



Submission to

**ACMA Review into Alcohol Advertising Restrictions in the
Free TV Code**

on behalf of

Australian Association of National Advertisers

April 2026

Introduction

The Australian Association of National Advertisers (AANA) welcomes the opportunity to provide this submission to the *ACMA Review into Alcohol Advertising Restrictions in the Free TV Code*.

As the leading marketing industry body in Australia, the AANA oversees the development of minimum standards for advertising which are then enforced by the Ad Standards independent Community Panel.

The [AANA Code of Ethics](#) imposes minimum standards on all advertising, including alcohol, alcohol alternatives, alcohol accessories and ads for other products which show the consumption of alcohol. The AANA Code of Ethics, given its general application to all products and all platforms, intersects and overlaps with the specialist [ABAC Scheme](#) and [Free TV Code](#). This submission aims to provide clarity on how the system works from the perspective of alcohol advertising.

Summary

- The Free TV Code in its current form, through its own specific provisions for alcohol ads and the inclusion of the ABAC Scheme and AANA Code of Ethics, is working well.
- Strict compliance of alcohol ads with the Free TV, ABAC Scheme and AANA Code requirements is achieved via ABAC pre-vetting, ClearAds approval and Ad Standards Copy Advice.
- AANA supports calls for closer alignment of the Free TV definition of alcohol advertising with the ABAC Scheme definition to improve understanding and proactive compliance with the rules.
- Alcohol advertising across all media has reduced by 15% between 2019 and 2025 and alcohol advertising on Free TV reduced by 71% in metro areas and 61% in regional areas over the same period.
- In 2025, out of the total hours of alcohol advertising on Free TV, alcohol advertising during sport broadcasts accounted for 17% in metro areas and 12% in regional areas
- Total alcohol consumption in Australia has been on a general downward trajectory for decades, reaching levels not seen since the mid-1960s. Australians are increasingly moving toward moderation, driven by health-conscious "Gen Z" trends, the rise of sophisticated non-alcoholic alternatives, and a broader long-term decline in per-capita consumption.
- Alcohol advertising represents a small but important part of Free TV revenue. Free TV ad revenue reduced by approx. 21% between 2019 and 2025. Any further reduction in revenue would have consequences in terms of Australian public access to free sport coverage, Australian-made content and the value of sport broadcasting rights which in turn fund the sports themselves.
- The combined coverage of the ABAC Scheme and AANA Codes imposes standards on all advertising on all platforms at all times. The Free TV Code plays a small but important role in the regulation of alcohol advertising. Likewise, any standard under section 125 of the BSA could only cover a small proportion of alcohol advertising but would potentially add further complexity and confusion to the current complex regulation of alcohol advertising.

Does the Free TV Code provide appropriate community safeguards for alcohol advertising?

The [Commercial Television Industry Code of Practice 2015 \(Free TV Code\)](#), in its current form, through its own specific provisions for alcohol ads and the inclusion of the ABAC Scheme and AANA Code of Ethics, provides robust and effective protection to ensure that children are not targeted with alcohol advertising and ads for alcohol, alcohol alternatives and alcohol accessories do not promote unsafe or irresponsible behaviour, objectify women, perpetuate gender stereotypes or portray violence. The current system also ensures that ads for other services and products that portray alcohol consumption must not promote unsafe or irresponsible behaviour.

While the Free TV Code does not apply to online television content, the ABAC Scheme and AANA Codes both apply to online platforms (as the rules are platform neutral and apply to advertising on any platform). All alcohol advertising by ABAC Scheme signatories for television is pre-vetted to ensure compliance with the ABAC Scheme. This has resulted in the near perfect compliance record of alcohol advertising on Free TV.

The changes to the M classification that were proposed by Free TV, while theoretically expanding the allowable timeframes for alcohol advertising to expand, in reality would have had no such effect. This is because the overriding protections provided by the ABAC Scheme and concerns around brand safety mean that alcohol advertisers would not have taken advantage of the extended timeframes being offered under the proposed Free TV Code changes.

