:** The AARB expressed concern about the promotions of alcohol during sports commentary and encouraged the Advertiser, CUB, to reconsider their placement of alcohol advertisements during events that are likely to appeal to young people, such as cricket, due to the likely exposure to young people. This matter has been referred to ACMA.

### Alcohol and AFL

**Advertisement:** Two complaints were received regarding the Carlton Draught 'Beer Chase' television advertisement, seen during the broadcast of an AFL Final (6.30pm on Saturday 15 September 2012) and the AFL Grand Final (broadcast during the day on Saturday 29 September 2012).

**Complaints:** Both complainants believed the advertisement contravened the Code on the basis that the advertisement was shown during high profile sporting events, at times when children and young people are likely to be watching (ref 81/12).

**Determination:** Upheld.

Contravened sections (1) and (2) of the Placement Code, as the Panel believed the AFL Finals would have been very popular with young people, and the advertisements were aired during times that children and young people are likely to be watching.

Contravened section (4)(e) of the Content Code, as the majority of the Panel believed the advertisement associated alcohol with daring, toughness, irresponsible and antisocial behaviour.

**Action:** The AARB requested the advertisement be modified or removed to reflect the concerns of the Panel, and requested the Advertiser, CUB, reconsider the placement of alcohol advertisements during times young people are likely to be exposed, and in relation to content that is likely to appeal to young people, such as AFL. As of 11 February 2013, the AARB had not been notified of any action by CUB in response to the determination.

### Alcohol and NRL

**Advertisement:** Two large Bundaberg Red advertisements were painted on the NRL Grand Final ground, broadcast on Channel 9 at 3.30pm on Sunday 30 September 2012.

**Complaint:** The complainant believed the advertisements contravened the Code on the basis that the NRL Grand Final is a major sporting event and many children and young people would have been exposed to the Bundaberg Red advertisements. They noted that the game was screened on television at a time when children and young people are likely to have been watching and believed the advertisements associated alcohol with leading sport and sportspeople (ref 88/12).



**Determination:** Upheld.

Contravened section (4)(a)(i)(4) of the Content Code, as they featured an image of Bundy Bear, an animal character that has been found to have strong appeal and a high degree of recognition among children and young people.

Contravened section (1), (2) and (9) of the Placement Code, on the basis that the NRL Grand Final was a major sporting event that attracts a substantial audience, including children and young people; the advertisements were broadcast at a viewing time when children and young people were likely to be watching; and the advertisements were placed in connection with content that would appeal to young people, NRL and NRL sportspeople.

**Action:** The AARB encouraged the Advertiser, Diageo Australia, to reconsider the placement of alcohol advertisements at events that are likely to appeal to young people, such as NRL, and requested Diageo Australia reconsider their sponsorship of rugby league due to its appeal to young people and the likely exposure of young people to alcohol advertising related to sponsorship.

**Advertisement:** VB advertisements were placed around the field during the NRL Grand Final. The advertisements included an electronic banner along the side of the field which displayed “For a hard earned thirst” and a VB placard located at one end of the field, featuring the text “VICTORIA BITTER” and a VB logo.

**Complaint:** The complainant believed the advertisements contravened the Code on the basis that the NRL Grand Final was a major sporting event and many children and young people would have been exposed to the advertisements. They noted that the game was screened on television at a time when children and young people are likely to have been watching, and believed the advertisements associated alcohol with leading sport and sportspeople (ref 89/12).

**Determination:** Upheld.

Contravened section (1), (2) and (9) of the Placement Code, on the basis that the majority of the Panel believed the NRL Grand Final was an event that would have significant appeal to young people and the advertisements were seen on television during a time young people would have been watching.

**Action:** The AARB encouraged the Advertiser, CUB, to reconsider their placement of alcohol advertisements at events that are likely to appeal to young people, such as NRL, due to the likely exposure to young people.

### **Alcohol and motor racing**

The AARB received a complaint regarding Jim Beam Racing Kids Team clothing, available to purchase from the V8 Supercars Official Online Store.

**Advertisement:** At the time of the complaint, five items were available to purchase from the Jim Beam Racing Kids Team clothing line: three different children's t-shirts, a children's jacket and a children's cap. The children's clothing featured Jim Beam colours and branding, with the words "Jim Beam" replaced by "The Team".

