

SUBMISSION TO

Australian Communications and Media Authority (ACMA)

Review of Alcohol Advertising Rules — Free TV Code of Practice

SUBMITTED BY

The Dalgarno Institute

AOD (Alcohol & Other Drug) Education, Advocacy and Resourcing Coalition

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Executive Summary

The Dalgarno Institute is one of Australia's longest-standing community-based Alcohol and Other Drug (AOD) education, advocacy and resourcing organisations, with over 150 years of heritage in prevention and demand reduction work – “150 Years of Minimising Harm, by Maximising Prevention.” We have spent more than a decade documenting the harms of alcohol advertising to young Australians and calling for the regulatory reforms this submission addresses. We welcome ACMA's review of the Free TV Code of Practice as a long-overdue opportunity to apply genuine community safeguards to alcohol advertising on free-to-air television.

This submission addresses ACMA's three stated focus areas: the operation of current Code provisions, the evidence linking alcohol advertising exposure to harm, and the economic dimension of alcohol advertising on commercial television. Our position across all three is consistent: the current Code is failing in its core purpose, the evidence for reform is unambiguous and has been settled for over a decade, and the mechanism to deliver it is available to ACMA under the Broadcasting Services Act.

The central failure of the current Code is the sports loophole in Section 6.2, which permits alcohol advertising during live televised sport on weekends and public holidays. This exemption suspends child protection standards at precisely the times Australian children are most likely to be watching television. A study of 2,810 alcohol advertisements aired on Australian free-to-air television found that around half appeared during children's popular viewing times (Jones and Magee, 2011). A separate study of AFL, cricket and NRL broadcasts found that children and adolescents received 51 million exposures to alcohol advertising in a single year of sport programming alone (White et al., 2015).

The evidence that exposure to alcohol advertising causes early drinking initiation and increased consumption has been established causally in the peer-reviewed literature. Systematic review across more than 38,000 young people in longitudinal studies found that advertising exposure predicts both onset of drinking among non-drinkers and increased consumption among those already drinking, with a consistent dose-response relationship (Anderson et al., 2009). The Royal Australasian College of Physicians, representing over 30,000 medical specialists across Australia and New Zealand, has repeatedly called on ACMA to close the sports loophole, stating directly that promoting alcohol to children at an early age leads to increased awareness of alcohol, more positive attitudes toward drinking, earlier initiation, and greater risk of binge drinking patterns (RACP, 2024).

This submission calls on ACMA to take the following action:

- Close the Section 6.2 sports loophole by applying uniform alcohol advertising restrictions across all programming, including live sport, on all days of the week
- Determine a binding program standard under Section 125 of the Broadcasting Services Act, given the demonstrated and ongoing failure of industry self-regulation to protect children
- Align its determinations with the Australian Government's 2024 Rapid Review of Prevention Approaches to End Gender-Based Violence, which explicitly recommended restricting alcohol advertising during sporting events
- Remove the Section 8 program sponsorship exemption, which allows alcohol brands to maintain a promotional presence in programming outside the formal advertising framework

The evidence is settled, the community concern is clear, and the regulatory mechanism exists. The Dalgarno Institute urges ACMA to act on all three.

1. The Operation of the Current Code: A Loophole by Design

1.1 The Structural Contradiction at the Centre of the Code

The Free TV Code of Practice restricts alcohol advertising on free-to-air television to between 12:00 noon and 3:00pm and between 7:30pm and 6:00am on school days. These restrictions exist because the regulatory framework accepts that alcohol advertising is harmful to children. The Code then creates a structural exception to that principle.

Section 6.2 provides that a commercial for alcoholic drinks may be broadcast during a sports program on a weekend or a public holiday, or a live sporting event broadcast. The consequence of this provision is that child protection rules are suspended at the times Australian children are most likely to be watching television. AFL, NRL, cricket and tennis attract the largest child audiences on free-to-air television, predominantly on weekends and public holidays. The Royal Australasian College of Physicians has observed that ACMA concedes alcohol advertisements are harmful to children on every other day of the week, during every other program on television, and has asked directly: why do alcohol companies get a free pass during sports broadcasts? (RACP, 2024). The Dalgarno Institute endorses that question and submits this review must answer it.

