



## Opening Statement

The Department of Health and Aged Care (the department) appreciates the opportunity to make a submission on the proposed changes to the Commercial Television Industry Code of Practice (the Code). The department opposes the proposed amendments that pertain to the timings for the M classification zone.

The department notes alcohol advertising is currently only permitted during the M/MA15+ classification zones or during a sports program on a weekend or on a public holiday. The department further understands that the proposed change would extend the M classification zone to allow alcohol advertising between 10am and 12pm Monday - Friday, including on weekends and school/public holidays.

These proposed amendments, if implemented, will cause significant harm to vulnerable Australians. The proposed amendments directly contradict:

- a significant body of research which demonstrates the general risks to alcohol advertising; that alcohol advertising normalises alcohol consumption; and that children are susceptible to alcohol advertising;
- World Health Organization guidance and position on alcohol advertising;
- Australia's national drug and alcohol strategies and recent Government inquiries and reviews including:
  - the findings of a recent Senate inquiry into Fetal Alcohol Spectrum Disorder (FASD); and
  - the findings of a National Cabinet requested review into Family, Domestic and Sexual Violence (FDSV).

### ***Alcohol consumption is responsible for many types of harm to human health***

Alcohol use is responsible for 5.1% of the global burden of disease and has significant adverse social and economic consequences.<sup>1</sup> The use of alcohol can also result in harm to other people such as family members, friends, co-workers, and strangers. On the available scientific evidence, the global burden of disease and injuries caused by alcohol consumption can be quantified for 31 health conditions.<sup>2</sup>

The Australian Burden of Disease Study 2018 found that alcohol use was the fifth highest risk factor contributing to the burden of disease in Australia and was responsible for 4.5% of the

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<sup>1</sup> WHO (World Health Organization) (2024) *Global status report on alcohol and health and treatment of substance use disorders*, WHO, accessed 12 November 2024, <https://www.who.int/publications/i/item/9789240096745>.

<sup>2</sup> WHO (World Health Organization) (2024) *Global status report on alcohol and health and treatment of substance use disorders*, WHO, accessed 12 November 2024, <https://www.who.int/publications/i/item/9789240096745>.



total burden of disease and injury.<sup>3</sup> Alcohol use contributes to the burden of approximately 30 diseases and injuries including alcohol use disorders, 8 types of cancer, chronic liver disease and 12 types of injury — predominantly road traffic injuries and suicide and self-inflicted injuries.<sup>4</sup>

Increased alcohol advertising will highly likely amplify the existing harms associated with alcohol consumption including normalising and contributing to consumption in children and young people. Research to support this is highlighted below:

1. Both the content and context of alcohol promotion and the frequency of media exposure can have an impact on attitudes and behaviours.<sup>5</sup>
2. There is a strong association between exposure to alcohol advertising and young people's drinking.<sup>6</sup>
3. A systematic review examining the relationship between alcohol marketing and youth consumption of alcohol identified 12 studies involving 35,219 participants. All studies showed a positive relationship between the level of alcohol marketing and the level of youth consumption. A clear association between level of exposure and hazardous drinking was also found.<sup>7</sup>
4. Exposure to alcohol advertising is also associated with normalising alcohol consumption, young people's expectation of consuming alcohol, reduced age of initiation and is associated with more harmful drinking practices, such as excessive consumption.<sup>8</sup>
5. The strength of the association between alcohol and sports prompts consideration of the potential for children who watch televised sport to be exposed to a considerable amount of alcohol advertising, and to learn to associate alcohol with sport and sporting success.<sup>9</sup>
6. Alcohol advertising during the daytime, when large numbers of children are watching TV, is predominantly in free-to-air sport TV. By permitting day-time advertising in sport

<sup>3</sup> Australian Institute of Health and Welfare, *Australian Burden of Disease Study 2018 – Key findings*, AIHW, 2021, accessed 12 November 2024, <https://www.aihw.gov.au/reports/burden-of-disease/burden-of-disease-study-2018-key-findings/contents/key-findings>.