**Complaint:** The complainant believed it was highly inappropriate for children to be wearing alcohol company-branded clothing. They noted that while the words "Jim Beam" had been replaced with "The Team", the clothing still featured the recognisable Jim Beam branding, through colours, typography and patterns. The complainant believed the clothing was directed at children and young people, associated Jim Beam with youth and believed children would be highly exposed to the Jim Beam branding (ref 91/12).

**Determination:** Upheld in part.

Contravened section (3)(c) of the Content Code, on the basis that Jim Beam used its recognisable branding (design, style and colours) but displayed it in a slightly disguised form on the 'Kid's Team' merchandise.

Contravened sections (4)(a)(i)(1) and (4)(a)(i)(2) of the Content Code and section (1)(i) of the Placement Code, on the basis that the merchandise directly targeted young people, associated Jim Beam with youth, and the placement of the alcohol advertisement on children's clothing meant children would be exposed to it.

**Action:** The AARB requested the Jim Beam Racing Kids Team merchandise line be withdrawn immediately, and that the Advertiser, Beam Global, reconsider their sponsorship of V8 Supercars. As of 11 February 2013, the AARB had not been notified of any action by Beam Global in response to the determination.

**Advertisement:** Name and packaging of Coopers Mild Ale Cans – Mount Panorama Commemorative Edition. The limited edition packaging coincided with the 50 year celebration of the Bathurst 1000 motor racing event.

**Complaint:** The complainant believed the packaging of the product was not prepared with a sense of responsibility to its audience, as it associated alcohol with the dangerous and risky sport of motor racing, and believed the motor racing theme held strong appeal to young people (ref 79/12).

**Determination:** Upheld in part.

Contravened section (3)(a)(i) of the Content Code, as the majority of the Panel believed the association between alcohol and motor vehicles was irresponsible and the naming and packaging did not reflect the spirit of the Code.

Contravened section (4)(e) and (4)(h) as the majority of the Panel believed the product packaging directly connected the product to motor racing, a daring activity, and associated alcohol with driving and motor vehicles.

**Action:** The AARB strongly encouraged the Advertiser, Coopers Brewery, to reconsider the packaging of the product and their sponsorship of V8 Supercars, due to the association between alcohol, driving and motor vehicles. As of 11 February 2013, the AARB had not been notified of any action by Coopers Brewery in response to the determination.

The AARB continues to express concern over alcohol sponsorship of sport, and the extent to which alcohol appears to have become part of the Australian sporting culture. The complaints summarised above reflect the range of promotional opportunities available to alcohol companies through sponsorship (e.g. branded merchandise, product packaging, television advertising), and the extent to which a culture of alcohol promotion has become embedded in our major national sports.

At a time when there are significant concerns about alcohol use among young people, alcohol sponsorship of major sporting codes sends mixed messages to the community about sports and the acceptability of alcohol. Sponsorship is a form of advertising that has high exposure to children and young people; the 2012 AFL and NRL Grand Finals were watched on television by over 3.1 million and 2.4 million Australians, respectively<sup>1</sup>.

Many thousands of children and young people are exposed to the substantial advertising for alcohol products and retailers during major national sporting events. This is of significant concern as exposure to alcohol advertising influences young people's beliefs and attitudes towards drinking<sup>2</sup> and contributes to the normalisation of alcohol use<sup>3</sup>.

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<sup>1</sup> Vickery C. AFL Grand Final beats NRL Grand Final in TV ratings stakes. Herald Sun; 2012 Oct 1 [cited 2013 Jan 16]. Available from: <http://www.heraldsun.com.au/entertainment/afl-grand-final-beats-nrl-grand-final-in-tv-ratings-stakes/story-e6frf96f-1226485960141>

<sup>2</sup> Anderson P, de Bruijn A, Angus K, Gordon R, Hastings G. Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. Alcohol & Alcoholism. 2009; 44(3):229-243.

<sup>3</sup> Australian Medical Association. Alcohol Marketing and Young People: Time for a new policy agenda. Canberra: Australian Medical Association; 2012.

## Alcohol ads near schools

In the twelve week period, the AARB received three complaints for alcohol advertisements located near schools.

### Budweiser advertisement near Living Waters Lutheran College

**Advertisement:** A Budweiser advertisement was seen on a public telephone box outside Living Waters Lutheran College in Warnbro, WA. This was the fourth time an alcohol advertisement had been placed on the same telephone box.

**Complaint:** The complainant was concerned about the placement of an alcohol advertisement outside a school, as children and young people would be exposed to it (ref 95/12).

