



# **Response to the Australian Communications and Media Authority review of alcohol advertising rules in the Free TV Code**

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**Cancer Council Australia**

30 04 2026



Cancer Council is the peak, non-Government cancer control organisation in Australia. As the national body in a federation of eight state and territory member organisations, Cancer Council Australia works to make a lasting impact on cancer outcomes by:

- shaping and influencing policy and practice across the cancer control continuum;
- developing and disseminating evidence-based cancer information;
- convening and collaborating with cross sectorial stakeholders and consumers to set priorities; and
- speaking as a trusted voice on cancer control in Australia.

Cancer Council Australia acknowledges the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander Elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander peoples.

**This submission was authorised by:**

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Submissions are due by 30 April 2026 at 5pm and to be sent to:

Ms Nerida O'Loughlin  
Chair and Agency Head  
The Australian Communications and Media Authority (ACMA)  
PO Box Q500  
Queen Victoria Building  
New South Wales 1230  
C/O CAMR@acma.gov.au

## **Cancer Council's response to the Australian Communications and Media Authority (ACMA) review of alcohol advertising rules in the Free TV Code**

Cancer Council is committed to protecting the community from modifiable cancer risk factors, including from the harms of alcohol. We welcome the opportunity to respond to ACMA's review of alcohol advertising rules in the Free TV Code. As expressed in our 2024 submission, it is Cancer Council's strong view that ACMA should play a more active role in the regulation of alcohol advertising. We are very pleased that ACMA has not accepted Free TV's draft Code and has undertaken further consultation on the alcohol advertising rules.

Cancer Council recognises that this is a significant opportunity for the Australian Government to protect children and young people from exposure to program material that may be harmful to them on Australian broadcasting services.

As a brief overview of Cancer Council's position, we consider that the existing Free TV Code has failed to provide adequate community safeguards and meet community expectations on alcohol advertising. We strongly encourage ACMA to replace the alcohol advertising rules in the Free TV Code by making a new program standard to protect the community. We also strongly encourage ACMA to step away from reliance on codes developed by industry bodies, and to put community health and wellbeing above the profits of the broadcast and alcohol industries. We expand on our position and the supporting evidence within the below submission.

### **Harms from alcohol in Australia are extensive**

The harms from alcohol use in Australia are extensive and cannot be ignored.

#### *Alcohol is a cause of seven types of cancer*

The International Agency for Research on Cancer classifies alcohol as a Group 1 carcinogen (the highest risk group), meaning there is sufficient evidence that alcohol causes cancer in humans. Alcohol use increases the risk of developing at least seven types of cancers, including cancers of the mouth, throat, oesophagus, larynx (voice box), bowel, liver, and breast.<sup>1</sup>

There is no 'safe' level of alcohol use, and it is well established that even drinking small amounts of alcohol increases the risks of developing cancer<sup>2,3</sup>. New research estimates that 7,804 cases of cancer (4.6% of all cancer cases) were attributable to alcohol use nationwide in 2024; this is higher than previously thought.<sup>4</sup>

#### *Cost of alcohol harms to Australian communities is excessive*

We understand that ACMA will be considering the economic contribution of alcohol advertising on commercial free-to-air television. In considering this, it is critical to understand the cost of harm from alcohol to Australian communities. Alcohol harms extend beyond individuals and families and impose substantial social and economic costs. In 2022-23, alcohol use cost the Australian community \$74.9

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<sup>1</sup> Bagnardi, V., Rota, M., Botteri, E., Tramacere, I., Islami, F., Fedirko, V., Scotti, L., Jenab, M., Turati, F., Pasquali, E., Pelucchi, C., Galeone, C., Bellocco, R., Negri, E., Corrao, G., Boffetta, P., & La Vecchia, C. (2015). Alcohol consumption and site-specific cancer risk: a comprehensive dose-response meta-analysis. *British journal of cancer*, 112(3), 580–593. Available from: <https://doi.org/10.1038/bjc.2014.579>

<sup>2</sup> Anderson BO, Berdzuli N, Ilbawi A, Kestel D, Kluge HP, Krech R, et al. Health and cancer risks associated with low levels of alcohol consumption. *The Lancet Public Health*. 2023 8(1). doi:10.1016/s2468-2667(22)00317-6

<sup>3</sup> [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(22\)00317-6/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(22)00317-6/fulltext); <https://www.who.int/europe/news/item/04-01-2023-no-level-of-alcohol-consumption-is-safe-for-our-health>

<sup>4</sup> Sarich P, Canfell K, Egger S, Joshy G, Wellard-Cole L, Hughes C, et al. Alcohol-attributable cancer risk and burden estimates for Australia's updated alcohol consumption guidelines. *BJC*. 2026. Available from: <https://www.nature.com/articles/s41416-026-03403-3>

billion in social and economic costs.<sup>5</sup> These costs were associated with premature mortality, morbidity, road traffic accidents, healthcare, workplace, lost productivity, and costs to the criminal justice system.

### **The link between alcohol advertising and alcohol use is well-established**

There is a wealth of research which shows that the extensive amount of alcohol marketing our children and the wider community are exposed to is causing harm.<sup>6</sup> The evidence base has developed to the extent that we now know that exposure to alcohol marketing is a cause of drinking among young people.<sup>7</sup> Exposure to alcohol marketing influences children and young people's beliefs and attitudes about drinking, and increases the likelihood that adolescents will start to use alcohol and will drink more if they are already using alcohol.<sup>8</sup>

Alcohol marketing provides the building blocks for current and future behaviour by affecting how young people think and feel.<sup>6</sup> It encourages the development of brand preferences and positive expectations around alcohol, and creates and reinforces social norms.<sup>6</sup>

As one example of local evidence, Australian research of alcohol advertising during sports broadcasting in 2022 showed the prevalence of alcohol advertising television commercials was 3.9% during the AFL and 1.8% during the NRL.<sup>9</sup> The study found that exposure to alcohol advertising elicited a low, yet measurable, short-term increase in alcohol inclinations among risky drinkers.

### **Australian children are bombarded with alcohol advertising**

Given the evidence that alcohol advertising is harmful to children and the wider community, it is especially concerning that Australian children and young people are bombarded with alcohol advertising in their day-to-day lives.<sup>10</sup> Alcohol is more heavily advertised than the average product, resulting in widespread marketing that is impossible to avoid.<sup>11, 12</sup> Digital platforms have opened new opportunities for alcohol marketers to promote their products, alcohol is still heavily marketed and promoted in traditional channels such as broadcast television. Young Australians aged 12-17 years report frequent

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<sup>5</sup> Gadsen T, Craig M, Jan S, Henderson A, Edwards B. Updated social and economic costs of alcohol, tobacco, and drug use in Australia, 2022/23. The George Institute for Global Health. November 2023. Available from: <https://www.georgeinstitute.org/sites/default/files/documents/cost-of-alcohol-drug-use-in-aus-report.pdf>

<sup>6</sup> Alcohol Focus Scotland. Realising Our Rights: how to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network. June 2022. Available from: <https://www.alcohol-focus-scotland.org.uk/resources/alcoholmarketingreport2806.pdf>

<sup>7</sup> Sargent JD, Babor TF. The relationship between exposure to alcohol marketing and underage drinking is causal. *Journal of Studies on Alcohol and Drugs*. 2020; s19, 113-124.

<sup>8</sup> Jernigan D, Noel J, Landon J, Thornton N, Lobstein T. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. 2016. *Addiction*; 112 (Suppl. 1): 7-20.

<sup>9</sup> Hollett RC, Fairclough J, Butt J, Mills B. Exposure to preference-matched alcohol advertisements from national sports broadcasts increases short-term alcohol consumption inclinations in risky drinkers. *Health Promot J Austral*. 2025;36(1):e894. Available from: <https://doi.org/10.1002/hpia.894>

<sup>10</sup> Aiken A, Lam T, Gilmore W et al. Youth perceptions of alcohol advertising: are current advertising regulations working? *Aust NZ J Public Health*. 2018;42:234-9. Available from <https://pubmed.ncbi.nlm.nih.gov/29697872/>

<sup>11</sup> Saffer H. Evaluating econometric studies of alcohol advertising. *Journal of Studies on Alcohol and Drugs*. Supplement 2020:s19, 106-112. <https://www.jsad.com/doi/10.15288/jsads.2020.s19.106>

<sup>12</sup> Alcohol Focus Scotland. Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network. June 2020. Available from: <https://www.alcohol-focus-scotland.org.uk/media/440172/alcoholmarketingreport2806.pdf>

exposure to alcohol advertising on TV, with 17% reporting daily exposure.<sup>13, 14</sup> In a one-year period, the top 10 alcohol advertisers spent \$43 million on ads on free-to-air TV in the five largest capital cities, and about a third of this was in sports broadcasting.<sup>15</sup>

## **The existing Code has failed to meet community expectations for alcohol advertising**

### *Australian communities are concerned about alcohol advertising*

Australian adults are concerned about alcohol marketing and supportive of governments introducing stronger community protections. A 2023 community opinion survey by Alcohol Change Australia showed that 63% of Australian adults are concerned about the amount of alcohol advertising they see in the community, and 77% support restricting alcohol advertising on television during times when children are likely to be watching, including during live sports broadcasts.<sup>16</sup> Further, a 2026 community opinion survey by the Foundation for Alcohol Research and Education (FARE) showed that 75% of Australians support less alcohol advertising on television, and that 82% agree that alcohol advertising should be restricted during children's viewing hours, including live sports broadcasts.<sup>17</sup> It is clear that the current Code does not meet community expectations on alcohol advertising.

### *Community concerns regarding TV alcohol advertising are often dismissed*

The community should be able to trust that alcohol advertising rules are designed to protect them from alcohol-related harm. This includes reducing children's exposure to the promotion of alcohol. Cancer Council has examined the recent track record of complaints regarding alcohol advertising in Australia. A summary of community complaints to the Alcohol Beverages Advertising Code Scheme (ABAC) about the placement of alcohol advertising on television is provided in Appendix 1.