Section 6.2 — Free TV Code of Practice: *A commercial for alcoholic drinks may be broadcast during a Sports Program on a weekend or a Public Holiday, or a Live Sporting Event broadcast.*

1.2 The Scale of Exposure the Loophole Enables

The scale of exposure enabled by this provision is substantial. A study of AFL, cricket and NRL television broadcasts across 2012 found 3,544 alcohol advertisements in those programs alone, representing 60% of all alcohol advertising in sport TV and 15% of all alcohol advertisements broadcast on Australian television in that period. Children and adolescents aged 0 to 17 years received 51 million exposures to alcohol advertising through those three sports programs in a single year, with 47% of that exposure occurring in daytime hours (White et al., 2015). A broader study examining 2,810 alcohol advertisements aired across five Australian cities over two months found that around half appeared during children's popular viewing times (Jones and Magee, 2011).

A further study measuring exposure through OzTAM audience data found that underage teenagers aged 13 to 17 years were exposed to alcohol advertising at levels virtually identical to those of young adults aged 18 to 24 years: 426 Target Audience Rating Points per week compared to 429 for young adults (Winter et al., 2008). Current regulations are not protecting children from exposure. They are generating parity between children and young adults in the volume of alcohol advertising received.

1.3 Embedded Brand Normalisation and the Recognition Problem

The Dalgarno Institute has been documenting the mechanisms through which this harm operates for over a decade. Our 2015 research report, *Peeling Back the Label: Alcohol Advertising and Young People*, examined research by Westberg, Stavros, Munro and Argus (2015), commissioned by FARE, which found that alcohol sponsors of Australian sport use integrated broadcast, social media and digital strategies to embed their brands within the sports experience. The researchers identified four distinct communications strategies deployed by alcohol sponsors of AFL, NRL and cricket: calling on consumers to compete (win prizes, typically alcohol or branded merchandise), to collaborate (co-create and share brand content through personal networks), to celebrate (consume alcohol as part of the emotional experience of sporting success), and to consume (normalise alcohol as integral to the sports occasion regardless of outcome). These strategies operate to reach young audiences as a deliberate structural outcome, not an incidental one.

The recognition problem compounds the exposure problem. Survey data cited in our *Peeling Back the Label* report found that only 50.4% of under-18s recognised sports team shirt sponsorship as alcohol marketing, and only 48.6% recognised joining a brand's Facebook group as alcohol marketing (Alcohol Concern, 2011, cited in Dalgarno Institute, 2015). Children immersed in alcohol brand messaging through sport do not identify most of it as advertising. The Section 6.2 loophole does not merely expose children to alcohol commercials. It enables a sustained process of brand normalisation that conventional advertising restrictions were never designed to address, and which children lack the critical literacy to filter.

2. Evidence Linking Alcohol Advertising Exposure to Harm

2.1 The Causal Relationship

The relationship between alcohol advertising exposure and youth drinking behaviour is established as causal in the peer-reviewed scientific literature. This conclusion has been reached through systematic review across multiple countries, multiple study designs, and several decades of longitudinal research. It is not a contested proposition. It is the settled position of the evidence base.

Anderson et al. (2009), in a systematic review published in *Alcohol and Alcoholism*, examined thirteen longitudinal studies following more than 38,000 young people. Twelve of the thirteen studies found that exposure to alcohol advertising and promotion predicted both the onset of drinking among non-drinkers and increased levels of consumption among those already drinking, with a consistent dose-response relationship across studies. The authors concluded that alcohol advertising and promotion increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol.

