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Ms Nerida O'Loughlin
Chair and Agency Head
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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 George Institute supports FARE's submission that calls on ACMA to replace the failing Free TV Code with a strong program standard that puts community health and wellbeing first. Our submission provides an additional recommendation on the need to explicitly regulate the advertising of Zero Alcohol Products (ZAPs), on the basis that the current Code enables alcohol brands to sidestep restrictions and market themselves to children under a zero alcohol banner. To address this issue, we recommend that advertising restrictions that apply to alcohol products should also apply to zero alcohol products that are owned by an alcohol company or that reference alcohol. This recommendation is consistent with the World Health Organization's advice that the marketing of ZAPs to children should be prohibited, and aligns with best-practice regulatory approaches highlighted below.¹

About the George Institute for Global Health

The George Institute is a leading independent global health and medical research institute with major centres in Australia, India, and the UK. We are 1,000+ people globally, with more than 245 active projects across 50 countries. Our work uses innovative approaches to prevent and treat the leading causes of death in Australia and globally, including non-communicable diseases (e.g., heart disease, stroke, cancer, diabetes, and chronic lung disease) and injury.

Our Alcohol Policy team works to reduce death and disease caused by alcohol. The team conducts multi-disciplinary research with a focus on generating outputs to help government and public health NGOs deliver a healthier environment for all. Our alcohol research covers the domains of alcohol marketing and supply, harm-reduction campaigns, and addressing industry's efforts to influence policy to the detriment of public health.



Summary of concerns

Major alcohol companies are increasingly entering the ZAP market, raising concerns that alcohol brands are extending their marketing into new settings.^{2,3} Currently, the Code does not restrict where and how ZAPs can be advertised on free-to-air TV.⁴ This creates a loophole that allows alcohol companies to extend alcohol brand marketing into timeslots where alcohol-related advertising is banned to protect children.

Exposure to ZAP advertising among young people has been shown to increase familiarity with alcohol brands and contribute to interest in trying alcohol products.⁵ Given the well-established harms of alcohol advertising to minors, it is crucial that the restrictions on advertising in the Code are extended to ZAPs to prevent alcohol companies from circumventing existing regulations.

Recommendation

Advertising restrictions that apply to alcohol products ($\geq 1.15\%$ ABV) in the Code should also apply to non-alcoholic products ($< 1.15\%$ ABV) that are owned by alcohol brand companies and those that carry a reference to alcohol (e.g., “Non-alcoholic gin” or “Zero alcohol wine”).

Definition of Zero Alcohol Products

ZAPs are beverages that mimic the taste and appearance of alcoholic beverages, but contain no or very low alcohol content (typically $< 0.5\%$ alcohol by volume).⁶ They represent a rapidly growing market segment,⁷ driven by an increasing number of products with alcoholic parent brands entering the market (e.g., Heineken Zero).^{2,3} While the alcohol industry outwardly frames ZAPs as a tool for replacing alcohol use, internally it appears ZAPs are viewed as an avenue for increasing brand awareness.² This has been demonstrated by the frequent use of names, packaging and related marketing materials that are near identical to their alcohol product counterparts.⁸

Weaknesses of the Code

The Code defines an alcoholic beverage as a product that contains $\geq 1.15\%$ ABV. As a result, ZAPs with an alcohol parent brand can be advertised during programs and at times that their alcohol product counterparts (e.g., Heineken) cannot be promoted. This means the dominant branding that is intrinsically and inextricably linked to alcohol products can now be displayed in previously restricted programming timeslots.

The rulings in the Code governing when alcohol advertising can be shown on free-to-air TV were designed to protect children in recognition of the known harms of exposing minors to



alcohol-related advertising. However, through ZAPs, alcohol companies are now able to circumvent this restriction and market their brands directly to children as described below.

Harms of ZAP advertising

ZAP advertising is highly salient among young Australians. Our work shows that three-quarters of 15-17-year-olds report having seen an advertisement for a ZAP in the last year, with the most common source of exposure being television.⁹ When asked about the ZAP brands they had seen in advertisements, a large portion mentioned those with an alcohol-company parent brand.⁹ This is reflected in research showing that young people experience ZAPs branding as being synonymous with alcohol branding.¹⁰ Even ZAPs without an alcohol parent brand have been found to prompt young people to think about alcohol.¹⁰

Our work has also shown that many young people believe alcohol-branded ZAPs are targeted at their age group,⁹ raising concerns around the potential for such products to normalise alcohol use and act as a gateway product that encourages alcohol consumption earlier in life. This concern is reflected in research finding that young people who see and have positive attitudes towards alcohol-branded ZAP advertisements are more likely to have positive attitudes towards and intentions to consume the parent alcohol brand.⁵

Across Australia, the market for ZAPs is increasingly dominated by alcohol companies. The George Institute's annual alcohol market monitoring identified that the proportion of ZAPs sold in Australian supermarkets that have an alcohol parent brand rose from 37% to 59% between 2022 and 2024.³ This rapid shift highlights how this market segment is increasingly dominated by alcohol companies.

Conclusion and recommendation

In contrast to Australia, Norway extends all restrictions on alcohol advertising to include marketing of all brands that have products with an alcohol content above 2.5%.¹ This ban has been extremely successful, leading to the near elimination of ZAP marketing of products with an alcohol parent brand that can be used to target young people.¹ Formalising a similar restriction on free-to-air TV in Australia would bring the ACMA code in line with international best practice to protect children from this form of alcohol-related marketing. We call for ACMA to respond to the evidence and replace the failing provisions within the Free TV Code with a strong program standard that puts community health and wellbeing first.

We remain at your disposal to respond to any queries or provide additional evidence.



Yours sincerely,

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