**Determination:** Upheld.

Contravened sections (1)(i) and (6) of the Placement Code, as the advertisement was located next to a school and children and young people would be exposed to it.

**Action:** The AARB requested the Advertiser, Lion, take the determination into account in relation to future placement of alcohol advertisements. The AARB is not aware of any action taken by Lion in regard to the determination.

### Midori and Arvo Beer advertisements near a pre-primary and early childhood centre

**Advertisements:** A Midori advertisement was seen on a public telephone box in Floreat, WA, approximately 30 metres from an early childhood centre and 150 metres from Floreat Park Primary School Pre-Primary Centre. One week later, an Arvo Beer advertisement was seen on the same telephone box.

**Complaints:** The complainant believed both advertisements contravened the Code, on the basis that the advertisements were placed outside an early childhood centre and a pre-primary centre, and believed children were highly likely to be exposed to the advertisements (ref 99/12, 100/12).

**Determinations:** Upheld.

Contravened sections (1)(i) and (6) of the Placement Code, on the basis that children and young people would be exposed to the advertisements.

**Action:** The AARB requested the advertisements be withdrawn immediately, and asked the Advertisers (Suntory Australia and Casella Wines) to take the determination into account in relation to future placement of alcohol advertisements. The AARB is not aware of any action taken by the Advertisers in regard to the determination.

It is extremely concerning to see alcohol advertisements continue to be placed outside schools. The complaints received by the AARB are expected to represent a larger problem, as many alcohol advertisements near schools are likely to go unreported.

Examples of repeated placements of alcohol advertisements near schools are particularly troubling. Despite numerous complaints to a range of agencies, four alcohol advertisements were placed outside Living Waters Lutheran College within a 20 month period. Advertisers and outdoor advertising agencies have a responsibility to ensure their advertising placement processes effectively prevent alcohol advertisements from being placed near schools and other locations with high exposure to children and young people.

Outdoor advertising cannot be switched off or made invisible to young people. Children and young people should be protected from exposure to alcohol advertisements as they travel to and from school each day.


[Home](#) » Bathurst 1000 V8 Supercar sponsors are driving kids to drink

## Bathurst 1000 V8 Supercar sponsors are driving kids to drink

5 October 2012 - 12:00pm

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5

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The National Alliance for Action on Alcohol (NAAA) today raised concerns about the prominence of alcohol marketing and sponsorship for this weekend's Bathurst 1000 V8 Supercar event.

The Bathurst race is a popular annual event for Australian families that attracts big crowds to Bathurst and is broadcast to a huge television audience nationally and internationally.

Professor Mike Daube, NAAA Co-Chair and Director of the McCusker Centre for Action on Alcohol and Youth, said the race generates massive exposure of alcohol promotion to young people.

"NAAA urges the organisers of the event to review future sponsorship arrangements to ensure the race projects a safer and more family-friendly image," Professor Daube said.

"The event has become a strong vehicle for alcohol and alcohol-branded promotional gear," Professor Daube said.

"Alcohol is being promoted to children in a glorified way – fun, outdoors, sporty.

"There is also the very dangerous association of fast cars and drinking alcohol. A quarter of fatal car crashes involve a driver with a blood alcohol level over the limit.

"The event includes two Jack Daniels Racing cars, two Jim Beam Racing cars and one Bottle-O Racing Team car.

"And it is especially disturbing that the V8 website promotes Jim Beam Racing clothing in kids' sizes."

[https://www.v8superstore.com.au/catalog/advanced\\_search\\_result.php?keywords=kids&osCsid=6d954c8d952017ff8fb2c9ac2d20a9ad&x=0&y=0](https://www.v8superstore.com.au/catalog/advanced_search_result.php?keywords=kids&osCsid=6d954c8d952017ff8fb2c9ac2d20a9ad&x=0&y=0)

AMA Vice President, Professor Geoffrey Dobb, said it is time to close the loophole that permits the promotion of alcohol during sporting events on daytime television.

"We saw it last week with the AFL and NRL Grand Finals and we will see it again this weekend with the Bathurst 1000," Professor Dobb said.

"These are traditional iconic family events on the Australian sporting calendar and alcohol companies are getting easy access to millions of people, including children, to promote and market their products.

"The alcohol industry is being allowed to reach vulnerable young people and send them messages that alcohol is associated with all that is best in sport and that alcohol is closely linked to driving fast cars.