The Free TV Code is an important but small part of the overall regulation of alcohol advertising. The ABAC Scheme and AANA Codes, being platform neutral, cover all advertising on all platforms and therefore provide umbrella protection over and above the Free TV Code provisions.

The biggest issue with the proposed changes to the Free TV Code was the mistaken impression they created that alcohol advertising would start appearing at inappropriate times and the undermining of trust in the system that resulted. The proposed changes to the Free TV Code were opposed by the alcohol industry.

This submission seeks to clarify how the ABAC and AANA Codes offer protections over and above the Free TV Code to ensure that all advertising on TV (whether terrestrial or digital) for alcohol, alcohol alternatives, alcohol accessories and ads showing alcohol must be appropriately placed and meet stringent content standards, no matter what changes are made to the Free TV Code.

Operation and outcomes of current Free TV Code provisions

Free TV Code provisions

The Free TV Code, which applies only to terrestrial free-to-air television, states that alcohol ads cannot be placed at the following times:

- During C, P, G or PG classified programs;
- 5am to midday, 3pm to 8:30pm on school days;
- 5am to 8:30pm on weekends and public holidays;
- Except:
 - as an accompaniment to a Sports Program on a Weekend or a Public Holiday; or

- as an accompaniment to the broadcast of a Live Sporting Event in Australia or an overseas event being shown in the majority of Australian metro areas.

ABAC and AANA Code Provisions

In addition, section 5.7 of the Free TV Code, requires all ads to comply with the ABAC Responsible Alcohol Marketing Code and the AANA Code of Ethics (and other AANA Codes that are not relevant for the purposes of this submission).

This requirement is important because it essentially makes the ABAC Scheme and the AANA Code of Ethics part of the Free TV Code. The ABAC Scheme and the AANA Code of Ethics are platform neutral and apply all hours of the day so they apply to all forms of advertising, including online television content and streaming apps such as 7plus, 9Now and 10 Streaming.

The ABAC Scheme and AANA Codes offer the following umbrella of restrictions that apply to all ads on all platforms, at all times of the day, over and above the Free TV Code:

- The **ABAC placement standards** under Part 4 require alcohol and alcohol alternative marketing to be directed only to adults (not minors) and:
 - must comply with code provisions that have been published by Australian media industry bodies (for example, the Free TV Code);
 - must apply available age restriction controls;
 - if the media platform does not have age restriction controls available, may only be placed where the audience is reasonably expected to be comprised of at least 80% adults;
 - must not be placed with programs or content primarily aimed at minors.
- The **ABAC content standards** under Part 3 require that alcohol marketing must NOT:
 - show or encourage, consumption inconsistent with the [Australian Guidelines to Reduce Health Risks from Drinking Alcohol](#);
 - show or encourage, rapid alcohol consumption or irresponsible or offensive behaviour that is related to the consumption or presence of alcohol;
 - challenge or dare people to consume alcohol or portray the refusal of alcohol or choice of abstinence in a negative light;
 - promote a product by emphasising its alcohol strength (unless emphasis is placed on the product's low alcohol strength) or the intoxicating effect of Alcohol.
 - use imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to minors;
 - create confusion with confectionery, soft drinks or other similar products appealing to minors;
 - use brand identification on clothing, toys or other merchandise for use primarily by minors;
 - show anyone aged under 25 in a visually prominent way;

- suggest that the consumption or presence of alcohol may cause or contribute to an improvement in mood or environment;
 - show consumption or presence of alcohol as contributing to achievement or success;
 - suggest that the success of a social occasion depends on the presence or consumption of alcohol;
 - suggest that the consumption of alcohol offers any therapeutic or health benefit or helps overcome problems or adversity.
 - show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as the control of a motor vehicle, boat or machinery or swimming.
- The **AANA Code of Ethics** applies to all products, including alcohol, alcohol alternatives, alcohol accessories and ads showing people consuming alcohol and imposes the following restrictions:
 - advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.
 - advertising shall not employ sexual appeal:
 - (a) where images of Minors, or people who appear to be Minors, are used; or
 - (b) in a manner which is exploitative or degrading of any individual or group of people
 - advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
 - advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
 - advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
 - advertising shall not depict material contrary to prevailing community standards on health and safety.
 - advertising shall be clearly distinguishable as such.