Sargent and Babor (2020), reviewing eleven narrative and systematic studies in the *Journal of Studies on Alcohol and Drugs*, applied the Bradford Hill criteria for causality to the alcohol marketing literature and concluded there is persuasive evidence that exposure to alcohol marketing is one cause of drinking onset during adolescence and one cause of binge drinking. This conclusion was drawn from evidence spanning almost all of the world's geographic regions. The authors noted the analogy with tobacco: if exposure to tobacco marketing is accepted as a cause of adolescent smoking, the same logic applies to alcohol marketing deploying identical psychological mechanisms through the same media channels.

Giesbrecht et al. (2024), in the most recent systematic review of systematic reviews on this topic, published in *Drug and Alcohol Review*, examined four decades of research across multiple continents and confirmed that alcohol marketing is associated with increased intentions to drink, higher consumption levels, and harmful drinking patterns among youth and young adults. The review also examined the alcohol industry's response to this evidence and found a pattern that mirrors tobacco industry conduct: commissioning industry-affiliated research, selectively deploying favourable findings, and challenging study methodology when findings are unfavourable.

The World Health Organisation classified restrictions on alcohol advertising as an effective and cost-effective public health intervention in its 2017 Best Buys guidance. The RACP and the Royal Australian and New Zealand College of Psychiatrists (RANZCP), in their joint Alcohol Policy, called for the phasing out of all alcohol sports sponsorships and the cessation of alcohol advertisements during live sport broadcasts before 8:30pm, following a review of nine sports across six categories and finding that all were influenced by alcohol sponsorship and advertising (RACP/RANZCP, 2016). Research cited by the RACP found that children under 18 years receive a cumulative total of more than 50 million alcohol advertising exposures per year through sporting programs alone.

2.2 Early Initiation and Long-Term Harm

The age at which a young person first drinks is one of the strongest predictors of long-term alcohol-related harm. Research cited in the Dalgarno Institute's *Peeling Back the Label* report found that the average age of first drinking among adolescents entering treatment for alcohol and drug problems in Dublin was 13 years, compared to 14 to 15 years for the general adolescent population (O'Keeffe, 2011, cited in Dalgarno Institute, 2015). Research from the same period found that these young people's brand choices were driven by advertising and sponsorship rather than price, demonstrating that advertising operates on the heaviest young drinkers as well as on average adolescent populations.

Globally, alcohol was the leading risk factor for death among people aged 15 to 24 years between 1990 and 2013, a finding from a Lancet-published systematic analysis by Mokdad et al. (2016). In Australia, the most recent data shows alcohol-induced death rates at some of their highest levels in more than a decade. Demand reduction, including the reduction of advertising exposure that normalises and accelerates alcohol uptake in young people, is the most effective upstream intervention available. The Dalgarno Institute's *Peeling Back the Label* report concluded, citing a worldwide review of longitudinal research, that alcohol marketing exposure reduces the age at which young people start drinking, increases the probability that they will drink, and increases the amount they consume once they have

started. That finding was established in the literature before 2015 and has been consistently reaffirmed since.

2.3 Australian Adolescents' Exposure and Attitudes

Australian-specific research confirms that the problem is not theoretical. A study of Australian adolescents published in the Australian and New Zealand Journal of Public Health found that exposure to alcohol advertising is strongly associated with drinking patterns among Australian youth, consistent with international evidence (Jones and Magee, 2011). Research by Aiken et al. (2018) at the National Drug Research Institute examined Australian teenagers' perceptions of alcohol advertising and found that current advertising regulations are not working: adolescents perceive alcohol advertisements as appealing and as normalising consumption, and the self-regulatory code framework does not adequately constrain the content or placement of advertising that reaches them.

A cross-sectional survey of 628 unique alcohol advertisements broadcast in Australia found that the vast majority were in violation of youth-related provisions of the Australian Alcohol Beverages Advertising Review Board code, while substantially fewer were found in violation of the ABAC, the industry's own self-regulatory code. The researchers concluded this supports arguments that self-regulation by the industry is structurally inadequate (PubMed, 2021). This finding is directly relevant to any consideration of whether a strengthened industry code can substitute for a statutory program standard.