The ABAC Scheme's Responsible Advertising Code is a voluntary set of guidelines developed by the alcohol and advertising industries that forms part of the existing limited regulatory context for alcohol advertising. ABAC's placement rules provide that alcohol advertising must comply with the Free TV Code. Cancer Council has a long record of documenting concerns about the conflicts of interest and weaknesses of the ABAC Scheme; however, in the current regulatory context for alcohol advertising, community members can also submit complaints to the ABAC Scheme about alcohol advertising that concerns them.

Records of complaints to the ABAC Scheme and the resulting determinations therefore provide a useful source of information about community concerns and the extent to which the existing regulatory context has acted on those concerns. The summary of complaints shows that community concerns are not being adequately addressed by the existing ABAC Scheme Code, particularly in the adjudication process.

As the summary (Appendix 1) shows, most community complaints to ABAC about television advertising were dismissed. In several instances where the complaints were upheld, ABAC determined a 'no fault'

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<sup>13</sup> Bain E, Scully M, Wakefield M, Durkin S, White V. Association between single-channel and cumulative exposure to alcohol advertising and drinking behaviours among Australian adolescents. *Drug and Alcohol Review*. 2022; 42(1): 59-67. Available from: <https://doi.org/10.1111/dar.13530>

<sup>14</sup> Pettigrew S, Roberts M, Pescud M, et al. The extent and nature of alcohol advertising on Australian television. *Drug and Alcohol Rev*. 2012;31(6):797-802. Available from <https://pubmed.ncbi.nlm.nih.gov/22452292/>

<sup>15</sup> Martino F, Ananthapavan J, Moodie M, Sacks G. Potential financial impact on television networks of a ban on alcohol advertising during sports broadcasts in Australia. *ANZJPH*. 2022; 46(4):463-468. Available from: <https://doi.org/10.1111/1753-6405.13223>

<sup>16</sup> Alcohol Change Australia. Public opinion on alcohol in Australia: Knowledge, attitudes, and support for change. November 2023. Available from: <https://alcoholchangeaus.org.au/public-opinion-on-alcohol-in-australia/>

<sup>17</sup> Foundation for Alcohol Research and Education. Alcohol advertising on Australian commercial television: community attitudes. April 2026. Available from: <https://fare.org.au/alcohol-advertising-on-australian-commercial-television-community-attitudes/>

breach, and only two complaints were either upheld or upheld in part (a complaint regarding an alcohol ad during the Adelaide Christmas Pageant ref 135/18 and a complaint regarding product placement during an interview on Channel 7 morning program Sunrise ref 101/24 & 103/24).

Community members were most often concerned about alcohol advertising during sport programming. For example, as a number of complaint determinations highlight, children's exposure to alcohol marketing in sport is not being adequately addressed by the Code and as the ABAC Panel themselves often suggest "the underlying concern about alcohol marketing with the broadcast of sports is a question of public policy to be determined by the government" (ABAC determination ref 33, 34 & 43/25). It is clear by this admission that community concerns and expectations about the appropriateness of alcohol marketing in sport, for example, is not covered appropriately by the Free TV Code and it does not appear that action has yet been taken to address this.

Complaints from the community also related to alcohol advertising placement during television shows where 80% of the audience is likely to be adult, but where young people are also watching, with insufficient community safeguards in place as adults and children watch programs together.

The summary also highlights ABAC Panel comments where they consider it to be the Australian Government's responsibility to regulate alcohol marketing. Examples of comments include:

- "The regulation of the frequency of advertisements on TV rests directly with government and is not within the remit of the ABAC Scheme." (ABAC determination ref 87/25)
- "The underlying concern about alcohol marketing with the broadcast of sports is a question of public policy to be determined by the government." (ABAC determinations ref 33, 34 & 43/25)
- "The complainant is making a more general point about minors being exposed to alcohol marketing and the incongruity of alcohol products being seen with sports. The concerns raised are genuine and pose important issues of public policy that ultimately are matters for the Australian government." (ABAC determination ref 22/22)
- "The overall treatment of alcohol as a product and the public policy framework for the regulation of alcohol marketing is however well beyond the remit of the Panel and rests with Australian governments." (ABAC determination ref 278/21)

The comments above provide further evidence that alcohol advertising regulation is best left to the Australian Government, not commercial TV broadcasters or the alcohol and advertising industries.

In addition to the community complaints, a substantial body of research has examined the effectiveness of the current industry-managed system of alcohol advertising regulation in Australia. This research has consistently concluded that the industry-managed approach does not effectively protect children and young people from exposure to alcohol marketing.<sup>18, 19, 20</sup>

#### *Free TV Australia prioritises interests of TV broadcasters, not concerned communities*

We acknowledge Free TV Australia as the peak industry body representing commercial television broadcasters. Free TV Australia makes it clear on its website that advocacy to progress the interests of Free TV broadcasters is one of its key functions; for example, their position on advertising restrictions is

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<sup>18</sup> Reeve B. Regulation of alcohol advertising in Australia: Does the ABAC Scheme adequately protect young people from marketing of alcoholic beverages? QUT Law Review. 2018;18(1):96-123.

<sup>19</sup> VicHealth (2020), Under the radar: Harmful industries' digital marketing to Australian children. A report prepared by the Victorian Health Promotion Foundation, Melbourne. Available from: <https://doi.org/10.37309/2020.CI9>

<sup>20</sup> Pierce H, Stafford J, Pettigrew S, Kameron C, Keric D, Pratt IS. Regulation of alcohol marketing in Australia: A critical review of the Alcohol Beverages Advertising Code Scheme's new Placement Rules. Drug and Alcohol Review. 2018; 38(1):16-24. Available from: <https://onlinelibrary.wiley.com/doi/abs/10.1111/dar.12872>

that their “impact on broadcasters [must be] mitigated”.<sup>21</sup> Given the evidence that the current industry-managed approach to regulating alcohol advertising has been shown not to be effective in protecting children and young people, and that it is the responsibility of Free TV Australia as the peak industry body to prioritise the interests of its members, we consider that ACMA must urgently regulate alcohol advertising. Cancer Council considers it inappropriate and inadequate for any commercial industry body to write and review its own rules, particularly regarding the advertising of products known to cause significant harm, such as alcohol.

Ultimately, Free TV Australia’s primary role in representing the interests of commercial television broadcasters is not compatible with pursuing the necessary community safeguards for alcohol advertising. Free TV Australia’s attempt 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, only underscores the conflicts of interest that prevent them from providing appropriate community safeguards for alcohol advertising.

Further, 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 there more potential for harm.

#### ACMA must make a Program Standard

We urge ACMA to step away from reliance on codes developed by industry bodies, and to put community health and wellbeing above profits of the broadcast and alcohol industries. The objectives of the Broadcasting Services Act 1992, 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.

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 direct conflict with the ACMA’s mandate to safeguard the community.

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

#### **Weakness of the Free TV Code**

The Code has proved to be ineffective in protecting the community from harm and in providing appropriate safeguards. Key weaknesses of the Code are presented below and include alcohol advertising during sport programming, alcohol advertising in the late evenings, and failure to capture different types of alcohol-related marketing.

#### The sports loophole must be closed

Children should be able to be free to watch sports without being relentlessly exposed to ads for harmful products including alcohol. However, the Code currently permits alcohol advertising to be broadcast as an accompaniment to a Sports Program on a weekend or a public holiday and as an accompaniment to the broadcast of a Live Sporting Event. This means that alcohol advertisers are reaching Australian children through most major sport events broadcast on TV.

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<sup>21</sup> Free TV Australia. What we do: Advocacy. 2026. Available from: <https://www.freetv.com.au/what-we-do/#advocacy>



Sporting programs are some of the most watched shows in Australia, including by children and young people. For example, the 2025 AFL Grand Final was the most watched program in 2025, reaching over 6 million Australians.<sup>22</sup>

Cancer Council accessed audience viewership figures for top sport programming from VOZ (Virtual Australia), Australia's total tv measurement standard. The top 20 highest reach sport programming for young people is outlined in Table 1 below. The figures show that substantial numbers of children and young people aged under 18 years watch sport programming. For example, almost half a million Australian children and young people aged 0-17 years tuned in to watch the 2025 AFL Grand Final on broadcast TV. The NRL Grand Final and the State of Origin 3<sup>rd</sup> March were each watched by over 400,000 young people in 2025. These are significant numbers of children and young people that alcohol advertisers are able to easily reach.

**Table 1.** Top 20 highest reach **sport** programming for young people aged 0-17 in 2025 on broadcast TV and broadcast video on demand (BVOD), from VOZ (Virtual Australia).

<b>Program</b>	<b>Broadcast TV audience aged 0-17 years</b>	<b>% of broadcast TV audience under 18 years</b>	<b>BVOD audience aged 0-17</b>	<b>% of BVOD audience under 18 years</b>	<b>Total TV audience aged 0-17 years</b>	<b>% of total audience under 18 years</b>
Seven's AFL: Grand Final: Geelong V Brisbane	498 830	15.6%	29 023	2.9%	<b>527 853</b>	<b>12.6%</b>
NRL Grand Final Day - Match	408 747	13.0%	41 214	3.1%	<b>449 961</b>	<b>10.0%</b>
State of Origin Rugby League NSW V QLD 3rd - Match	403 957	13.7%	31 957	3.2%	<b>435 914</b>	<b>11.1%</b>
State of Origin Rugby League QLD V NSW 1st - Match	388 925	13.9%	33 213	3.4%	<b>422 138</b>	<b>11.2%</b>
Seven's AFL: Grand Final: Presentations	391 663	15.0%	21 582	2.8%	<b>413 246</b>	<b>12.3%</b>
State Of Origin Rugby League QLD V NSW 2nd - Match	372 396	13.3%	33 150	3.5%	<b>405 546</b>	<b>10.8%</b>
Seven's AFL: Grand Final: On the Ground	352 818	15.5%	18 908	2.8%	<b>371 726</b>	<b>12.5%</b>
State of Origin Rugby League QLD V NSW 2nd - Pre Match	214 698	14.0%	14 105	3.2%	<b>228 803</b>	<b>11.6%</b>
State of Origin Rugby League Qld V NSW 1st -Pre Match	212 167	13.2%	14 638	3.2%	<b>226 805</b>	<b>11.0%</b>
NRL Grand Final Day - Entertainment	201 616	11.3%	16 903	2.8%	<b>218 520</b>	<b>9.1%</b>