Case Study – Only Chug Beer Snorkel – Alcohol Accessory



This TikTok ad was not promoting any alcohol product but was for an alcohol accessory. It showed a man trying to drink alcohol as fast as possible using a device called a "beer snorkel", finishing the drink in just a few seconds. The message of the ad, especially with the line "What's your time?", gave the impression that drinking very quickly was a desirable skill.

Even though the amount of alcohol shown was only one drink, the overall impression was that dangerous drinking was being promoted.

The Ad Standards Community Panel decided this breached section 2.6 of the AANA Code of Ethics because it encouraged unsafe alcohol drinking behaviour, which goes against community expectations on health and safety. The Panel noted that many people in the community are concerned about binge drinking and alcohol misuse.

As a result, the complaint was upheld and the advertisement was removed from the platform.

Pre-Vetting and Compliance

Strict compliance of alcohol ads with the Free TV, ABAC Scheme and AANA Code requirements is achieved via ABAC pre-vetting, ClearAds approval and Ad Standards copy advice:

- **ABAC Pre-vetting** - All Australian alcohol marketing on television is independently pre-vetted by the Alcohol Advertising Pre-vetting Service before it reaches the marketplace. Pre-vetters provide clearance, reject or suggest modification to material submitted to them for pre-vetting. In 2025, ABAC pre-vetters received 2766 requests for pre-vetting, with 282 ads rejected prior to entering market.
- **ClearAds** - The ClearAds service provides a review for compliance with advertising restrictions (including AANA Code of Ethics) and a classification, so the ad is placed appropriately in

compliance with Free TV Code. Upon approval, a unique Classification Number (ClearAds Number) is issued to the advertisement.

- **Ad Standards Copy Advice** - Ad Standards offer copy advice for advertisements against the Code standards it administers and for any medium.

Enforcement

Complaints under both the AANA and ABAC Codes are determined independently of the industry:

- **AANA Codes** - Complaints under the AANA Codes are determined by the Ad Standards Community Panel, an independent panel of Australians with diverse backgrounds who are not connected to the advertising industry and represent the Australian community. This separation and independence ensures that shifting community standards are reflected and advertising that does not meet those shifting community standards is removed. If the Community Panel decides that there is a breach of one or more of the advertising codes, the advertiser is informed and is expected to either modify or remove the ad. In the case of TV advertising, if an advertiser does not comply with the request to modify or remove the ad within 5 business days, Ad Standards may contact Free TV to request the ad's removal.
- **ABAC Scheme** - Complaints under the ABAC system are determined by the ABAC Adjudication Panel, also independent of the alcohol industry. There are five Panel members and a minimum of three Panel members will adjudicate on a particular complaint. The ABAC Scheme is quasi-regulatory in nature as the Australian Government is represented on the Management Committee and a Professor of Public Health, nominated by government is part of all adjudication panel hearings. In 2025, the ABAC Adjudication Panel made 52 decisions leading to the removal of advertisements, with many marketers withdrawing material immediately upon a complaint being raised. To facilitate communication on common issues and cross-referral of complaints, ABAC has entered memoranda of understanding with State and Territory liquor authorities. In 2025 two complaints were referred to liquor licensing authorities where the concerns were focussed on the responsible service of alcohol by licensed venues and all non-compliant determinations were referred to liquor licensing authorities to review in relation to liquor promotion requirements.
- **Free TV** – Ads can be subject to complaints which may be upheld by the Ad Standards Community Panel (for AANA Code breaches) or the ABAC Adjudication Panel (for alcohol ads). If a complaint against an ad is upheld, the advertiser is typically expected to withdraw or modify it, and the ClearAds number can be withdrawn.