3. Alcohol Advertising in Sport and Gender-Based Violence

There is a well-documented and significant relationship between alcohol advertising during live sport broadcasts and the incidence of domestic, family and sexual violence (DFSV). This relationship was formally recognised by the Australian Government in 2024.

The Rapid Review of Prevention Approaches to End Gender-Based Violence, commissioned by the Prime Minister and delivered to the Prime Minister and all state and territory leaders in 2024, explicitly recommended restricting alcohol advertising during sporting events. The expert panel's stated rationale was the statistical increase in DFSV incidents during football grand finals and the high number of children watching sport on television and mobile applications. The panel noted that it is standard public health practice to regulate the availability of harmful products, and that the alcohol industry had not been held accountable for the role of its products and business models in intensifying DFSV.

The data underpinning that recommendation is as follows. Reported domestic assaults to NSW Police increase by up to 40% during the State of Origin series. Police-recorded domestic violence incidents rise by 20% on AFL Grand Final days. Berry Street, a Victorian domestic and family violence service, records between 30% and 40% increases in women seeking support during AFL and NRL grand finals. Alcohol is estimated to be involved in between 23% and 65% of all family violence incidents reported to police, a figure considered conservative given rates of underreporting.

In November 2024, ACMA formally drew Free TV's attention to the Rapid Review's findings and recommendations. The Dalgarno Institute submits that any program standard determined by ACMA must be explicitly consistent with the Rapid Review's recommendation. The sports loophole is simultaneously a child protection failure and a gender-based violence risk factor. It has been identified as both by a government-commissioned expert panel, and any regulatory response that addresses one dimension while ignoring the other will be incomplete.

4. The Failure of Industry Self-Regulation

4.1 The 2024 Code Proposal as Evidence of Structural Conflict

The commercial television industry's claim that it can adequately self-regulate alcohol advertising is not supported by either the evidence or its own recent conduct. In 2024, Free TV proposed changes to the Code that would have added more than 800 hours of alcohol advertising per year to the existing schedule by extending alcohol advertising windows into school holidays, weekends and public holidays. ACMA rejected that proposal in June 2025 on the grounds that it would not adequately protect the community. That an industry body proposed the expansion in the middle of a public health review, and in the face of polling showing 90% of Australians expressing concern about the proposal, is itself evidence of the structural conflict of interest inherent in asking commercial broadcasters to regulate the advertising revenue streams on which they depend.

4.2 Research on Industry Submissions to Policy Consultations

Research published in Drug and Alcohol Review by Stafford, Pettigrew and Chikritzhs (2022) examined submissions to Australian alcohol advertising policy consultations and found that almost two thirds of submissions came from industry actors, and that those submissions relied predominantly on lower-quality, industry-affiliated evidence while systematically avoiding higher-quality peer-reviewed research. The study concluded that industry actors' limited contribution of trustworthy evidence raises serious questions about their suitability to participate in evidence-informed policymaking. Professor Tanya Chikritzhs, commenting on the RACP/RANZCP joint policy position, stated directly that self-regulation is equivalent to no regulation when profits and shareholders are involved (InSight+, 2016).

4.3 Internal Industry Documents and Deliberate Code Exploitation

The Dalgarno Institute's Peeling Back the Label report cited research by Hastings et al. (2010) examining internal alcohol industry advertising documents obtained for the UK House of Commons Health Select Committee. The research found that producers and agencies deliberately exploit ambiguities in advertising codes, and that self-regulatory codes do not protect young people but instead sharpen advertisers' skills in camouflage and creativity. Internal industry documents examined in that research revealed deliberate strategies to reach younger audiences, with some products explicitly described in internal briefs as appealing to a youth market despite public statements that youth were not the target audience.