<sup>22</sup> Seven West Media. Media Release: Seven's AFL Grand Final coverage breaks records. September 2025. Available from:

<https://sevenwestmedia.com.au/wp-content/uploads/2025/09/Sevens-AFL-Grand-Final-coverage-breaks-records.pdf>



State Of Origin Rugby League NSW V QLD 3rd - Pre Match	199 870	12.4%	13 739	3.0%	<b>213 609</b>	<b>10.3%</b>
NRL Grand Final Day -Post Match	189 890	13.4%	17 123	3.0%	<b>207 014</b>	<b>10.4%</b>
Seven's AFL: Grand Final: Pre Game Entertainment	155 951	12.7%	7 583	2.6%	<b>163 534</b>	<b>10.8%</b>
State of Origin Rugby League NSW V QLD 3rd - Post Match	142 236	12.7%	10 726	3.1%	<b>152 962</b>	<b>10.5%</b>
Seven's Cricket: Fourth Test - The Ashes D1 S3	140 221	9.1%	7 330	2.5%	<b>147 551</b>	<b>8.0%</b>
Seven's Cricket: Fourth Test - The Ashes D1 Tea	134 151	10.9%	5 864	2.4%	<b>140 015</b>	<b>9.5%</b>
Seven's Cricket: Fifth Test - Australia V India D3 S2	131 729	8.2%	6 302	3.5%	<b>138 031</b>	<b>7.7%</b>
NRL Live Final Series Pf2	117 526	8.8%	11 829	2.7%	<b>129 355</b>	<b>7.3%</b>
NRL Women's Premiership -Post Match	121 699	11.2%	7 511	2.6%	<b>129 210</b>	<b>9.4%</b>

An analysis of Nielsen data of alcohol advertising during sport on free-to-air television in Australia over a 12-month period in 2018 to 2019 found that the top 10 alcohol advertisers alone placed 66,298 alcohol ads, of which 10,660 were during sport broadcasts.<sup>15</sup> Alcohol advertisers broadcast an average of 201 alcohol ads per week during sports with an average duration of 75 minutes of alcohol advertising each week. It's clear that young people are bombarded with alcohol advertising during sport broadcasts that they cannot escape.

We encourage ACMA to be guided by the Federal Government's 2024 Rapid Review of Prevention Approaches for family and domestic violence, which recommended that "given the statistical increase in domestic, family and sexual violence incidents during football grand finals, as well as the high number of children who watch sport on television and mobile apps, the Review recommends that alcohol advertising be restricted during sporting events" (p105).<sup>23</sup>

#### Children are still watching television in the evenings

Many children and young people under 18 years are still watching television in the late evenings when alcohol advertising is permitted (i.e., alcohol advertising is generally permitted between 8.30pm and 5am).

Cancer Council also obtained audience viewership figures for under 18-year-olds for evening programming when alcohol advertising is permitted. Some of the most popular TV programs reached hundreds of thousands of young Australians. For example, over 180,000 Australian children and young people aged under 18 watched the reality TV show The Block Grand Final in 2025, while over 90,000 watched Married at First Sight, and over 80,000 watched I'm a Celebrity...Get Me Out of Here!

We consider that the general restrictions on alcohol advertising are weak and insufficient for a product that is shown to cause significant harm, including cancer.

<sup>23</sup> Rapid Review Expert Panel. Unlocking the prevention potential: Accelerating action to end domestic, family and sexual violence. Report of the Rapid Review of Prevention Approaches. 2024. Available from: <https://www.pmc.gov.au/resources/unlocking-the-prevention-potential>

**Table 2.** Top 20 highest reach non-sport programming on broadcast television between 8.30pm and 5am for young people aged 0-17 years in 2025, from VOZ (Virtual Australia). Note: ABC programming is excluded.

Program	Broadcast TV audience aged 0-17 years	% of audience under 18 years	BVOD audience aged 0-17 years	% of BVOD audience under 18 years	Total TV audience aged 0-17 years	% of total TV audience under 18 years
The Block -Grand Final	184 696	7.6%	8 256	0.6%	<b>192 952</b>	<b>7.9%</b>
Carols by Candlelight	165 586	9.9%	6 081	0.6%	<b>171 666</b>	<b>10.3%</b>
The Block -Sun	104 690	6.7%	5 847	0.6%	<b>110 537</b>	<b>7.0%</b>
Lego Masters Grand Masters of the Galaxy -Finale	107 360	12.7%	2 923	0.6%	<b>110 283</b>	<b>13.1%</b>
The Block -Launch	105 101	8.0%	4 296	0.5%	<b>109 397</b>	<b>8.4%</b>
Lego Masters Grand Masters of the Galaxy -Launch	106 271	12.1%	2 538	0.5%	<b>108 809</b>	<b>12.4%</b>
Lego Masters Grand Masters of the Galaxy -Sun	105 382	12.4%	2 690	0.5%	<b>108 072</b>	<b>12.7%</b>
Lego Masters Grand Masters of the Galaxy -Mon	103 342	13.5%	2 346	0.5%	<b>105 688</b>	<b>13.8%</b>
Married At First Sight -Finale	92 545	5.1%	10 207	1.0%	<b>102 752</b>	<b>5.6%</b>
Married At First Sight -Sun	90 483	4.8%	11 542	1.1%	<b>102 025</b>	<b>5.5%</b>
Lego Masters Grand Masters of the Galaxy -Tue	98 017	13.7%	2 531	0.6%	<b>100 549</b>	<b>14.0%</b>
The Floor -Tue	91 398	8.3%	2 721	0.4%	<b>94 119</b>	<b>8.5%</b>
Salvation Army's Carols in the Domain	90 808	10.9%	1 862	0.3%	<b>92 670</b>	<b>11.1%</b>
Logies Red Carpet	88 725	6.9%	2 430	0.3%	<b>91 155</b>	<b>7.0%</b>
Married At First Sight -The Final Dinner Party	79 334	4.2%	11 065	1.1%	<b>90 398</b>	<b>4.8%</b>
Married At First Sight -Mon	78 105	4.4%	11 266	1.2%	<b>89 371</b>	<b>5.1%</b>
The Floor -Finale	85 970	7.1%	2 946	0.4%	<b>88 917</b>	<b>7.4%</b>
I'm A Celebrity...Get Me Out of Here! - Launch	84 798	9.4%	2 370	0.4%	<b>87 169</b>	<b>9.7%</b>
Married At First Sight -Wed	75 372	4.4%	11 167	1.2%	<b>86 538</b>	<b>5.0%</b>
Married At First Sight -Tue	73 437	4.3%	10 844	1.2%	<b>84 282</b>	<b>5.0%</b>

*The Code fails to capture many types of alcohol-related marketing*

The Code is 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 Free TV Code does not apply to alcohol-branded zero alcohol products, despite these products often closely mirroring the branding of their parent alcohol brands. 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.<sup>24</sup> Research led by Cancer Council has found that alcohol advertisers are exploiting weak advertising rules by promoting alcohol-branded zero alcohol products in new drinking contexts such as while driving, swimming, and in the gym.<sup>25</sup> Almost two-thirds (63%) of all analysed campaigns showed zero alcohol products being used in settings that are traditionally alcohol-free. 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.<sup>26</sup>

### Streaming platforms should be captured under a new program standard

As ACMA pointed out in 2024, viewers increasingly do not distinguish between broadcast and online TV content, and viewers “expect comparable safeguards irrespective of viewing platform”.<sup>27</sup>

Broadcast Video On Demand (BVOD) services, including catch-up and streaming services via channels 7Plus, 9Now, and 10Play are not bound by the alcohol advertising rules in the Code, despite the services being operated by the same broadcasters. The lack of regulation has resulted in alcohol ads being regularly broadcast during popular streamed family friendly television shows such as Lego Masters, The Voice and MasterChef. Between 2020 and June 2024, there were 28 complaints to the Alcohol Beverages Advertising Code (ABAC) Scheme about alcohol ads during streamed family shows; and all 28 complaints were dismissed by the industry-led system.<sup>28</sup>

Thousands of children and young people aged under 18 years watch catch-up TV. Some of the most popular BVOD programming among under 18s are reality TV shows like Love Island, Married at First Sight, The Block and Big Brother. Table 3 below shows numbers of children and young people watching non-sport programming on BVOD. As shown in Table 1 earlier, significant numbers of children and young people also watch sporting programming on BVOD. For example, around 29,000 young people aged 0-17 years watched the AFL Grand Final on BVOD.

ACMA has an opportunity to, and should include BVOD services under a new program standard to ensure the community is appropriately safeguarded from harms caused by alcohol advertising.

**Table 3.** Top 20 highest reach non-sport programming on broadcast services on demand (BVOD) for young people aged 0-17 years in 2025 from VOZ (Virtual Australia). Note: ABC programming is excluded.

Program	BVOD audience aged 0-17 years
Love Island Australia -Tue	13 850
Love Island Australia -Mon	13 787

<sup>24</sup> Bartram A, Ahad M A, Bogomolova S, Mittinty M, Dono J, Brownbill A, et al. Adolescents' Exposure to Zero-Alcohol Advertisements and Attitudes and Consumption Intentions Towards Alcohol: A Cross-Sectional Study. 2026. Available from: <https://onlinelibrary.wiley.com/doi/10.1111/dar.70125>

<sup>25</sup> Keric D, Edwardes F, Stafford J, Harrison NJ, Mandzufas J, Bartram A, Pettigrew S. Brand sharing and new drinking occasions: A content analysis of how alcohol brands in Australia and Aotearoa New Zealand promote zero alcohol products. Drug and Alcohol Review. 2026. Available from: <https://doi.org/10.1111/dar.70148>

<sup>26</sup> Harrison N, Norris C, Bartram A, Murphy M, Pettigrew S, et al. “They start on the zero-alcohol and they wanna try the real thing”: Parents' views on zero-alcohol beverages and their use by adolescents. ANZJPH. 2024; 48(3): 100119. Available from: <https://www.sciencedirect.com/science/article/pii/S1326020023052962?via%3Dihub>

<sup>27</sup> Australian Communications and Media Authority (ACMA), Australian Government. ACMA views on Free TV code review. October 2024. Available from: <https://www.acma.gov.au/sites/default/files/2024-10/ACMA-views-on-Free-TV-code-review.pdf>

<sup>28</sup> Middleton K. Beer advertisements shown to kids during streamed TV programs like Lego Masters. The Guardian. 2024 Jun 30. Available from: <https://www.theguardian.com/australia-news/article/2024/jun/30/beer-advertisements-shown-to-kids-during-streamed-tv-programs-like-lego-masters>

Love Island Australia -Thu	13 448
Love Island Australia -Wed	13 427
Love Island Australia -Finale	11 843
Married At First Sight -Sun	11 542
Married At First Sight -Mon	11 266
Married At First Sight -Wed	11 167
Married At First Sight -The Final Dinner Party	11 065
Married At First Sight -Tue	10 844
Married At First Sight -Finale	10 207
Married At First Sight -Thu	8 500
The Block -Grand Final	8 256
Married At First Sight -Launch	6 669
Carols By Candlelight	6 081
Big Brother Australia Grand Finale	5 942
The Block -Sun	5 847
TV Shop - Home Shopping	5 620
Big Brother Australia Sun	5 414
Big Brother Australia Mon	5 216

### **There is a strong case for a program standard**

In summary, Cancer Council considers that the objects of the Broadcasting Services Act obligate ACMA to act on regulating alcohol advertising. Leaving regulation to the alcohol industry is clearly insufficient. We are strongly supportive of ACMA responding to the evidence of harm and to community concern, and replacing the failing Free TV Code's alcohol advertising rules with a strong program standard that puts community health and wellbeing first and protects people at most risk of harm from alcohol advertising.