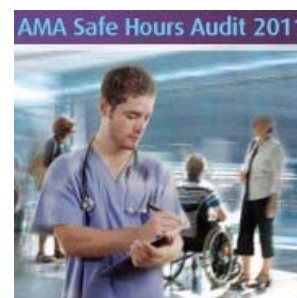
"This alcohol marketing fuels pro-drinking attitudes in children and young people. It persuades them that alcohol products and brands are attractive, glamorous and risk-free. It perpetuates the dangerous myth that motor sports and alcohol go together.

"Doctors see the horrific injuries – and deaths - that result from motor accidents involving young drivers speeding while under the influence of alcohol.

"These dangerous messages have to stop.

"There is a loophole in the Commercial Television Industry Code of Practice. It must be closed," Professor Dobb said.

NAAA is aware that the Alcohol Advertising Review Board (AARB) has already had complaints about alcohol sponsorship of motor racing teams.


[User login](#)


AMA President

**amapresident**

- <http://t.co/j5feSf7K> is profoundly disappointing. Doctors should not be prosecuted or punished for complying with their ethical obligations [2 days ago](#)
- If you want to be up to date in medico political matters head to Australian Medicine

The AMA last month hosted a National Summit on Alcohol Marketing to Young People. The Communiqué from the Summit is at <http://ama.com.au/media/communique-national-summit-alcohol-marketing-young-people>

The AMA also released a report, *Alcohol Marketing and Young People: Time for a new policy agenda*, which is at <http://ama.com.au/node/8188>

NAAA is a national coalition of health and community organisations from across Australia that was formed with the goal of reducing alcohol-related harm. Currently comprising more than 70 major organisations with an interest in alcohol and public health, NAAA is a broad-based alliance that pools collective expertise around what needs to be done to address Australia's drinking problems. NAAA puts forward evidence-based solutions with a strong emphasis on action.

5 October 2012

**Contacts:** Professor Mike Daube 0409 933 933  
Professor Geoffrey Dobb 0407472 679

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This question is for testing whether you are a human visitor and to prevent automated spam submissions.



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## Media Release

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12 February 2013

### **ALCOHOL ADVERTISING AND CHILDREN – CALL FOR ACTION**

A Jim Beam Racing children's clothing product has been described as the most shocking example of alcohol advertising yet seen in Australia.

The McCusker Centre for Action on Alcohol and Youth (MCAAY) has called for urgent action by the Federal Government to end alcohol advertising targeting or using children and young people.

MCAAY Director Professor Mike Daube said, "We have received, from an easily reached website for a Jim Beam sponsored sport, a size 4 child's jacket promoting both the Jim Beam name and branding. Size 4 is generally for children around four years of age, and the jacket is one of a number of items of clothing for children and young people available from the website. The label clearly identifies the jacket as a Jim Beam promotion, along with the Jim Beam name and additional logo on the zip. The jacket prominently displays the Jim Beam Racing "The Team" branding – and is even promoted on the website as "JBR Kids" clothing".

"This is the most shocking alcohol promotion I have seen. It would be hard to think of anything more cynical than children's clothing advertising alcohol. This promotion turns children into mobile billboards for whisky, and encourages them to associate themselves with the Jim Beam brand."

The Jim Beam children's clothing is one of 22 complaints upheld in full or in part in the third quarterly report of the Alcohol Advertising Review Board (AARB). During September – November 2012, the AARB received 35 complaints, nearly a third relating to sports sponsorship. Complaints covered promotions such as motor racing-themed beer packaging, alcohol advertisements on sports fields and alcohol promotions in Test cricket commentary. The cricket commentary complaint has been sent to ACMA (the Australian Communications and Media Authority) who are investigating it.

Another area of concern highlighted by the AARB was the placement of alcohol advertisements outside schools. A beer advertisement outside a primary school in Western Australia was the fourth alcohol advertisement placed there in a 20 month period.

Beam Global has already been criticised for promoting its products in ways likely to appeal to children and young people, through advertising, sponsorship, social media and promotions such as the "Jim Beam Electric Skateboard" and "Jim Beam on Campus".

Professor Daube said, "The current system of alcohol advertising self-regulation is a dismal failure. We have written to the Federal Minister responsible for alcohol policy, Mark Butler, requesting him to take immediate action so that these products are withdrawn, and to introduce legislation that will prevent anything of this nature occurring again."

Information on the Alcohol Advertising Review Board, the report and images of the Jim Beam Racing jacket are available at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au)

ENDS

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