Alignment of Definition of Advertising

The Free TV Code definition of 'Advertising', 'Marketing Communication' or 'Commercial for Alcoholic Drinks' as it is known in the Free TV Code is narrower than the ABAC and AANA Code definitions of advertising. This means that marketing promotions such as alcohol consumption of a sponsor's product during a TV show or brand extensions to non-alcohol products are excluded from the definition of 'Commercial for Alcoholic Drinks' in the Free TV Code. To address this issue, AANA supports closer alignment of the Free TV Code and ABAC Code definitions of 'Alcohol Marketing Communication' and 'Commercial for Alcohol Drinks'.

Volume, frequency and placement of alcohol advertising in sport and non-sport programming on commercial TV

Alcohol advertising represents a small part of Free TV's total advertising. AANA obtained TV advertising data (*Ad Intel Data*) from Nielsen and it shows that:

- Advertising of alcohol on Free TV accounted for 0.81% of total ad spend in 2025, down from 1.24% in 2019.
- Between 2019 and 2025, alcohol advertising on Free TV reduced by 71% in metro areas and 61% in regional areas.
- 2025 Metro TV alcohol ads in sport - 17% is made up of ads shown during sport.
- 2025 Regional TV alcohol ads in sport - 12% is made up of ads shown during sport.
- Alcohol advertising across all media (incl digital) reduced by 15% between 2019 and 2025.

Available data and research on the link between alcohol advertising on television, increased consumption and broader social harms

Consumption

As stated above, alcohol advertising across all media has reduced by 15% between 2019 and 2025 and alcohol advertising on Free TV reduced by 71% in metro areas and 61% in regional areas over the same period.

Recent results from the [2022–23 National Drug Strategy Household Survey \(NDSHS\)](#) and the [2023–24 ABS National Nutrition and Physical Activity Survey \(NNPAS\)](#) highlight several encouraging shifts in Australian drinking culture. Total alcohol consumption in Australia has been on a general downward trajectory for decades, reaching levels not seen since the mid-1960s.

- **Volume Per Capita:** The amount of pure alcohol available for consumption fell from 10.9 litres per person in 2020–21 to 9.8 litres in 2023–24—a significant drop in a short window.
- **Abstinence is Growing:** There has been a long-term increase in the proportion of young people who abstain from alcohol. From 2007 to 2022–2023, the proportion of people aged 14–17 who abstained increased from 39% to 70%, while for people aged 18–24 it rose from 13.1% to 23% ([AIHW](#)).

Australians are increasingly moving toward moderation, driven by health-conscious "Gen Z" trends, the rise of sophisticated non-alcoholic alternatives, and a broader long-term decline in per-capita consumption.

Youth-Led Cultural Shifts (Gen Z & Millennials): The most positive trends are found among younger Australians, who are redefining social norms around drinking¹. Research from Flinders University

¹ <https://www.connections.edu.au/opinion/gen-z-redefining-australias-drinking-culture-and-thats-good-thing#:~:text= Policymakers%20can%20leverage%20different%20factors,Gen%20Z%20and%20future%20generations>

(2025)² indicates that Gen Z is nearly 20 times more likely to choose not to drink at all compared to the Baby Boomer generation.

Decline in Risky Drinking: The proportion of people aged 14 and over engaging in risky drinking (exceeding 10 drinks a week or 4 in one day) fell from 33.2% in 2016 to 30.7% in 2023.

Delayed Initiation: The average age at which young people had their first full drink has risen significantly, delaying potential long-term health risks.

The "No and Low" Revolution: A major positive driver is the explosive growth of the non-alcoholic and low-alcohol sector, allowing for social inclusion without the health impacts. Australia's non-alcoholic sector is projected to grow by 5% annually through 2028³.