In development of the program standard, Cancer Council encourages consideration of the following principles:

- At the outset, the program standard should have the ultimate objective to protect the community, and in particular children and young people, from exposure to alcohol advertising.
- Development of the program standard should be independent of commercial interests.
- Consideration should be given to ensuring that all forms of alcohol brand advertising are captured within the standard, and that exposure to the advertising is minimised.
- BVOD services should be captured within the standard, and children should be protected from exposure to alcohol advertising on broadcast streaming platforms.
- Alcohol advertising in sport and in the evenings should be restricted.
- Development of the standard provisions should be informed by the best-available, independent evidence.

We would be happy to discuss our submission and look forward to further contributing to the process as opportunities arise.

**Appendix 1: Summary of community complaints to ABAC and determinations regarding the placement of alcohol advertising on television**

Note. Bolded text in the ABAC findings column reflects statements by the ABAC Panel that indicate areas that are outside of the scope of existing codes and/or are matters for government to decide.

<b>Determination number and date</b>	<b>Media</b>	<b>ABAC code section</b>	<b>Complaint synopsis</b>	<b>ABAC panel decision</b>	<b>ABAC findings</b>
2/26  14 February 2026	Hisense TV “Home” Screen	Part 4 (b), (c), (d)	The placement of alcohol advertisements on a Hisense TV “Home” screen adjacent to the carousel of available programs and streaming options, including children’s shows is concerning.	Dismissed	<b>There is no specific media code applying to advertising on a Smart TV home screen.</b> Age restriction controls are not available for advertising on a Smart TV home screen. While ratings or other data are not collected as to the age of the expected audience of a Hisense television home screen, the ads were placed to appear between the hours of 9 pm and 5 am, and it can be reasonably expected that at least 80% of the audience during those hours would be adults. The layout and information on a Smart TV home screen are not content primarily intended for minors.
171/25  22 December 2025	Kayo TV	Part 4	Advertising for the ‘VB Drinks Break’ during the broadcast of the first Ashes cricket Test on Kayo TV is inappropriate, given the number of children that will be watching.	Dismissed	Available age restriction controls were utilized. More than 80% of the reasonably expected audience for the Ashes Test is adults. While an Ashes Test Match has appeal across age groups, the broadcast of the

					game is not primarily aimed at minors.
99/25  6 August 2025	TV-Digital - Netflix	Part 4 (a), (b), (c), (d)	The complainant is concerned that they and their children saw a TV ad for Woodford Reserve while watching a cheerleading documentary 'Cheer' on Netflix at 7 pm on a Wednesday, a time when they did not expect to see alcohol advertising.	Dismissed	<b>Time-of-day restrictions on alcohol advertising do not apply to streaming services.</b> Available age restrictions were applied, and the ad was served to Netflix accounts held by adults. The expected audience for 'Cheer' probably meets the 80% adult benchmark. The program is directed towards adults and is not primarily directed to minors.
87/25  19 June 2025	TV Digital Channel 7	Part 3 (a)(ii), Part 4	A TV ad for Guinness has been aired repeatedly and at a time when children are still watching. Suggests alcohol addiction by depicting surfers drinking at sunrise on the beach after an early morning surf. Is irresponsible, as alcohol consumption needs to be a moderate pastime, not undertaken first thing in the morning. Repeatedly seen on Channel 7, including during the News.	Dismissed	The ad was not placed inconsistently with the requirements of the CTICP. Available age restriction controls were applied. The reasonably expected audience of Channel 7 News exceeds the 80% adult benchmark. The News is not a program directed primarily at minors. Alcohol use is shown as moderate, and no person appears affected by alcohol. <b>The regulation of the frequency of advertisements on TV rests directly with government and is not within the remit of the ABAC Scheme.</b>
33, 34 & 43/25  14 April 2025	Fox Footy and Kayo Sports	Part 4 (a), (b), (c), (d)	Segments at quarter-time of two different AFL matches that promote the post-match panel discussion while featuring brand promotion for Jameson Irish Whiskey. The concern was primarily that minors would be	Dismissed	<b>The underlying concern about alcohol marketing with the broadcast of sports is a question of public policy to be determined by the government. As it stands, there is no regulatory prohibition on</b>

			exposed to alcohol marketing and that alcohol should not be marketed in conjunction with sports.		<b>alcohol being advertised with sports.</b> The ABAC Placement Standards aim for alcohol marketing to be directed to adults and, to the extent reasonably possible, away from minors. The standards have not been breached given: time of day restrictions on when alcohol ads can be shown on TV do not apply to subscription services, such as Foxtel and in any event the applicable media code (CTICP) permits alcohol ads with live sports broadcasts; ratings data indicate the reasonably expected audience for AFL broadcasts easily exceed the 80% adult threshold; and AFL broadcasts are not primarily aimed at minors.
30/25  25 March 2025	Television	Part 2 (b), Part 4 (a), (c), (d)	The Jim Beam logo is prominently displayed on the Newcastle Knights playing shorts during a game shown on live television from 7:00 pm Queensland time on a Thursday night when children are viewing.	Dismissed	The placement of the Jim Beam name and logo on the player's shorts resulted from a sponsorship agreement by the Company of the Newcastle team and hence falls within the exception to the application of the Code contained in Part 2 (b)(v).  <b>First, it questions the extent to which alcohol companies should be able to sponsor sports or other public activities in return for branding promotion. Second, it questions the inclusion of alcohol advertising in live sports</b>



					<b>broadcasts. These are questions to be settled by the government, weighing up the wider public interest.</b>
200/24 20 January 2025	TV – Subscription (Channel 10 via Foxtel Go)	Part 4 (a), (b), (c), (d)	Marketing for BWS, as seen during a Matildas vs. Brazil football match at approximately 6:10 p.m. on 6 December 2024 when watching Channel 10 via Foxtel Go.	Dismissed	CTICP permits an alcohol ad to be shown with the Matildas' game at or around 6 pm. There is no information before the Panel suggesting that a minor with an account in the complainant's household has been served an alcohol ad. The standard establishes the 80% adult audience benchmark for the placement of alcohol marketing; 97% of the viewers of the Matilda's match on 1 December were adults, and in the national market 90% were adults. The games and their broadcast, however, cannot be fairly regarded as being primarily aimed at minors. <b>The complainant is raising a point about the desirability or otherwise of permitting alcohol marketing during sports broadcasts. While this is a legitimate policy debate, ultimately, it is a question for the government to determine.</b>
204/24 13 January 2025	TV – Free to Air – Optus Sport	Part 4 (a), (b), (c), (d)	Advertising for Canadian Club, Devils Corner Pinot Noir, and Guinness during EPL highlight replay programs on Optus Sport. The ads were seen at 8am on	Dismissed	<b>CTICP does not apply to subscription services such as Optus Sports broadcasts.</b> There are no time of day restrictions on the placement of alcohol ads on

			Sundays while children were watching.		subscription or streaming platforms. There is no information before the Panel suggesting that a minor with an account in the complainant's household has been served an alcohol ad. Each of the Companies have advised that the EPL Highlights shown on Optus Sport attract a predominately adult audience and it is evident the placement rule benchmark of an 80% adult audience has not been breached. The games and their broadcast however cannot be fairly regarded as being primarily aimed at minors. <b>The complainant is raising a point about the desirability or otherwise of permitting alcohol marketing to occur during sports broadcasts. While this is a legitimate policy debate, it ultimately is a question for the government to determine.</b>
141/24 16 October 2024	TV – Free to Air – Channel 9	Part 4 (a), (b), (c), (d)	Television advertising for Jack Daniel's Whiskey during the Channel 9 News at approximately 6:27 pm.	Dismissed	<b>CTICP does not apply to TV broadcasts via apps such as 9Now.</b> There is no information before the Panel which suggests that a minor with an account in the complainant's household has been served an alcohol ad. The Company has advised that Channel 9 news attracts an adult audience, with 96.9% of Monday through Friday evening viewers being 18 years or older and

					the placement rule benchmark of an 80% adult audience has not been breached. The audience data is highly suggestive that the appeal of the News is primarily to adults.
130/24 8 October 2024	TV – Subscription – Foxtel Travel HD	Part 4 (a), (b), (c), (d)	An advertisement for Vodka Cruiser on Foxtel channel Travel HD, which was aired at 2:40 pm on Saturday 31 August 2024.	Dismissed	Foxtel requires account holders to be aged over 18; based on ratings data, the actual audience for Europe's Waterways on 31 August 2024 was very small and it seems it was exclusively adults; and the program is no doubt suitable for all ages, but it is not a show aimed primarily at minors.
116/24 6 September 2024	TV – Free to Air – Channel 7	Part 4 (a), (b), (c), (d)	Channel 7 advertised Jameson Irish Whiskey during the children-friendly hours of 8.30 am and 8.30 pm (Saturday 10 August 2024, at approximately 2:30 pm).	Dismissed	It was permitted to show alcohol advertising with live broadcasts of the AFL before 8:30 pm. Data shows that less 2% of the audience was under the age of 18 for the match between North Melbourne and West Coast. The audience data is highly suggestive that the appeal of the AFL is primarily to adults.
101 & 103/24 29 July 2024	Free to Air TV – Channel 7	Part 4 (a), (b), (c), (d)	Product placement for Hahn beer under the guise of a story, on Channel 7 during Sunrise at 8:00am. The advertisement was hidden within an interview of Buddy Franklin by Mark Baretta. During the interview the two people sat behind strategically placed bottles of Hahn beer. Then the screen showed a large image of a bottle of Hahn Ultra	Upheld – Part 4 (a)	The broadcast of the segment at 7-50 am including the product placement was a breach of the time of day restrictions for alcohol marketing communications on linear free to air TV. The balance of the ABAC standards have not been breached as there are no available age restriction controls for free to air broadcasts accessed by a TV aerial;