4.4 Industry Tactics at Scale

The Big Alcohol Exposed 2024 report, published by Movendi International, of which the Dalgarno Institute is a member organisation through the World Federation Against Drugs, documented in detail how the global alcohol industry used major sports events in 2024, including the Paris Olympics, to align alcohol brands with health, elite performance, and national cultural pride while simultaneously lobbying against advertising restrictions and funding research designed to question the evidence base for regulation. These are coordinated and well-resourced strategies, not isolated incidents.

Given this record, the only regulatory response adequate to the evidence is a binding program standard determined by ACMA under Section 125 of the Broadcasting Services Act. Industry codes written by the industry that benefits from their terms cannot be relied upon to protect children from the harms those terms enable.

5. Economic Considerations

ACMA has indicated that the economic contribution of alcohol advertising to commercial free-to-air television is a relevant consideration in this review. The Dalgarno Institute acknowledges that commercial broadcasters have a legitimate interest in understanding the revenue implications of any regulatory change, and we address that question directly. Our submission is that the economic evidence, properly considered, does not constitute an obstacle to reform — and that comparable jurisdictions have reached the same conclusion.

Research published in the Australian and New Zealand Journal of Public Health by Martino et al. (2022) specifically modelled the financial impact on Australian television networks of a ban on alcohol advertising during sports broadcasts. The study found the impact would be manageable relative to total advertising revenue. The alcohol industry spent approximately A\$42.6 million on Australian free-to-air television advertising in 2019. While this figure is commercially significant to the alcohol industry itself, it represents a small proportion of total free-to-air television advertising revenue. The study also noted that revenue displacement effects — where advertisers shift spend to non-alcohol categories or broadcasters attract replacement advertisers — would further reduce the net impact on broadcaster income. Martino et al. concluded that the financial argument against reform does not withstand scrutiny when the scale of public health harm is weighed against broadcaster revenue exposure.

The economic cost of alcohol harm to Australian society substantially exceeds any revenue forgone by broadcasters. Alcohol contributes to emergency department presentations, policing and judicial system costs, family violence service demand, lost workplace productivity, and long-term chronic disease burden on the health system. The 2010 Collins and Lapsley report estimated the total social cost of alcohol misuse to Australia at A\$36 billion annually. Demand reduction strategies that produce even modest delays in drinking initiation among young people generate compounding long-term public savings. Advertising restrictions are among the most cost-effective demand reduction interventions available precisely because their implementation cost is low relative to their public health effect.

The international precedent is instructive. Ireland's Public Health (Alcohol) Act 2018 introduced a statutory television watershed banning alcohol advertising before 9:00pm, which came into full operation in January 2025 — a restriction more stringent than what this submission recommends. Ireland also introduced a statutory ban on alcohol advertising in and around sports venues during sporting events, which took effect in November 2021. The Irish Government's stated rationale was directly parallel to the evidence before ACMA: that advertising exposure increases the likelihood young people will start drinking and drink more if already drinking. France's Loi Evin, enacted in 1991, prohibits alcohol advertising on television and restricts it to factual product information in all other media, including prohibiting advertising on sports-related websites. A 2020 analysis of Six Nations Championship broadcasts found that alcohol references occurred approximately once every minute in French broadcasts, compared to once every 12 seconds in the UK where no comparable restriction exists — demonstrating that statutory restrictions produce measurable reductions in exposure. Norway and Lithuania have implemented total or near-total bans on alcohol advertising across all media. None of these jurisdictions reversed their restrictions on the grounds of broadcaster economic harm. The Dalgarno Institute submits that Australia's position — maintaining a sports loophole that suspends child protection standards every weekend — is inconsistent with the regulatory direction of comparable developed nations and reflects industry lobbying influence rather than evidence-based policy.

6. Recommendations

The Dalgarno Institute makes the following formal recommendations to ACMA arising from this review.