<sup>4</sup> AIHW (Australian Institute of Health and Welfare) (2021) *Australian Burden of Disease Study 2018: Interactive data on risk factors – Alcohol use*, AIHW, accessed 12 November 2024, <https://www.aihw.gov.au/reports/burden-of-disease/abds-2018-interactive-data-risk-factors/contents/alcohol-use>.

<sup>5</sup> Ellickson, P.L., Collins, R.L., Hambarsoomians, K., & McCaffrey, D.F., *Does alcohol advertising promote adolescent drinking? Results from a longitudinal assessment*, *Addiction*, 100, no. 2 (2005): 235-246, accessed 12 November 2024, <https://doi.org/10.1111/j.1360-0443.2005.00974.x>.

<sup>6</sup> National Centre for Education and Training on Addiction, *Young people and alcohol: the role of cultural influences*, NCETA, 2008, accessed 12 November 2024.

<sup>7</sup> ADF (Alcohol and Drug Foundation) (2024) *Preventing and delaying AOD uptake by young people*, ADF, accessed 12 November 2024, <https://adf.org.au/reducing-risk/preventing-aod-uptake/>.

<sup>8</sup> Dobson, C. (2012) *Alcohol marketing and young people: time for a new policy agenda*, Australian Medical Association, accessed 12 November 2024, [https://ama.com.au/sites/default/files/documents/alcohol\\_marketing\\_young\\_people.pdf](https://ama.com.au/sites/default/files/documents/alcohol_marketing_young_people.pdf).

<sup>9</sup> Helen Dixon et al., 'Most men drink... especially like when they play sports' – alcohol advertising during sporting broadcasts and the potential impact on child audiences, *Public Affairs*, 2023, accessed 12 November 2024, <https://onlinelibrary.wiley.com/doi/abs/10.1002/pa.340>.



programs and in any programs from 8.30pm when many children are still watching TV, current regulations are not protecting children from exposure to alcohol advertising.<sup>10</sup>

7. Popular support exists for protecting children from alcohol advertisements. According to the Foundation for Alcohol Research and Education, results from the Annual Alcohol Poll 2020 show 71% of Australians are strongly opposed or opposed to alcohol advertising during children's television, and 64% are strongly opposed or opposed to children being exposed to alcohol advertising.<sup>11</sup>

***The exposure of children and adolescents to appealing marketing and advertisements for alcoholic beverages is of particular concern to the World Health Organization<sup>12</sup>***

The World Health Organization (WHO) notes exposure of children and adolescents to appealing marketing and advertisements for alcoholic beverages is of particular concern, including when this involves cross-border alcohol marketing, advertising and promotion.

The proposed amendments to the Code are also inconsistent with the WHO's guidance and literature reviews on alcohol advertising. The WHO advice emphasises that reducing exposure to alcohol marketing is crucial for preventing the initiation of alcohol use and mitigating its harmful effects, particularly among young people and vulnerable populations.

Further, the WHO identified implementing bans on advertising along with taxation and restricting availability as the most efficient strategies to minimise the harmful use of alcohol.<sup>13</sup> The department cannot support the proposed amendments that do not align with such important WHO advice and guidance.

***The proposed amendments undermine Australian National Health Strategies and recent Government inquiries and reviews***

**National Alcohol Strategy and National Drug Strategy**

The National Alcohol Strategy 2019 – 2028 (NAS) is the national framework to prevent and minimise alcohol related harms among individuals, families and communities. Under the NAS, all Australian governments have committed to an explicit target of a 10% reduction in harmful

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<sup>10</sup> Kerry S. O'Brien et al., *Alcohol Advertising in Sport and Non-Sport TV in Australia, during Children's Viewing Times*, PLOS ONE, 10, no. 8 (2015), accessed 12 November 2024, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0134889>.

