

REVIEW INTO ALCOHOL ADVERTISING RESTRICTIONS IN THE FREE TV CODE – NDRI SUBMISSION

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Dear Ms O'Loughlin

This submission is in response to the public consultation on the *Review into alcohol advertising restrictions in the Free TV Code* (the Code).

The National Drug Research Institute's (NDRI) purpose is to conduct and disseminate research that supports evidence-informed policy and practice to prevent and minimise alcohol and other drug-related health, social, cultural and economic harms. Since its inception in 1986, the Institute has grown to employ about 25 research staff, making it one of the largest centers of drug research and public health expertise in Australia.

Researchers have completed more than 500 research projects, resulting in a range of positive outcomes for policy, practice and the community. For example, NDRI research has significantly informed and contributed to policy and evidence-based practice such as the National Amphetamine Type Stimulants (ATS) Strategy, the National Drug Strategy and the National Alcohol Strategy; contributed to Australia's involvement in international strategies, such as WHO Global and Regional Strategy to Reduce Harmful Use of Alcohol; significantly contributed to international evidence-based school interventions; influenced NHMRC guidelines to reduce alcohol health risks; been cited in development of policy documents for Aboriginal Australians; and directly contributed to Australian and State and Territory government alcohol and illicit drug policy.

NDRI has conducted many projects on the public health impacts of alcohol and on the importance of alcohol policy across price, availability and promotion to reduce those impacts.

Summary

We submit the following key points based on the harms of alcohol and the role advertising plays in those harms, especially for young people.

- The existing Code exposes the community to significant harm, and fails to provide appropriate community safeguards.
- Flaws in the Code are unlikely to be improved in any material way by the commercial television industry.
- Specific weaknesses in the Code include:
 - the generally permissive approach to alcohol advertising
 - the sports programming exemption, and
 - limited definitions in the Code which mean that the full breadth of alcohol promotion is not covered.
- ACMA should replace the Code by making a new program standard to protect the community.

Harms of alcohol and alcohol advertising

Alcohol-related harms in Australia are substantial – alcohol use is responsible for more than 6,500 deaths per year¹ alongside a range of other harms including assault and family violence, crime, lost productivity and road traffic crashes. These harms cost Australian society over \$66 billion in 2017/18². NDRI's work has shown that these harms are steadily increasing, with attributable death rates up by more than 40% in the past decade³.

Alcohol advertising, which is facilitated by the existing Free TV Code, is contributing to this harm. Marketing is a key driver of alcohol use, and alcohol marketing restrictions are one of the World Health Organization's key 'best buys' to reduce alcohol harms.^{4,5} Millions of Australians watch commercial broadcast television – over 50% of adults, according to ACMA's latest estimates.⁶ The Code, and the extensive alcohol advertising it permits on commercial television, is directly perpetuating and contributing to serious harms in the Australian community.

Given these harms, it is critical ACMA recognises alcohol as a unique and harmful commodity and that the ACMA regulates alcohol advertising and marketing in a manner that aligns, explicitly, with preventing alcohol-related harms to children, young adults and the broader Australian community.

Weaknesses in the Code

Weakness (ineffectiveness) of the current Code is underpinned by the fact that alcohol advertisements are widely marketed at times when young people are watching television, a key issue given the established link between exposure to marketing and alcohol consumption among this vulnerable population. For example,

- The current sports exemption permits alcohol advertising from 6pm Friday to midnight Sunday for a broad category of "sports programs". Weekends and public holidays are times when young people are watching television and when alcohol harms are more likely to occur.⁷ ACMA should be guided by the Federal Government's 2024 Rapid Review of Prevention Approaches for family and domestic violence, which recommended that alcohol advertising be restricted during sporting events due to the connection to domestic, family and sexual violence (DFSV).⁸
- The Code's general restrictions on alcohol advertising (which allow it from 8:30pm-5am every day of the week, and also between 12pm-3pm Monday to Friday on school days) are weak and insufficient for a product that is understood to cause such harm.
- The Code is also undermined because it fails to capture many types of alcohol-related marketing, allowing this content to continue appearing on television at any time. For example, the alcohol advertising rules do not apply to low-alcohol or zero-alcohol products, even though these often use identical branding to full-strength alcohol. The National Centre for Education and Training on Addiction has been exploring the effect of zero alcohol product marketing on teenagers. Researchers found a high recall of zero alcohol advertisements among 12-17 year-olds, with television reported as the largest exposure avenue. The products were found to be appealing to young people, many of whom associate the zero alcohol product to its parent alcohol brand.⁹ At the same time, community concern is growing, with parents concerned about exposure to zero alcohol products among children and the potential for these products to act as a gateway to early initiation while also normalising alcohol use earlier in life.¹⁰