Motivations for Moderation: According to 2025 industry reports, 49% of consumers who are drinking less cite "health and wellness" as their primary motivator, suggesting a permanent lifestyle shift rather than a temporary fad.

Nutritional Insights (NNPAS 2023–24): The latest National Nutrition and Physical Activity Survey provides a holistic view of these positive changes:

- **Energy Intake Reduction:** As Australians swap full-strength beer and wine for lower-alcohol or non-alcoholic alternatives, the percentage of total daily energy ("liquid calories") derived from alcohol is beginning to stabilize and decrease in younger cohorts.
- **Clustering with Healthy Habits:** Data shows that those who actively participate in "dry months" (like *FebFast* or *Dry July*) report immediate improvements in sleep quality, blood pressure, and weight management, which often leads to sustained lower consumption throughout the rest of the year.

Summary of Positive Indicators

Metric	Positive Trend
Abstinence (14+)	Increased to 31% (including ex-drinkers and never-drinkers).
Daily Drinking	Remained stable/low at 5.2%, down from higher peaks in the early 2000s.
Drinking During Pregnancy	Significant declines, with only 1.3%–1.5% of women in certain groups reporting consumption after 20 weeks.
Non-Alc Market	Expected to reach over 3% of total beverage market share by 2028.

² *OK Boomer: A longitudinal analysis unravelling generational cohort differences in alcohol consumption among Australians*
<https://onlinelibrary.wiley.com/doi/10.1111/add.70201>

³ <https://www.drinkstrade.com.au/news/australias-non-alc-sector-to-grow-5-annually-for-next-three-years/#:~:text=Australia's%20non%20alcoholic%20sector%20is,and%20Low%20Alcohol%20Strategic%20Study.>

How to Influence Alcohol Consumption

Although focused on unhealthy food consumption and obesity, recent research by Edith Cowen University⁴ may also help understand the most effective tactics to reduce alcohol consumption and encourage Australians to adopt a healthier lifestyle. The research found that advertising campaigns promoting healthy food are more effective than advertisements criticising junk food. So, advertising promoting healthy food was more effective in reducing consumption of junk food than ads criticising junk food.

The research found:

“For both BMI groups [normal and overweight/obese], junk food advertisement exposure did not increase immediate craving or consumption intentions. However, decreases were observed in craving and consumption intentions following anti-junk food advertisements. A 15-s anti-junk advertisement was more effective than a 30-s anti-junk advertisement for normal weight BMI participants. For OW/OB BMI participants, an anti-junk advertisement encouraging health food was more effective than an anti-junk advertisement criticising junk food.

“Conclusions: The effectiveness of anti-junk food advertisements varies depending on the length and framing of the advertisements as well as the viewer's BMI categorisation. These nuances are important for maximising the effectiveness of anti-junk food advertisements in different contexts.

So What? Given the potential for anti-junk food advertisements to curb consumption, a higher frequency of broadcasting brief positively framed health messages should be considered to mitigate the potential public health risks associated with junk food consumption.”

The Hello Sunday Morning advertising campaign, which was designed to reduce binge drinking, rejected the approach of attacking binge drinking and instead promoted the benefits of reducing alcohol consumption.

⁴ Hollett R.C. et al, Length and Framing of Anti-Junk Food Ads Impact Inclinations to Consume Junk Food Among Normal Weight, Overweight, and Adults With Obesity (Perth, Health Promotion Journal of Australia, 2026) [Length and Framing of Anti-Junk Food Ads Impact Inclinations to Consume Junk Food Among Normal Weight, Overweight, and Adults With Obesity - Hollett - 2026 - Health Promotion Journal of Australia - Wiley Online Library](#)