<sup>11</sup> FARE (Foundation for Alcohol Research and Education) (2020) *Annual Alcohol Poll 2020: We drink more alcohol and most often at home – even before COVID-19 lockdowns*, FARE, accessed 12 November 2024, <https://fare.org.au/annual-alcohol-poll-2020-we-drink-more-alcohol-and-most-often-at-home-even-before-covid-19-lockdowns/>.

<sup>12</sup> WHO (World Health Organization) (2024) *Global status report on alcohol and health and treatment of substance use disorders*, WHO, accessed 12 November 2024, <https://iris.who.int/bitstream/handle/10665/377960/9789240096745-eng.pdf?sequence=1>.

<sup>13</sup> World Health Organization, *WHO highlights glaring gaps in regulation of alcohol marketing across borders*, WHO, 2022, accessed 12 November 2024, <https://www.who.int/news/item/10-05-2022-who-highlights-glaring-gaps-in-regulation-of-alcohol-marketing-across-borders>.



alcohol consumption by 2028. This was agreed following significant consultations with both the alcohol industry and public health experts in Australia.

The proposed amendments contradict both “Priority 1: Improving community safety and amenity” and “Priority 3: managing alcohol availability, price and promotion” set out in the NAS.

The NAS also highlights the following policy objectives regarding alcohol advertising:

- Implement measures to reduce alcohol advertising exposure to young people (including online and sporting events).
- Extend the single national advertising code to cover placement and content across all media which provides consistent protection of exposure to minors regardless of programming.
- Promotion of measures that support changing individual and community attitudes towards risky alcohol consumption.

Allowing increased alcohol advertising during children’s viewing hours directly contradicts the policy objectives in the NAS and undermines national efforts to reduce alcohol-related harm and protect young people from exposure to alcohol marketing. Increased alcohol advertising also undermines the many policy objectives targeted at lessening FDSV caused by alcohol.

Increasing alcohol advertising contradicts the NAS and significantly increases the risks of harm to vulnerable populations, particularly children and women experiencing FDSV. The more alcohol advertising is allowed, the more influence it will have on vulnerable populations. The department cannot support these amendments with such significant consequences to our vulnerable populations.

The National Drug Strategy 2017-2026 (NDS) is the national framework for reducing and preventing harm caused by drugs and alcohol. The NDS was agreed to by all Australian governments following significant consultations with both the drug and alcohol industry and public health experts in Australia. The proposed amendments will contradict this widely accepted strategy.

The NDS highlights good practice regarding restrictions on marketing, advertising and promotion. It also sets out the approach and strategies to ensure demand reduction, which includes enforced advertising standards and restrictions for alcohol.

#### Rapid Review of Prevention Approaches (August 2024)

The report handed down from the Rapid Review of Prevention Approaches Review (the Review) provides specific and practical advice to strengthen prevention approaches and builds on considerable work currently underway in the *National Plan to End Violence against Women and Children 2022-2032*. The report makes 21 recommendations across 6 key areas for action



by federal, state and territory governments. The recommendations are to be taken forward as a priority for discussion by National Cabinet.

The proposed amendments contradict Recommendation 17 of the Review.<sup>14</sup> Recommendation 17 specifically emphasises the need to limit alcohol advertising to reduce its influence on vulnerable groups, including those at risk of FDSV.

Research underpinning the Review demonstrates that alcohol consumption is a significant factor in FDSV incidents, with many perpetrators being under the influence of alcohol during assaults. Women who experience extensive physical and sexual violence are more than twice as likely to develop alcohol-related problems.<sup>15</sup> Increased exposure to alcohol advertising normalises drinking behaviours and potentially increases alcohol consumption, exacerbating the risk of violence.

The proposed amendments relating to increased alcohol advertising contradict the Review and its important research about the harms of alcohol, its links with FDSV, and its impacts on the safety of women and children.