			Zero Carb on ice, followed by both persons taking a drink of the beer. Whilst our family including my child were eating their breakfast.		the audience of the Sunrise program was 80% adult; Sunrise is not a program aimed primarily at minors.
94/24 18 July 2024	Subscription TV – Optus Sport	Part 4 (a), (b), (c), (d)	Diplomatico Rum advertising via Optus Sport, during the Euro 2024. From the complainant: Advertising occurs at all times throughout the day and does not appear to have any constraints (e.g. between 12pm-3pm on school days between 8.30pm and 5am every night/morning). It is wrong to assume that the audience is adults as I watch the coverage with my son. I would argue that the audience exceeds 50% children.	Dismissed	It is reasonable to expect that the viewership of the Euros would be predominantly adult and that the audience of minors would not exceed the 20% benchmark in the standard. The streaming of the games cannot be fairly regarded as being primarily aimed at minors.
80/24 12 June 2024	TV On Demand – 7Plus	Part 4 (a), (b), (c), (d)	Television advertising for the Tooheys product via 7Plus, seen when watching the News with their children at about 6:45pm.	Dismissed	There is no information before the Panel which suggests that a minor with an account in the complainant's household has been served an alcohol ad. The data supplied by the Company showed the 7 News on 22 May achieved an audience of almost exclusively adults across both 'live' viewing and subsequent 'catch up' TV. This means this standard has not been breached. The nightly news broadcast is a program that is self evidently aimed towards an adult audience.
72/24	TV On Demand – 9Now	Part 4 (a), (b), (c), (d)	Television advertising for the Tooheys product via the 9Now app,	Dismissed	Alcohol ads were not screened with the show as broadcast on traditional

7 June 2024			when watching Lego Masters. From complainant: This is a show that children watch, and alcohol advertising to children is inappropriate and WRONG, and I believe this violates ... the Code.		free to air linear TV prior to 8:30 pm; the age restriction controls available on the 9Now platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Lego Masters on both traditional TV and 'on demand' catch up viewings exceeded the 80% adult benchmark of the Placement Standards; and while Lego Masters would appeal across age groups including to minors, the program cannot be said to be primarily aimed at minors.
67/24 30 May 2024	Subscription TV - Kayo	Part 4 (a), (b), (c), (d)	Television advertising by Beam Suntory and Tradie Beer products via Kayo TV, on Saturday 27th April 2024 at 5.11pm, before the start of the West Tigers vs Broncos NRL match. The complainant noted that the game was being watched with children and it was inappropriate for minors to be exposed to alcohol.	Dismissed	CTICP permits alcohol advertising in conjunction with the broadcast of live sports. A subscription account must be held by an adult however the fact that the alcohol ads are only going to an account held in an adult's name doesn't mean minors aren't watching. Ratings data shows the audience was 93% adults and hence the benchmark of 80% adults in the ABAC standard has not been breached. An NRL game broadcast cannot be regarded as primarily directed at minors.
65/24 21 May 2024	Television -9Go	Part 4 (a), (b), (c), (d)	Advertisement for Tooheys during "Everybody Loves Raymond", when watched on Channel 9Go on 17 April 2024 at 6:26pm. From complainant: This programme is	Dismissed	It seems likely the Tooheys ad was not aired with traditional free to air transmission accessed using a TV aerial and certainly the Company asserts it was not shown on linear

			rated "G" so there's a good chance children would be watching this. From complainant: With all the things children are exposed to in daily life and online I firmly believe that alcohol ads should stick to their allotted time slots.		free to air TV prior to 8-30 pm. In this situation, it's most likely the complainant saw the ad transmitted over the internet via the 9 app on their TV. In any event, the 9Go screening of Everyone Loves Raymond on 17 April 2024 attracted a 94% adult audience. Further the theme of the program is more directed towards adults than minors.
21/24  15 February 2024	TV – Free to Air – Channel 10	Part 4 (a), (c), (d)	This TV Ad was shown at 8.47pm last Sunday on Channel 10, during Gladiators which is a family program.	Dismissed	The CTICP has been complied with; the audience for Gladiators fell comfortably over the 80% adult requirement; and Gladiators cannot be said to be primarily aimed at minors.
156/23  13 November 2023	Subscription TV - Fox Channel 504	Previous Code sections (b)(iv)	Marketing for Good Tides Seltzer seen during an AFLW match watched on Fox Channel 504, an Australian subscription TV service. Relates to both the content of the marketing having strong or evident appeal to minors and the placement of the marketing on Fox Channel 504 during a Richmond v Fremantle AFLW match.	Dismissed	Available age restriction controls had been applied to limit the insertion of the ad to subscribers accessing the game aged over 18; ratings data demonstrate the audience for broadcast AFL games easily exceed 75% adults; and while AFL is a popular Australian sport across age groups including minors, it could not be fairly concluded the broadcast of AFL games is primarily directed towards minors.
134/23  6 September 2023	Subscription TV – Kayo TV	Previous Code sections - (b)(i), (b)(iv)	Marketing for Good Tides Seltzer seen during an AFL match watched on Kayo Sports, an Australian subscription TV service. It is contended that alcohol advertising	Dismissed	Available Age Restriction Controls were applied to exclude Minors from viewing the Alcohol Marketing Communication; and the advertisement was digitally served to

			should not be placed during an AFL game at a time when children will be watching. The complainant argues that the alcohol advertisement itself will have strong or evident appeal to minors due to featuring Collingwood captain, Darcy Moore, who it is claimed, children look up to.		<p>a logged-in Kayo user who has confirmed they are 18+ by providing their date of birth when setting up a Kayo account.</p> <p>The Panel has considered alcohol ads shown with broadcast AFL games on previous occasions and the ratings data demonstrates the audience for AFL games is predominately adult and well in excess of the 75% benchmark. Darcy Moore would be recognised by both adults and minors who follow AFL and he would be particularly liked by supporters of the Collingwood team; and the reasonable person would conclude that the ad is direct towards adults, any appeal to minors would be incidental rather than strong or evident.</p>
82/23 23 June 2023	TV – Free to Air – Channel 7	Previous Code sections - (b)(iv)	Mr Angus Kidman appeared on the Weekend Sunrise program broadcast over the 7 Network wearing a shirt that was a bright blue colour emblazoned with images of cans of Billson's Creamy Soda Vodka. It was argued the shirt amounted to subliminal messaging that was inconsistent with advertising laws and highly insensitive to viewers dealing with alcohol dependence with the	Dismissed	<p>The Company had nothing to do with Mr Kidman appearing on the program wearing the Billson's patterned shirt.</p> <p><b>Accordingly, it would appear that the TV segment cannot be regarded as a marketing communication for which the Company can be held responsible and does not fall within the scope of the ABAC standards.</b></p>



			complainant saying, “We found this form of blatant subliminal advertising disrespectful to those suffering alcoholism issues”		
75/23 2 June 2023	TV – Free to Air – Channel 7	Previous Code sections - (b)(iv)	Maker’s Mark Whisky, seen while watching the daytime movie at 1.30pm on Channel Seven.	Dismissed	CTICP permitted alcohol advertising between 12 noon and 3pm. Free-to-air television does not have available age restriction controls. Ratings data provided by the Company shows that the audience of the movie comfortably exceeded the 75% adult benchmark.
54/23 28 April 2023	TV – Digital – 7Plus	Previous Code sections - (b)(iv)	A commercial for Penfolds, seen while watching “Australian Idol” on 7Plus. “I do not believe that alcohol should be advertised before 9pm when children may be watching TV.”	Dismissed	The age restriction controls available on the 7Plus BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Australian Idol fell comfortably within the 75% adult requirement of the Placement Rules; and while Australian Idol has broad appeal it cannot be said to be primarily aimed at minors.
22/23 9 March 2023	TV – Digital – 7Plus	Previous Code sections - (b)(iv)	A commercial for Brewery Duty by Lion, seen while watching “Home & Away” on 7Plus. From complainant: Gambling and alcohol advertising should never be on programs made for under 18 viewers and they should do better.	Dismissed	The age restriction controls available on the 7Plus BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Home & Away fell comfortably within the 75% adult requirement of the Placement Rules; and while Home &