Case Study - Hello Sunday Morning Campaign



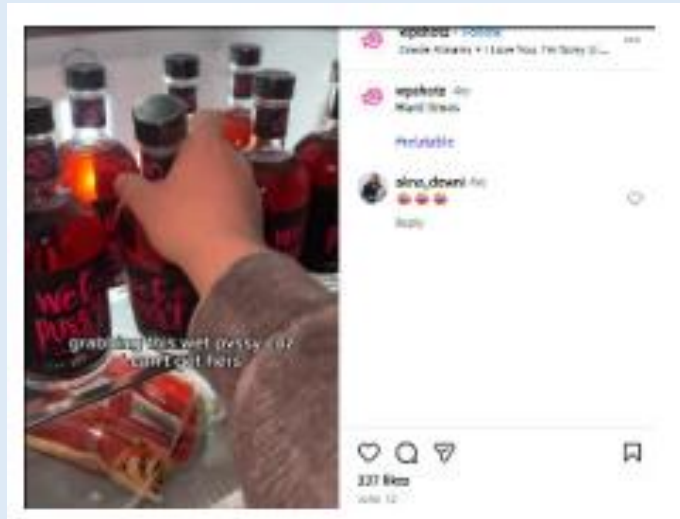
[Hello Sunday Morning](#) (HSM) is a digital health organisation that encourages and supports participants to change their relationship with alcohol. The concept originated with Chris Raine, a young advertising professional who noticed that young audiences often met fear-driven mass media campaigns against binge drinking with scepticism. In response, Raine committed to a year of sobriety and launched a blog to chronicle his insights into Australia's drinking culture. This blog gained significant traction, inspiring readers to launch their own "Hello Sunday Morning" challenges.

Since 2010, HSM has evolved into a sophisticated online platform that integrates blogging and social media with gamification—using structured digital games to drive user engagement. HSM promotes the positives that can come from drinking less alcohol: *"Because drinking less isn't about restriction. It's about getting something back. More clarity. More energy. More presence. More connection. More of life."* Hello Sunday Morning has grown to become the largest alcohol change support community in the country, with more than 155,000 members.

Broader Social Harms

Media and advertising impact how people see themselves and others and can perpetuate unconscious bias, harmful attitudes and violent behaviour. For this reason, the AANA Code of Ethics imposes strict rules on the content of advertising to prohibit objectification and sexualisation of children and women (and men), the normalisation of violence, perpetuation of gender stereotypes and undermining of health and safety messages. These rules apply to all advertising, including alcohol advertising.

Case Study - Wet Pussy Liquor



This Instagram post on the @wpshotz page on 12 June 2025 featured a video of a person taking a bottle of Wet Pussy from a fridge and pouring a shot with the text "grabbing this wet pussy coz I can't get hers." The caption says "Hard times."

The Ad Standards Community Panel upheld the complaint and found the ad in breach of section 2.2 of the Code of Ethics, finding that the advertisement used sexual language in a way that was degrading to women.

The ABAC Adjudication Panel also upheld a complaint about the product packaging. When the company failed to comply with the decision, the complaint was referred to the Victorian Liquor Commission, who issued a banning notice. The matter is currently with VCAT.

Case Study - Easy Tiger Restaurant, Bar, Cinema and Brewery



The Facebook ad features a man standing at the back of a ute and a woman laying in the back of the ute tied up. The man says, 'People always ask me, "Jason how do you feel about your staff getting coffee elsewhere?" As he rolls the woman over and closes the back tray door, he says, 'And I just say, "You know what? You're free to do whatever you want".' The caption reads, 'Join the Easy Tiger crew! And don't worry - you're totally free to visit all the other amazing cafés in St Helens. (But yes...we are hiring. Send us a DM!)

The Panel found that the ad was in breach of:

- Section 2.1 of the AANA Code of Ethics, as the ad depicted discriminatory behaviour towards women;
- Section 2.3 of the AANA Code of Ethics, as the ad depicted violence towards women;
- Section 2.6 of the AANA Code of Ethics, as the ad depicted workplace bullying.

The ad was removed and the complaint was also referred to ABAC for consideration as to whether the ad also breached the ABAC Scheme.