Alcohol advertising is harmful to children – systematic reviews clearly demonstrate that marketing exposure is related to earlier initiation to drinking and heavier drinking later in life¹¹. Given Australia's national guidelines recommend no alcohol consumption for people under the age of 18, the regulatory system for alcohol marketing should aim to prevent exposure to this population. Under the current Code, however, young people are frequently exposed to alcohol advertising generally, and especially alcohol advertising which is oriented to young people. For example, unpublished NDRI research indicates that young females are more attracted to alcohol advertisements for alcohol drinks targeted at young drinkers (such as fruity tasting cruisers) which results in increased consumption levels¹².

For example, 2022 research showed that young people (12 to 17 years) reported frequent exposure to alcohol advertising on television (17.1% daily).¹³ 2022 research shows there are around 11,000 alcohol ads during sports broadcasts on free to air TV during a year – 45% of which were shown during children’s viewing hours.¹⁴ Children are also particularly susceptible to alcohol advertising through the medium of sport¹⁵, and the Code’s sports program exceptions are facilitating this exposure.

The objects of the *Broadcasting Services Act*, which include ensuring that “providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them”, obligate ACMA to act on this issue.

Failure to improve the Code

There is strong evidence that relying on the existing Code-making process will not adequately safeguard the community. The commercial television industry has made it clear that it relies on advertising revenue and wishes to expand alcohol advertising. This is in conflict with the ACMA’s mandate to safeguard the community. Examples include:

- Changes made to the alcohol advertising rules in the Code in its 2015 revision have weakened regulation. For example, the 2015 Code introduced a much wider concept of a sports program that goes beyond a live sports broadcast and extends the “weekend” to include Friday evenings. The result is more alcohol advertising and more harm.
- The latest Code revision put forward by Free TV sought to weaken the regulation of alcohol advertising by proposing changes to the Code that would have allowed a potential 800 additional hours of alcohol advertisements per year – a proposal rejected by ACMA.¹⁶

Leaving regulation of alcohol advertising to the industry is clearly insufficient. ACMA must make a program standard in the interest of the wider community and to ensure appropriate safeguards from increasing levels of alcohol related harm.

Community expectations

The Australian community wants to see stronger protections on alcohol advertising. Representative polling from January 2026 showed 75% of Australians support less alcohol advertising on television (only 8% oppose) and 82% of Australians agree that alcohol advertising should be restricted during children’s viewing hours, even during live sports broadcasts (only 6% disagree).¹⁷ This is in addition to the strong community response to Free TV’s proposed new Code in 2024, which was rejected by ACMA.

Conclusion

The current regulatory system for alcohol advertising on television has a range of established weaknesses and is clearly regularly exposing young people to alcohol marketing. Reducing alcohol-related harm in Australia requires concerted policy work, and policy development should not include input from any organisations which gains financial benefit from alcohol sales. In line with the National Alcohol Strategy and WHO’s Best Buys, policy focus includes restrictions on marketing and promotion with the aim of reducing exposure for young people. Under the current system we are clearly failing to achieve this.

We reiterate our call for ACMA to respond to the evidence of harm and to the community concern, and to replace the failing Free TV Code with a strong program standard that puts community health and wellbeing first.

Yours sincerely,

Michael Livingston, Tanya Chikritzhs and Nyanda McBride

on behalf of National Drug Research Institute

Curtin University

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