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Dear Sir/Madam

ALCOHOL ADVERTISING: ANPHA ISSUES PAPER

Please accept this submission from Western Australia Police in response to the ANPHA Issues Paper on Alcohol Advertising ('the issues paper'). Western Australia Police considers the issues paper to be a clear and concise summary of much of the current evidence and the issues associated with alcohol advertising.

The purpose of this submission is to complement the issues paper and present the Western Australia Police view on the impacts of alcohol advertising; the effectiveness of the current quasi-regulatory system for alcohol advertising, and to suggest a way forward.

Western Australia Police shares the community's concern about alcohol advertising because:

1. Alcohol advertising is one factor that drives a culture of excessive drinking in Australia. This culture manifests in determined drunkenness and results in high levels of harm to the community and an unacceptable impact on police resources and its people.
2. The current regulatory codes are not working. They are not limiting the exposure or the impact of alcohol advertising on children and young people or the broader community.
3. Regulatory codes need to be enforceable and provide for sanctions against advertisers who breach the code (as with other regulations and laws).
4. Effective controls on advertising can reduce harms (as part of a range of measures).

Australia's quasi-regulatory system for alcohol advertising relies on the Alcohol Beverages Advertising (and Packaging) Code (ABAC) Scheme, an alcohol-specific code of practice, to regulate the content of alcohol advertising. ABAC was established by the alcohol industry; the Brewers Association of Australia and New Zealand, the Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia. The ABAC scheme is voluntary in nature and is unable to penalise advertisers for breaches of the code.

Concerns with alcohol advertising

There is international concern about the harmful effects of alcohol consumption on individuals and communities, particularly young people. The issues paper lists a number of these harmful effects (paragraph 26) and many of these also impact on police resources in the form of anti-social behaviour, assault, family violence and drink driving.

The issues paper summarises a number of studies and systematic reviews that analyse the effect of alcohol advertising and marketing on alcohol consumption (paragraph 37). Western Australia Police supports the conclusion from this research that alcohol marketing does influence:

- the formation of attitudes (positive drinking expectancies) towards alcohol consumption,
- the age of alcohol initiation,
- alcohol consumption, and
- risky drinking among youth (paragraphs 38 and 43).

Other researchers have claimed: *"the heavy promotion of alcoholic beverages normalises their consumption in general and excessive consumption in particular."*¹

The alcohol industry argues that marketing is purely to increase the market share of one product or company over another. This argument was also used by the tobacco industry but Babor et al claim: *"marketing to young people undoubtedly contributes to the ongoing recruitment of young people to replace drinkers lost to the industry (by attrition in mature markets) and to expand the drinking population in emerging markets."*²

Advertising has become increasingly sophisticated, strategic and multi-faceted. It is no longer confined to television, print, radio and billboards but now includes social media, product placement, point-of-sale promotions, sponsorship and events etc. For example, a television ad will link to a website plus a facebook page plus a mobile phone application and these all increase the opportunity for young people to view, share and interact with the campaign.

Alcohol sponsorship of sporting events has also been shown to result in children and young people associating alcohol with sport. Alcohol promotion in televised sport is more persuasive for children than we might imagine. It slips through the gap of 'time locked' advertising because children watch it in the middle of the day and are constantly exposed to electronic boards advertising alcohol. Its association with sport by easily influenced children is inevitable. In 2010 a survey of children aged 9 and 15 years in Western Australia found that 75% of them recognised Bundy Bear and correctly

¹ Pettigrew S. *Advertising's role in how young people interact with alcohol*. February 27, 2013. Available at www.theconversation.edu.au

² Babor T, Caetano R, Casswell S, Edwards G, Giesbrecht N, Graham K, Grube J, Hill L, Holder H, Homel R, Livingston M, Osterberg E, Rehm J, Room R & Ingeborg R (2010). *Alcohol: No Ordinary Commodity in Research and Public Policy*, 2nd Edition, UK: Oxford University Press.

associated him with alcohol production. Bundy bear has been associated with Rugby sponsorship in Australia.

The issues paper cites research that raises concern regarding this proliferation of alcohol marketing into new media and the promotion of alcohol consumption as part of everyday life (paragraph 31). Themes identified in alcohol advertisements include humour, friendship, animals and sport – these are all themes that are attractive to children³.

Messages that alcohol is required to have a good time are interwoven into our culture as evidenced by a recent press advertisement associating alcohol purchase with a "Happier Father's Day"⁴.

All of the above factors are of concern to Western Australia Police because they work to exacerbate our drinking culture and the levels of harm that are associated with it.

Effectiveness of current regulatory codes

Western Australia Police supports the view of the Alcohol Advertising Review Board (AARB) that *"the current self-regulatory system in Australia is inadequate and ineffective"* (paragraph 25).

WA Police also join with the Australian Medical Association, the Alcohol Policy Coalition and the Preventative Health Taskforce, in questioning whether current regulatory structures to limit exposure to advertising are managing the changes in the marketing landscape (paragraph 31). This is despite amendments that have been made to the ABAC to include the internet and point-of-sale promotions.

The current ABAC guidelines are failing to protect children from alcohol advertising and need urgent revision⁵. Western Australia Police supports the evidence presented in the issues paper that young people are exposed to significant amounts of alcohol advertising despite the current ABAC guidelines (paragraph 66).