Case Study – Black Lager



This Facebook advertisement featured a close-up image of a black can being held by a woman. The caption for the post says, "Once you go black...". The Ad Standards Community Panel determined that it breached section 2.1 of the AANA Code of Ethics, which relates to discrimination and vilification. The Panel found that the phrase "Once you go black..." relied on a well-known racial and sexual stereotype. Even though the advertiser said it was a reference to a black-coloured beer, the Panel decided the wording could reasonably be understood as fetishising and demeaning people of colour.

Economic contribution of alcohol advertising on commercial TV.

Alcohol advertising represents a small but important part of Free TV revenue. According to Nielsen data:

- Advertising of alcohol on Free TV accounted for 0.81% of total ad spend in 2025, down from 1.24% in 2019.
- Alcohol advertising on Free TV reduced by 71% in metro areas and 61% in regional areas.
- Overall advertising spend (across all product categories) on Free TV reduced by 21% between 2019 and 2025.

Impacts of any potential regulatory change

Later in this submission we provide input on the impact of the introduction of a standard under s 125 of the BSA.

If alcohol advertising was banned on Free TV, we estimate it would reduce Free TV funding by nearly \$12m, including stripping over \$2m from regional TV (*Nielsen Ad Intel Data 2025*). Given that Free TV ad revenue has reduced by approx. 21% between 2019 and 2025 (*Nielsen Ad Intel Data*), any further reduction in revenue would have consequences in terms of Australian public access to free sport

coverage and Australian-made content and the value of sport broadcasting rights which in turn fund the sports themselves, including grass-roots and women's leagues.

According to the [Advertising Pays](#) 2023 report by Deloitte Access Economics (commissioned by Advertising Council Australia, AANA and Media Federation of Australia), Free-to-air TV broadcasting employs 14,313 people in Australia and advertising makes up 83% of that funding.

Comparisons of international regimes

Compared with other international models, Australia's ABAC Scheme meets or exceeds international standards in content regulation, provides unique preventative safeguards through pre-vetting and delivers high compliance and rapid remediation and proactive compliance audits. Some unique features of the ABAC Scheme compared to many international counterparts:

- Mandatory pre-vetting ensures compliance before ads run.
- A representative nominated by the Federal Minister for Health is a member of the ABAC Management Committee.
- Independent Adjudication Panel includes panellists from the health sector who are selected from a shortlist supplied by the Federal Minister for Health or their nominee.
- Referral mechanisms to State & Territory Liquor Authorities and ClearAds to aid enforcement where a complaint is upheld.
- Near-universal compliance achieved through Industry commitment, reputational accountability and contractual obligations of signatories.

In-stadia and integrated content advertising, such as alcohol advertising in sporting stadiums, signage on jerseys and sponsored collaborations within programming

Because the ABAC Scheme and AANA Codes are platform-neutral, the TV sports broadcasts that show in-stadia and sponsorship advertising are captured, and ratings data from various sports, e.g., Rugby League, AFL, Soccer and Cricket indicate the expected audience comfortably exceeds the 80% adult benchmark set out in the ABAC Code.

Alcohol advertising placement on mediums, including video-on-demand services like subscription video on demand, advertising-based video on demand and broadcaster video on demand.

Because the ABAC Scheme and AANA Codes are platform neutral, alcohol advertising on all digital platforms and streaming channels is caught and must comply with those restrictions. Brands must use audience data, targeting tools and age-gating technology to ensure ads are not served to minors and must ensure that the content of alcohol, alcohol alternatives, alcohol accessories and ads for

other products that include alcohol consumptions are compliant with the AANA and ABAC content rules.

Case Study – XXXX On-Demand TV ad



This XXXX ad was aired on TV on-demand in Feb 2025. The Ad Standards Community Panel found that the advertisement breached Section 2.6 of the AANA Code of Ethics because it depicted unsafe use of machinery in a way that was contrary to prevailing community standards on health and safety.

The ad showed people using 4WD vehicle winches to suspend a hammock between two vehicles, a scenario the Panel considered inherently dangerous. The complaint was upheld and the advertisement was discontinued.