					Away has broad appeal it cannot be said to be primarily aimed at minors.
23/23 8 March 2023	TV – Free to Air – Channel 9	Previous Code sections - (b)(iv)	A commercial for Pure Blonde, seen while watching “Married At First Sight” on Channel Nine at 1.40pm. Complaint about the broadcast of the alcohol ad during the day.	Dismissed	The CTICP permitted alcohol advertising between 12 noon and 3pm. The audience for Married At First Sight when broadcast during the day comfortably exceeds the 75% adult benchmark. The show is considered adult in nature and the Panel does not believe it can be characterised as being primarily aimed at minors.
11/23 21 February 2023	TV – Digital – Channel 9	Previous Code sections - (b)(i), (b)(iv)	An advertisement for Grey Goose Vodka was seen during the Channel 9 breakfast program ‘The Today Show’ at 8.30am. From complainant: I find this to be very disturbing as after the commercial breaks the Today show crossed over to Sheree in Condell Park and she was rolling around playing with children. I don't think this was very responsible as child friends of the children that were going to be on the cross with Sheree were most likely sitting watching this commercial prior to the cross to Condell Park.	Dismissed	<b>The ad was inserted into a ‘live streamed’ version of the program shown on BVOD and not linear TV and hence the time restrictions provisions in the CTICP do not apply;</b> the age restriction controls available on the 9Now BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for The Today Show is well within the 75% adult threshold of the Placement Rules; and The Today Show cannot be said to be primarily aimed at minors.
5/23 18 February 2023	TV – Subscription - Foxtel Channel 501	Previous Code sections - (b)(iv)	A television commercial for Bundaberg Alcoholic Ginger Beer at 11:30am, 11:00am and 10:30am on Foxtel Channel 501 while children were watching.	Dismissed	<b>There is no time-of-day restriction applying to subscription TV.</b> Foxtel does not have age restriction controls available to an alcohol marketer. The program comfortably

					exceeds the 75% adult benchmark, with 96% of the audience of the test match on Foxtel being adults.
1/23  13 February 2023	TV – Digital – 7Plus	Previous Code sections - (b)(iv)	Television commercials for Hahn Beer and Uber Eats alcohol delivery, seen while watching “Carols in the Domain” at approximately 7pm on 7Plus. From complainant: I understand that it might be under my user profile but this type of programming which is aimed towards families and children should not have this type of advertising played during it. Something needs to be done to control streaming advertising placement.	Dismissed	The age restriction controls available on the 7Plus BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Carols in the Domain fell comfortably within the 75% adult requirement of the Placement Rules; and while Carols in the Domain has wide appeal, including to minors, it cannot be said to be primarily aimed at minors. <b>It is overdue for the interplay between the CTICP and rules applying to online and streaming platforms to be properly examined and modernised.</b>
97 & 110/22  16 December 2022	Digital TV – BVOD – 10Play	Previous Code sections - (b)(iv)	Advertising for Smirnoff Seltzer was placed on 10Play between 4.30 and 5.00pm and advertisements for Smirnoff Seltzer and Johnnie Walker were placed during The Amazing Race Australia on 10Play when watched at 6:30pm. From complainant: My 10 year old should not be exposed to regular alcohol ads during our occasional evening tv shows.	Dismissed	<b>There are no time-of-day restrictions for alcohol ads inserted with programs accessed through 10Play and similar platforms.</b>
84/22	Digital TV – BVOD – 7Plus	Previous Code	A television advertisement for Smirnoff Vodka seen while the complainant used the 7Plus service	Dismissed	The age restriction controls available on the 7 Plus BVOD platform were utilised to exclude account holders

24 November 2022		sections - (b)(i) & (b)(iv)	to access the entertainment program, "Australia's Got Talent". The complainant contends that alcohol advertising should not be placed with Australia's Got Talent because the program is a family show watched by minors.		who are minors from being served with alcohol ads; the audience for Australia's Got Talent fell comfortably within the 75% adult requirement of the Placement Rules; and while Australia's Got Talent has wide appeal, including to minors, it cannot be said to be primarily aimed at minors.
70/22  29 September 2022	Digital TV – BVOD – 10Play	Previous Code sections - (b)(iv)	Advertising for The Kraken Black Spiced Rum, which was seen on 10 Play between 5-6pm between episodes of the children's program, Blaze and The Monster Machines ("Blaze"). From complainant: As a result, I have a child asking for spiced rum.	Upheld - No Fault Breach	The Company gave proper instructions to the 10 Network that, if followed, would not have had the ad shown with Blaze; and the 10 Network accepts that it made an error that resulted in the ad being served with the program. It has advised changes to train staff have been instigated to avoid a repeat of the problem.
22/22  30 March 2022	TV – Free to Air	Previous Code sections - (b)(iv)	Television marketing for Johnnie on Channel 7 before 8:00pm during the broadcast of the Winter Olympics. The complainant is concerned about the advertising as it was seen by their children and believe that alcohol advertising should not be permitted, particularly following the broadcast of sports which promote a healthy lifestyle and the incongruity of alcohol products being seen with sports.	Dismissed	CTICP does expressly permit alcohol advertising in conjunction with the broadcast of a live sport event. Supplied audience data establishes that the Winter Olympics attracted a predominantly adult audience more than the 75% threshold. The broadcast of the games cannot be said to be aimed primarily at minors. <b>The complainant is making a more general point about minors being exposed to alcohol marketing and the incongruity of alcohol products being seen with sports. The</b>

					<b>concerns raised are genuine and pose important issues of public policy that ultimately are matters for the Australian government.</b>
2/22 27 January 2022	Television – Channel 10	Previous Code sections - (b)(i) & (b)(iv)	A television commercial for Woodstock Bourbon & Cola during the broadcast of the Ashes cricket. From complainant: The timing of this ad at 12:30pm would have undue influence on young people.	Dismissed	It is permitted to broadcast alcohol advertising with live sports event such as the cricket. Test cricket attracts a predominantly adult audience well in excess of the 75% adult audience requirement. While cricket has wide appeal, it's broadcast cannot be said to be aimed primarily at minors.
278/21 23 December 2021	Television – 7Plus	Previous Code sections - (b)(i), (b)(iii) & (b)(iv)	A television advertisement for White Claw Hard Seltzer, viewed with the Sunrise TV program accessed via 7plus. From complainant: I'm a firm believer that alcohol advertising has too much influence on people's drinking behaviour. I live with an ex-alcoholic, so when he sees them (ads) in the few shows we watch it causes him distress. He shouldn't have to not watch the news because of companies going against standards put in place to protect people.	Dismissed	<b>There are no time-of-day restrictions on alcohol advertising in conjunction with programs accessed via digital TV app 7plus - this is even the case with live streamed programs with digitally inserted advertising;</b> the Company applied available age restriction controls so that alcohol ads were served only to households where there was an adult registered user of the apps; recent viewership data for Sunrise indicates that it is reasonable to expect that its audience would exceed 75% adults; and Sunrise cannot be fairly said to be a program aimed primarily at minors. It is a perfectly legitimate view that alcohol advertising should

					<p>be subject to greater restrictions or prohibited outright.</p> <p><b>The overall treatment of alcohol as a product and the public policy framework for the regulation of alcohol marketing is however well beyond the remit of the Panel and rests with Australian governments.</b></p>
<p>272/21</p> <p>21 December 2021</p>	Television – 9Now	Previous Code sections - (b)(iv)	The marketing of Grey Goose Vodka on 9Now during LEGO Masters Bricksmas. The complainant argues that it is a family show which is rated PG and is watched during the daytime when it is inappropriate for alcohol advertising to be shown.	Dismissed	The age restriction controls available on the 9Now BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Lego Masters Bricksmas did not exceed 17% under 18 which is within the 75% adult requirement of the Placement Rules; and Lego Masters Bricksmas has wide appeal, including to minors, but the program cannot be said to be primarily aimed at minors. In the Panel's view, alcohol marketing should not be occurring with this program.
<p>225/21</p> <p>1 November 2021</p>	Free-to-air TV – Channel 9	Previous Code sections - (b)(iv)	Advertising for Peroni Beer seen on Channel 9 and affiliated channels from 5:00pm onwards, specifically during Who Wants to be a Millionaire? (or Millionaire Hot Seat) and the News.	Dismissed	The ads were not broadcast on Channel 9 and affiliated channels on free-to air television; the age restriction controls available on the 9Now BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Millionaire Hot Seat and the News did not exceed 6% under 18 which is

					within the 75% adult requirement of the Placement Rules; and Neither Millionaire Hot Seat nor the News can be said to be primarily aimed at minors.
214, 221 & 226/21  11 October 2021	TV - On Demand – 7 Plus	Previous Code sections - (b)(i) & (b)(iv)	Advertisements for Actual Vodka Seltzer and Smirnoff Vodka, seen during The Voice, when watched via on-demand television (7 Plus). From the complainants: The ads glamorize vodka to my kids. [The Voice] is a family show with a tween to teen audience, it's obvious alcohol should not be advertised. Children should be able to watch television with their family without being exposed to advertising for products that are harmful to them, like alcohol. This alcohol advertisement immediately grabbed my 6-year-old daughter's attention when she first saw it while we were watching The Voice Australia as a family. She was completely focused on the advertisement. Alcohol advertisements should not be shown during family shows with a PG or lower.	Dismissed	The age restriction controls available on the 7Plus BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for The Voice did not exceed 11.7% under 18 which is within the 75% adult requirement of the Placement Rules; and The Voice has wide appeal, including to minors, but the program cannot be said to be primarily aimed at minors.
194/21  20 August 2021	TV – Free to Air – Channel 9Gem	Previous Code sections - (b)(iv)	An advertisement on free-to-air television at 5:15pm on Saturday 7 August, in NSW, during a live broadcast of the Bledisloe Cup on Channel 95 (9Gem HD) with a	Dismissed	CTICP does expressly permit alcohol advertising in conjunction with the broadcast of a live sport event. The Bledisloe Cup attracted a predominantly adult audience more



			concern that the alcohol advertising will be seen by minors.		than the 75% threshold. The broadcast of the game cannot be said to be aimed primarily at minors.
181-2/21 12 August 2021	TV – Channel10 Peach	Previous Code sections - (b)(i) & (b)(iv)	Advertisements for VB seen on 10 Peach (free-to-air) at 2:26pm, 2:40 pm and 2:45pm are targeting and advertising to minors.	Dismissed	It is not possible to assess whether there has been a breach of the CTICP as we do not know whether they were seen on a weekday or weekend, or school day or during school holidays. The Company has confirmed that it applied age restriction criteria to its ads, and that Network 10 have confirmed to CUB that they also apply 18+ targeting at their end.
162/21 19 July 2021	TV – Free to Air	Previous Code sections - (b)(iv)	The placement of Carlton Draught during The Front Bar and is viewed by minors	Dismissed	CTICP permits the broadcast of alcohol advertisements after 8:30pm and The Front Bar is broadcast at 8:30pm or 11:30pm. There are no age restriction controls available to exclude minors from viewing free to air television broadcasts. Data supplied by the Company showed an average adult audience of 95% for The Front Bar during the 2021 season. The program is not aimed primarily at minors.
95, 96, 97, 102, 105, 106, 108, 109 & 147/21 8 June 2021	Television - free-to-air and on-demand – Channel 9 and 7	Previous Code sections - (b)(i) & (b)(iv)	Alcohol marketing was seen: during Lego Masters, on free-to-air television, before 8:30pm, during Lego Masters, when live streamed or watched on demand via 9Now and during The Surgeon, when watched on demand via 7plus. From complainant: Children should	Dismissed	Lego Masters (9 and 9Now): Alcohol ads were not screened with the show as broadcast on free to air linear TV prior to 8:30 pm (noting alcohol ads were digitally added to the 'live streamed' accessed version of the program); the age restriction controls available on the 9Now BVOD