Recommendation 1: Close the Sports Loophole in Section 6.2

ACMA should determine a program standard that removes the Section 6.2 exemption permitting alcohol advertising during sports programs on weekends and public holidays and during live sporting event broadcasts. The same restriction that applies to alcohol advertising in all other programming contexts — no broadcast before 8:30pm — should apply uniformly to all content on commercial free-to-air television without exception. There is no evidence-based justification for a child protection standard that applies on school nights but is suspended on weekends. The RACP has made this same recommendation directly to ACMA on multiple occasions. The Dalgarno Institute supports it unreservedly.

Recommendation 2: Determine a Binding Program Standard Under Section 125

ACMA should exercise its authority under Section 125 of the Broadcasting Services Act to determine a mandatory program standard on alcohol advertising. The sustained failure of industry self-regulation, documented in peer-reviewed research, demonstrated in the 2024 code proposal, and acknowledged in ACMA's own rejection of that proposal, means that voluntary industry codes cannot be trusted to deliver the community safeguards the evidence requires. A program standard is the appropriate instrument and it is within ACMA's existing powers.

Recommendation 3: Align with the Rapid Review on Gender-Based Violence

Any program standard determined by ACMA should be explicitly consistent with the 2024 Rapid Review of Prevention Approaches to End Gender-Based Violence recommendation that alcohol advertising be restricted during sporting events. ACMA should treat the sports loophole as both a child protection issue and a family violence risk factor, consistent with the Australian Government's own policy framework on both matters.

Recommendation 4: Remove the Program Sponsorship Exemption in Section 8

ACMA should review and remove the Section 8 exemption permitting alcohol company promotion through program sponsorship arrangements. Sponsorship builds brand awareness and emotional association with products through the same psychological mechanisms as direct advertising. Exempting it from the advertising framework while restricting the commercials that accompany it is an inconsistency the industry has exploited systematically. Any program standard that closes the advertising loophole while leaving the sponsorship loophole intact will be partially effective at best.

Recommendation 5: Adopt Demand Reduction as the Governing Policy Principle

ACMA should approach this review from the explicit policy principle that the Broadcasting Services Act's community safeguard provisions exist to protect children from advertising for products harmful to their health. The demand reduction framework — preventing or delaying alcohol uptake in young people through the reduction of environmental stimuli that normalise it — is the most evidence-supported and cost-effective alcohol policy intervention available. It is also the framework most directly within ACMA's remit. Advertising restrictions do not require ACMA to regulate the product. They require ACMA to regulate the promotion of the product to audiences that include children. That is precisely what the Broadcasting Services Act empowers it to do.

7. Conclusion

The Dalgarno Institute has been working in AOD prevention and demand reduction across Australian communities for over 150 years. In the latter years with pervasive television and now the rapacious digital advertising arena, we have consistently identified alcohol advertising, and particularly the saturation of alcohol promotion through sport, as one of the most significant environmental forces driving early drinking initiation in young Australians. We published that position in peer-reviewed research synthesis in 2015. We have advocated for the same regulatory outcome for the decade since. The evidence has not weakened in the interim. It has accumulated.

ACMA is conducting this review because it rejected a proposed code change that would have added 800 hours of alcohol advertising annually to the existing schedule. That rejection was correct. But the review it has triggered must go further than confirming that the existing inadequate Code should not be made worse. It must address the structural inadequacy at the centre of the existing Code, which is the Section 6.2 exemption that has allowed the alcohol industry to saturate children's television viewing with its products every weekend for years.

The evidence is settled. The causal link between advertising exposure and early drinking initiation is established in longitudinal research across 38,000 young people. The RACP and RANZCP have called for the loophole's closure. The Australian Government's own Rapid Review has recommended restriction. Community polling shows 90% opposition to further expansion of alcohol advertising. ACMA has the power to act under the Broadcasting Services Act. The Dalgarno Institute urges ACMA to use it, and to determine a program standard that gives Australia's children the protection that decades of evidence demands. We remain committed to this work and are available to provide further evidence or testimony as required.

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