Whether ACMA should determine a program standard under section 125 of the BSA.

The combined coverage of the ABAC Scheme and AANA Codes impose standards on all advertising for alcohol, alcohol alternatives, alcohol accessories and ads for other products that contain images of alcohol consumption on all platforms at all times.

The Free TV Code plays a small but important role in the regulation of alcohol advertising. Likewise, any standard under section 125 of the BSA could only cover a small proportion of alcohol advertising but would potentially add further complexity and confusion to the current complex regulation of alcohol advertising, which includes:

- Australian Competition and Consumer legislation;
- State Liquor Licensing legislation and promotional guidelines;
- Australia New Zealand Food Standards Code labelling requirements;
- The Alcohol Beverages Advertising Code Scheme;
- Australian Association of National Advertisers Code of Ethics;
- Commercial Television Industry Code of Practice;
- Commercial Radio Codes of Practice; and
- Outdoor Media Association Code of Ethics, Alcohol Policy and Placement Policy.

The Australian Productivity Commission (PC) has consistently championed the principle of platform neutrality (also referred to as "technological neutrality") to ensure that regulation focuses on the service provided rather than the specific technology used to deliver it. A standard under section 125 of the BSA dealing with alcohol advertising on Free TV would appear to go against the principle of platform neutrality espoused by the PC.

The current self-regulatory framework, comprising the ABAC Scheme and the AANA Code of Ethics, achieves a level of platform neutrality that a single standard or Commonwealth statute cannot legally replicate. The primary barrier lies in the division of powers under the Australian Constitution. The Commonwealth lacks a plenary power to regulate "advertising" generally. To replicate the current scheme, the legislature must rely on a "patchwork" of heads of power under Section 51:

- The Corporations Power (s 51(xx)): While broad, it only captures "trading or financial corporations." It cannot reach non-incorporated entities or individuals operating solely in intrastate commerce.
- The Communications Power (s 51(v)): This covers "postal, telegraphic, telephonic, and other like services." While this captures internet and broadcast media, it fails to reach physical "out-of-home" advertising (e.g., local billboards or shopfront posters) that lacks an electronic nexus.
- The Trade and Commerce Power (s 51(i)): This is strictly limited to interstate or overseas trade, leaving a significant gap in purely local, intrastate commercial activity.

Unlike the ABAC and AANA schemes, which apply to the content of the advertisement regardless of the medium, federal legislation is limited by the nature of the actor or the mode of delivery. A statutory replacement would inevitably create "regulatory voids" where a local, non-incorporated business could advertise on a physical sign without being subject to the federal law. The current self-regulatory model remains the only viable method for maintaining a seamless, nationwide standard across all media platforms.

The current self-regulatory model is cheaper, more efficient and more responsive than government regulation. The 2017 Deloitte Access Economics report, [Assessing the benefits of a self-regulatory advertising complaints handling system August 2017](#), commissioned by Ad Standards (formerly known as ASB), found that the self-regulatory approach for handling complaints about advertising achieves similar outcomes to government regulation in compliance and effectiveness, and performs better in terms of cost, efficiency and responsiveness:

- **Cost:** It is likely the ASB requires a lower budget than a government regulator with \$1.02 million in salaries compared to \$1.42 million.
- **Compliance:** The ASB and the government perform equally well with high compliance rates.
- **Efficiency:** ASB handles the majority of cases (99.8%) in less than three months while a reasonably comparable government regulator completes most (97%) within six months.
- **Effectiveness:** The ASB and a government regulator both score reasonably well in terms of complainant and stakeholder satisfaction with the system.
- **Responsiveness:** The ASB appears to be relatively more flexible in its ability to regulate new mediums emerging in advertising such as social media.

Further Consultation

The AANA would welcome an opportunity to discuss in more detail with ACMA the issues in our submission. Please contact Megan McEwin at megan@aana.com.au regarding opportunities for further consultation.