			not be exposed to the advertising of alcohol. It was shown repeatedly in quick succession. Our children should not be exposed to alcohol advertising like this. Played on repeat, six times in a row during a children's oriented program. These ads are praying on children. I don't not want kids associating Lego with alcohol and gambling ads. This is very disappointing that they are advertising alcohol and gambling during this kids' program. Alcohol advertising is not appropriate during such a program and 9 Now should not allow the placement of this ad during an on demand stream, perhaps in the same way that it would not allow its airing during a live TV broadcast.		platform were utilised to exclude account holders who are minors from being served with alcohol ads; the audience for Lego Masters did not exceed 21.5% under 18 which is within the 75% adult requirement of the Placement Rules; and Lego Masters has wide appeal, including to minors, but the program cannot be said to be primarily aimed at minors.  The Surgeon (7Plus): <b>There are no time of day constraints for alcohol ads served with programs accessed by BVOD platforms such as 7Plus.</b> The program is not primarily aimed at minors.
45/21  26 April 2021	TV – Free to Air	Previous Code sections - (b)(iv)	Advertisements for James Squire, Furphy and Heineken seen on free to air television from 8:30am onwards, during Channel Seven's Sunrise program. The concern was about the sheer volume of the ads and the time of day the ads were broadcast.	Dismissed	While the complainant believed the ads were seen on free to air TV, this is almost certainly not the case. The complainant was more likely live streaming Sunrise through the 7plus platform. This means the complainant was seeing the same program at the same time as that being broadcast on free to air TV with the difference being in the advertising inserted into Sunrise. On free to air TV, no alcohol ads were shown, while on the live streamed version, the

					<p>alcohol ads were inserted. The complainant might say - surely the difference in the delivery platform between the free to air channel 7 and the live streamed 7plus version of Sunrise is immaterial - but in regulatory obligation terms the difference is quite decisive.</p> <p>The company has applied age restriction controls available to 7plus - i.e. no alcohol advertising to users aged under 18. Sunrise seen over 7plus has at least a 75% adult audience. Sunrise is not a program which is primarily aimed at minors.</p> <p>It is appreciated that the complainant might find this outcome quite unsatisfactory. <b>It can be validly argued that Australia's regulatory settings on broadcast mediums have not kept pace with the technological changes of the last decade or so.</b></p>
26/21  16 March 2021	TV - On Demand – 10 Play	Previous Code sections - (b)(iv)	Alcohol advertising was inserted into the program 'Blue's Clues and You' which was accessed by the complainant and their child via the Broadcast Video by Demand platform 10 Play.	Upheld - No Fault Breach	It did not select Blue's Clues or any other children's programs to place its advertising with; it gave instructions which if followed would have both applied age restriction controls and placed its marketing only with adult directed programs; an error occurred at the level of Network 10 which saw

					the children's label not added to the Blue's Clues designation. Network 10 has confirmed the mistake was at their end and that the Company gave clear instructions not to place advertising with children's programming.
2/21  12 February 2021	TV – On Demand – 9Now	Previous Code sections - (b)(iv)	Advertisements for Carlton Zero and Stella Artois seen while watching on-demand television, specifically during Young Sheldon and Dance Moms on 9Now. From complainant: These ads encourage drinking to an audience who are still young and impressionable. Advertising beer to children is not appropriate.	Dismissed	<b>9Now as a platform does not fall within the CTICP and no time-of-day restrictions are placed on alcohol advertising accessed via that platform.</b> To be served the alcohol ads, the 9Now account being used must have been held in the name of an adult. Data supplied by the Company showed an adult audience of Dance Moms at 87% and Young Sheldon at 91%. the Panel believes the programs are not aimed primarily at minors.
201/20  1 February 2021	Digital Live Stream - 10 Play & 7 Plus	Previous Code sections - (b)(iv)	Different alcohol advertisements during live streaming of The Project on 10Play and 7 Plus during live streaming of Sunrise. From complainant: It's too early for this type of advertising, and many families/kids are awake getting ready for school at this time.	Dismissed	<b>There are no time-of-day restrictions on alcohol advertising in conjunction with programs accessed via digital TV apps 10 Play and 7 Plus</b> - this is even the case with live streamed programs with digitally inserted advertising; the Companies applied available age restriction controls so that alcohol ads were served only to households where there was an adult registered user of the apps and other programmatic

					<p>age targeting mechanisms were also applied the expected audience of Sunrise and The Project on digital TV exceeds 75% adults; and neither Sunrise nor The Project can be fairly said to be programs aimed primarily at minors.</p> <p><b>Overall regulatory responsibility for communications in Australia rests with the federal government. The Panel recommends that the interplay between the different technologies be considered when the ABAC Placement Rules are next reviewed.</b></p>
<p>186 &amp; 208/20</p> <p>14 January 2021</p>	<p>Stadium and Subscription Television – Kayo TV</p>	<p>Previous Code sections - (a)(i), (b)(i), (b)(iv)</p>	<p>Advertising at the Sydney Cricket Ground (SCG) during the One Day International (ODI) between Australia &amp; India during the broadcast of the ODI on KAYO Sports TV and advertising during the Test Match between Australia and India broadcast on free-to-air TV. From complainant: There are 100s of children watching cricket and it is disturbing to see the normalisation of beer drinking on the scoreboard. Normalising alcohol consumption during daytime Free to air TV. Showing a full glass of beer and making the audience wait for the results each time and then reflecting it inside an empty beer</p>	Dismissed	<p>The in-stadium activation is a marketing communication to which the standards apply. The code expressly permits the broadcast of alcohol ads in conjunction with live sports events such as test cricket. It can't be said that television broadcasts of cricket generally and test cricket in particular is primarily aimed at minors. <b>The complainants argue that the advertising normalises alcohol use and that this is inappropriate. This is a legitimate viewpoint; however, this argument raises a question of public policy for government the Panel's role is confined to assessing the consistency of the</b></p>

			glass is encouraging children and adults to skull a glass of beer instead of drinking it slowly and in moderation. I believe this is getting around the advertising code of conduct and promoting beer drinking to children.		<b>advertising against the terms of the ABAC.</b>
171/20 11 December 2020	TV – Free to Air (Digital) -Channel 10 Shake	Previous Code sections - (b)(iv)	Advertising of The Glenlivet Scotch Whisky on Channel 10 Shake between 7:30am and 8:30am and its placement with children's programming.	Upheld - No Fault Breach	Age restriction controls were not utilised i.e. available age targeting capabilities were not implemented; the ad was placed where the audience was reasonably expected to exceed 25 % minors; and the ad was placed with content (PAW Patrol and Blue's Clues & You) which is primarily aimed at minors. The breach that occurred was outside the marketer's reasonable control.
164/20 1 December 2020	TV – Free to Air – Channel 7	Previous Code sections - (b)(iv)	Television advertisements being shown for Carlton Dry and Wolf Blass Wines at 7:15am during Sunrise breakfast television. It is inappropriate to screen alcohol ads at that time and no warnings about the dangers of alcohol to your health.	Dismissed	No grounds to base a breach finding can be established.
155/20 & 156/20 26 November 2020	TV - Free to Air – Channel 7	Previous Code sections - (b)(iv)	Marketing during Channel 7's broadcast of the AFL Grand Final for Jim Beam, Dan Murphy's and Squires Beer. From complainant: Young children should not be exposed to alcohol advertising.	Dismissed	CTICP does expressly permit alcohol advertising in conjunction with the broadcast of a live sport event. <b>Neither the CTICP nor any other media code imposes any restrictions on the frequency of alcohol advertising.</b> Data

					establishes that the Grand Final attracted a predominantly adult audience more than the 75% threshold. The broadcast of the game cannot be said to be aimed primarily at minors.
152/20 17 November 2020	TV – On Demand – 10Play	Previous Code sections - (b)(iv)	Advertising for Cellarbrations bottle shops during Junior MasterChef as they believe it is inappropriate to be advertising alcohol during a show targeting children.	Dismissed	<b>CTICP does not apply to broadcast video on demand platforms and would not prohibit the placement of an alcohol ad with Junior Masterchef.</b> The Company utilised the age targeting capacity to direct its ad to adults in the age range of 25 to 54. It seems that the audience for Junior MasterChef is predominantly adult. The program remains aimed at a whole of family audience rather than being aimed at minors as such.
150-20 16 November 2020	TV – Pay – Fetch TV	Previous Code sections - (b)(iv)	Commercial for Jack Daniels shown on Fetch TV at approximately 7:44pm during BBC UK TV Live at the Apollo as it is too early and children are watching.	Dismissed	<b>CTICP does not regulate advertising over the channel.</b> The code which applies to Subscription channels does not contain any time-of-day restrictions on when alcohol ads might be screened. Platforms of this type do not have age restriction capacity as such. The audience for the program is overwhelmingly adult in the range of 94% or greater. The program is aimed squarely at adults and not minors.



120-123, 125-127, 131, 134-135/20  23 September 2020	Television	Previous Code sections - (a)(ii) (b)(i) (b)(iv) (c)(ii)	Television marketing by Dan Murphy's from ten complaints received between 24 August and 2 September 2020, one included concern that the ad was shown between 6 and 7pm during the Channel 9 News when children are viewing. Complaints include: it is insensitive to recovering alcoholics trying to stay sober for their children; it cuts across public health messages such as "a little habit become a big problem"; alcohol should not be promoted at any time and particularly during COVID lockdown; alcohol should not be promoted in an area that already has problems with irresponsible drinking, anti-social activity and family breakdown; associates a good and appreciated relationship with alcohol, which is a product with negative health and cultural issues, such as family violence associated with alcohol consumption	Dismissed	Data supplied by the Company establishes that the ad did not air at times outside those permitted by the Commercial Television Industry Code of Practice and hence the ABAC Placement Rules have not been breached. <b>An argument that alcohol advertising should not be permitted is a policy question for government and not an issue for the ABAC which assumes alcohol marketing will occur but should be subject to standards of responsibility.</b>
96/20  27 July 2020	Television – Channel 7	Previous Code sections - (b)(iv)	Advertisements for Canadian Club Whisky on Channel 7 during Big Brother a television show targeting minors.	Dismissed	CTICP permits alcohol advertising between 8:30pm and 5am and no advertisements were broadcast prior to 8:49pm. Big Brother attracted an 86% adult audience and accordingly the 75% benchmark required. The show is aimed at an adult audience.