Loopholes in the Commercial Television Industry Code of Practice (CTICP), that allow alcohol advertisements during live sport on weekends, obviously contribute to this exposure (paragraph 67). Also contributing is increased exposure through social media, product placement and sponsorship. The apparent lack of regulation on the internet can result in advertisements for alcoholic beverages appearing on internet sites that are frequently used by children and young people.

Western Australia Police support the AARB conclusion that there are numerous deficiencies in the current self-regulatory system. These include⁶:

- the system is voluntary which means it does not cover the whole liquor industry,
- it is not empowered to penalise advertisers who breach the codes,
- the focus is on content of advertisements but not the volume of placements,
- the inability to cover new media marketing,

³ Pettigrew S. *Advertising's role in how young people interact with alcohol*. February 27, 2013. Available at www.theconversation.edu.au

⁴ O'Callaghan K. *Opinion – The West Australian*, 3 September 2013.

⁵ Pettigrew S. *Advertising's role in how young people interact with alcohol*. February 27, 2013. Available at www.theconversation.edu.au

⁶ Alcohol Advertising Review Board (2012). *Australia's Self-regulated alcohol advertising scheme*. Available at www.alcoholadreview.com.au

- disagreement on adjudication decisions with a high percentage of complaints dismissed,
- the lack of regulation associated with sponsorship of sporting and cultural events.

A recent assessment of ABAC decisions by the AARB found that numerous advertising complaints have been dismissed. Sometimes the complaint was dismissed because it involved a form of marketing not covered by the ABAC, for example, the Skyy Vodka lip gloss point-of-sale promotion and the Midori placement in a You Tube clip (paragraph 69).

Point-of-sale promotions include free gifts with purchase, competitions, price discounts for bulk purchase and sale prices. Some advertisements and point-of-sale promotions place a heavy emphasis on bargains and the benefits of buying bulk quantities. This encourages young people to purchase multiple units and then more alcohol is consumed during that drinking session⁷.

The lack of power to issue penalties or infringements for breaches of alcohol advertising guidelines is of concern to Western Australia Police. From our experience as a law enforcement agency, rules need to be enforceable if they are to change behaviour.

The issues paper cites evidence of a low level of awareness of the ABAC with only 4% of a recent poll identifying the Advertising Standards Bureau as the organisation to direct their complaints to (paragraph 80). This is contrary to one of the elements of good practice in self regulation outlined in the issues paper (paragraph 6).

The proliferation of alcohol advertising can compromise the effectiveness of school education and other prevention programs. Some researchers claim these programs cannot be expected to neutralise the numerous pro-drinking messages young people encounter⁸.

There is evidence to suggest that effective controls on advertising and other marketing can contribute to reducing our culture of excessive drinking and resultant alcohol-related harm⁹. In relation to tobacco control, research indicates that advertising bans are the second most effective means of reducing smoking, after taxation.¹⁰

Scope

The scope of advertising regulations should be broadened to include new media marketing platforms. It is inconsistent to have different regulatory standards for some forms of media and not for others.

Another option is to adopt the French approach to alcohol marketing regulation which prohibits sponsorship, television and cinema advertising. Alcohol advertising is only allowed on billboards, some radio and print media for adults, and must only contain information about the product. This removes the need to continually adapt the scope of advertising to keep pace with new media marketing platforms.

⁷ Pettigrew S. *Advertising's role in how young people interact with alcohol*. February 27, 2013. Available at www.theconversation.edu.au

⁸ Ibid

⁹ Babor T, Caetano R, Casswell S, Edwards G, Glesbrecht N, Graham K, Grube J, Hill L, Holder H, Homel R, Livingston M, Osterberg E, Rehm J, Room R & Ingeborg R (2010). *Alcohol: No Ordinary Commodity in Research and Public Policy*, 2nd Edition, UK: Oxford University Press.

¹⁰ Schaap, M.M. et al (2008). *Effect of nationwide tobacco control policies on smoking cessation in high and low educated groups in 18 European countries*. *Tobacco Control* 17(4): pp 248 - 255

Management of Codes

Voluntary restrictions / self regulation/ voluntary codes do not work when those who manage the regulatory process have a vested interest in the matter involved, in this case increasing the sales of alcohol.

Public health and well-being considerations are not being given the prominence they deserve in alcohol advertising with too great an emphasis being given to alcohol industry interests. The impact of alcohol advertising on our drinking culture and related harm is a complex issue that needs a broader, more comprehensive response than is currently provided by the narrow, industry centred panel.

Conclusion

The Western Australia Police view is that alcohol advertising is not being regulated effectively. A critical first step to change our drinking culture is to limit the extent to which young people are exposed to advertising that extols the virtues of alcohol consumption. The failure of existing advertising regulations indicates the need for a more comprehensive and restrictive approach.

It is critically important to law enforcement, public health and community safety that an independent body with statutory power is established. While the French approach is cited as an effective way to regulate alcohol advertising it may be difficult to attain in the Australian context. An acceptable option to Australians would be an independent statutory body that can provide complainants and other interested parties a level of certainty that alcohol advertising is regulated effectively, without real or perceived bias, and that realistic, effective action will be taken when necessary.

Yours sincerely



KARL J O'CALLAGHAN APM
COMMISSIONER OF POLICE

18 March 2013

Declaration of interest

This submission has been endorsed by the Commissioner of Police, Western Australia. It was prepared by the Licensing Enforcement Division Policy Unit under the command of Detective Superintendent James Migro. Superintendent Migro is a member of the Australian National Preventive Health Agency Expert Committee on Alcohol.