#### Senate Inquiry into Effective Approaches to Prevention, Diagnosis and Support for Fetal Alcohol Spectrum Disorder (FASD) (March 2021)

This Inquiry investigated effective approaches to prevention and diagnosis of FASD, and strategies for optimising life outcomes for people with FASD. The committee found that FASD is still not well understood or recognised in Australia and has been called an ‘invisible epidemic’.<sup>16</sup> The inquiry states “There is no safe level of alcohol that can be consumed during pregnancy. Unfortunately, Australia has one of the highest rates of maternal alcohol consumption in the world. Myths regarding the ‘safe’ use of alcohol during pregnancy have

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<sup>14</sup> Recommendation 17 of the Review states:

- the Commonwealth and state and territory governments work with industries that are well positioned to prevent and reduce FDSV, including homicide, with a focus on alcohol and gambling industries, in addition to media and pornography.
- review and strengthen alcohol and gambling regulatory environments to prioritise the prevention of gender-based violence.
- restrictions on alcohol sales, delivery timeframes (states and territories) and advertising (Commonwealth and states and territories).

<sup>15</sup> AIHW (Australian Institute of Health and Welfare) (2024) *Factors associated with family, domestic and sexual violence*, AIHW, accessed 12 November 2024, <https://www.aihw.gov.au/family-domestic-and-sexual-violence/understanding-fdsv/factors-associated-with-fdsv>.

<sup>16</sup> Senate Community Affairs Committee (2021) *Fetal Alcohol Spectrum Disorder: The Hidden Harm*, Parliament of Australia, accessed 12 November 2024, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/FetalAlcoholSpectrumDi/R\\_eport/section?id=committees%2Freportsen%2F024357%2F76467](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/FetalAlcoholSpectrumDi/R_eport/section?id=committees%2Freportsen%2F024357%2F76467).



been perpetuated in the community, including by health professionals, and the alcohol industry.”<sup>17</sup>

Recommendation 10 of the Senate Enquiry into Effective Approaches to Prevention, Diagnosis and Support for Fetal Alcohol Spectrum Disorder recommended the Australian Government implement, as a matter of priority, the marketing, pricing and taxation reforms described in the NAS.

Australia’s FASD Strategic Action Plan (Action Plan) states that overarching alcohol controls and policy issues such as promotion, price, availability, and accessibility can have a role in reducing the prevalence and impact of FASD.<sup>18</sup>

## Conclusion

The department opposes the proposed amendments to the Code. Increasing alcohol advertising hours on TV will be harmful to many, as it undermines Australia’s public health efforts across all levels of government to reduce alcohol-related harm. The proposed amendments will further expose vulnerable populations to harm, including children and women who experience FDSV, and risks normalising and promoting increased alcohol consumption. This increased exposure via advertising can lead to higher rates of alcohol use, contributing to a range of health conditions, risky drinking behaviours in children, and increasing and exacerbating FDSV situations. The proposed amendments to the Code contradict two main Australian national strategies aimed at minimising alcohol-related harm and protecting individual and community well-being. Limiting alcohol advertising is essential to safeguarding public health and supporting the development of safer and healthier communities.

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<sup>17</sup> Senate Community Affairs Committee (2021) *Fetal Alcohol Spectrum Disorder: The Hidden Harm*, Parliament of Australia, accessed 12 November 2024, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/FetalAlcoholSpectrumDi/R eport/section?id=committees%2Freportsen%2F024357%2F76467](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/FetalAlcoholSpectrumDi/R eport/section?id=committees%2Freportsen%2F024357%2F76467).

<sup>18</sup> Department of Health (2018) *National Fetal Alcohol Spectrum Disorder (FASD) Strategic Action Plan 2018–2028*, Australian Government Department of Health, accessed 12 November 2024, <https://www.health.gov.au/sites/default/files/national-fetal-alcohol-spectrum-disorder-fasd-strategic-action-plan-2018-2028.pdf>.