91/20 20 July 2020	Television	Previous Code sections - (b)(iv)	Advertisements for Bundaberg Rum, Tanqueray Gin, Johnnie Walker & Captain Morgan's Rum on Channel 7 between 5 and 6pm 26 June 2020 during The Chase. The complainant is concerned that showing four different alcohol ads with 2-3 shown in each ad break from 5 to 6 pm on Channel 7 seemed excessive.	Dismissed	The Panel is proceeding as if the program was seen via the 'on demand' service, no alcohol ads appeared with The Chase when screened on free to air television. It is a show aimed at adults. The Chase attracts a predominantly adult audience in excess of the 75% benchmark. <b>The ABAC does not purport to regulate the number of alcohol ads which can be shown with a TV program. The regulation of the balance of advertising (not specifically alcohol but advertising of all types) to the minutes of programming sits with the Federal Government and the Australian Communications and Media Authority.</b>
90/20 15 July 2020	Television – 10Peach	Previous Code sections - (b)(iv)	Advertisements for Bundaberg Rum & Captain Morgan's Rum on 10 Peach between 11am and 12pm during Spongebob Squarepants cartoons, during children's programming	Dismissed	There is no reason to believe that the complainant is not genuine in raising the concern however data confirmed alcohol ads did not air as contended in the complaint. The apparently unequivocal data and statements from the television network have to be accepted and the complaint dismissed.
59/20 9 June 2020	Television (Digital) – 9Now	Previous Code sections - (b)(iv)	Aadvertisements for Gordons, Baileys & Johnnie Walker with the 9Now on demand broadcast of Lego Masters Season 2 Episode 10 between 7 and 8.30pm. The	Dismissed	The program has a family focus which certainly captures minors but is not primarily aimed at them as such. The Panel agrees with the Company that the nature of Lego

			complainant is concerned that the ad was shown with Lego Masters which is a children's show.		Masters means it was inappropriate for alcohol advertising to have appeared with the show.
41/20 18 May 2020	Television – Digital - 7Plus	Previous Code sections - (b)(iv)	Advertisements for Wild Turkey with the television broadcast of 'Britains Got Talent' on 7Plus. Presumably the complainant contends alcohol advertising should not be shown with a program likely to be watched by children or vulnerable adults.	Dismissed	There is no time of day restriction on when an alcohol ad might be accessed via the on demand digital services. Britain's Got Talent has an overwhelmingly adult audience slightly in excess of 90%. The show was not directed toward under 18 year olds as its primary appeal. <b>The ABAC has no standard which goes to the quantity of alcohol marketing that might be broadcast within a particular timeframe. Issues of the balance of advertising as opposed to program content are regulated by the Federal Government and do not fall within the ambit of the ABAC.</b>
3/20 30 January 2020	Television – Channel 7	Previous Code sections - (b)(iv) & (b)(ii)	An advertisement for XXXX Gold with the Australia v NZ Test Match on 29 December between 10am and 1pm on Channel 7. a Panel discussion following the ad where eminent cricketers are discussing their sporting highlights with XXXX Gold cans clearly displayed and set up around the table in front of each player. Concerns about: failing to make it clear it is a sponsored segment; placing the cans in front of each player while discussing their	Dismissed	The segment was introduced and tailed as being presented by XXXX contrary to the complainant's recollection. There is no suggestion that alcohol was used during the games and the events the players are talking about and recalling; the dialogue does not reference alcohol use or suggest that alcohol was a factor in the achievement of success; and a reasonable person may well interpret the presence of the product as an endorsement of the XXXX

			sporting brilliance clearly sets up an association with beer and the achievement of sporting success; the frequency of the promotion; and children viewing the cricket being exposed to the promotion.		brand by the former players but it is unlikely that a link would then be drawn that the consumption or the presence of the product was a contributor to the achievement of success on the cricket field. Finally, it is noted that the ratings data showed the segment was viewed by well over 75% adults and hence was not in breach of the Placement Rule.
4/20  9 January 2020	Television – Channel 7	Previous Code sections - (b)(iv)	Advertisements for Canadian Club with the television broadcast of the 2019 Boxing Day Cricket Test Match on Channel 7 between 3 and 5pm. The complainant is concerned that the majority of the ads in the child friendly time slot they watched were for Canadian Club. Her son's cricket coach tells him to watch at least ten minutes of cricket to see new techniques and watching ten minutes would expose him to three Canadian Club ads.	Dismissed	The code expressly permits the broadcast of alcohol ads in conjunction with live sports events such as test cricket. The data gathered and published about the Boxing Day test shows that it was watched overwhelmingly by adults with under 18 year olds only reaching 8% of the viewing audience. The broadcasts aim to attract adult viewers. There is no 'quota' or other prescription on the number of alcohol ads that might be shown over a given period.
64/19  24 September 2019	Television - SBS	Previous Code sections - (b)(iv)	Television advertising for James Squire One Fifty Lashes on SBS during the US Open Semi Final at 8:20am when children are watching.	Dismissed	<b>The issue of the relationship between alcohol marketing and sports and cultural events is the subject of some community debate. The debate generally focusses on whether alcohol companies should be permitted to sponsor sporting competitions or teams and if so on what basis as</b>

					<p><b>well the question of the advertising of alcohol in association with sports/cultural events. Ultimately these are issues of public policy to be assessed and determined by government and are beyond the remit of the Panel.</b></p> <p>CTCIP permits the showing of an alcohol ad with live sports events including at 8:20am. The broadcast of the ad with the men's semi-final was reasonably expected to be to an audience which was overwhelmingly adult and in excess of the 75% adult benchmark. The primary appeal of such broadcasts is towards adults and not minors.</p>
<p>2-4/19</p> <p>5 February 2019</p>	Television – Channel 7	Previous Code sections - (b)(iv)	Advertisements for Hahn, Iron Jack, Jim Beam and Canadian Club with the television broadcast of various cricket matches (Test series, BBL and WBBL) on various dates on Channel 7 when children and young adults are watching.	Dismissed	CTICP permits alcohol advertising with such Page 7/10 broadcasts irrespective of the time of day of the broadcasts. The data shows that the audience for cricket broadcasts is overwhelming adult with viewing figures generally in excess of 80% adult and often over 90%. The Panel believes the broadcast of cricket cannot be fairly said to be primarily directed towards minors.
<p>135/18</p> <p>28 November 2018</p>	Digital Television – 9Now	Previous Code sections - (b)(iv)	A Johnnie Walker television advertisement on 9Now on Sunday 11 November in the morning during the Adelaide Christmas Pageant, a children's program.	Upheld	There are no time restrictions applying to when alcohol ads can be shown on digital channels such 9Now. TV ratings information indicates that the Pageant attracts in

					excess of 75% adults and hence this rule also has not been breached. The Panel concludes that the Pageant would have appeal across age groups but its particular focus is on children. The placement of the ad with the broadcast of the Pageant cannot be said to be outside the reasonable control of the Company or to have been unforeseeable.
119/18 17 October 2018	Television – Channel 7	Previous Code sections - (b)(iv)	A Mercury Cider television advertisement at approximately 11.15am on Channel 7 as it is an inappropriate time to be advertising alcohol during the 2018 AFL Grand Final.	Dismissed	CTICP limits when alcohol advertising can be broadcast to after 8.30 pm however an exemption to this is advertising in conjunction with sports programs. The audience composition for the program in question was 91.1% adults. The Panel does not believe a broadcast of AFL game can be characterised as being primarily aimed at minors.
77/18 10 August 2018	Television – Channel 10	Previous Code sections - (b)(iv)	A Jacobs Creek Double Barrel television advertisement during Masterchef at 8.53pm on Channel 10 and may have been viewed and influenced many children.	Dismissed	8.53pm is consistent with the CTICP requirements. The audience of the program at the time the Jacobs Creek ad was aired on 15 July was 7% under 18s. The Panel does not believe the program could be fairly said to be primarily aimed at minors and its appeal is likely to be much stronger with adults than children.
75/18 6 August 2018	Television – Channel 7	Previous Code sections - (b)(iv)	A Johnnie Walker television advertisement during an AFL match broadcast at 8pm when children will be watching.	Dismissed	CTICP limits when alcohol advertising can be broadcast to after 8.30 pm however an exemption to this is advertising in conjunction with

					sports programs on weekends and public holidays. AFL football match coverage on a Saturday evening falls within this exemption. The audience composition for AFL coverage at 8pm on a Saturday night averages at 91% adults. AFL on television has a general appeal and tending towards an older focus as opposed to being primarily aimed at under 18 year olds.
64/18 8 June 2018	Television - Foxtel	Previous Code sections - (b)(iv) & (c)(ii)	Advertisement for Wild Turkey shown during family dinner time in between CSI Miami and NCIS Los Angeles while children are watching.	Dismissed	<b>There is no time of day restrictions as to when an alcohol advertisement might be broadcast on a Foxtel channel.</b> its audience was overwhelmingly adult, with in excess of 90% of viewers being over 18. Further the themes and subject matter of NCIS could not be regarded as primarily directed at minors.
56/18 28 May 2018	Television	Previous Code sections - (b)(iv)	Advertisement for 'The Front Bar' (an AFL commentary program) which is sponsored by Carlton & United Breweries. Alcohol and sport should not be shown together in a timeslot that children are watching (and during a show that does its best to show people making positive choices).	Upheld - No Fault Breach	The CTICP has been interpreted by the television station in a manner that the advertisement is not considered a commercial for alcoholic drinks. This means the television station did not treat the advertisement as needing to meet the time zone restrictions. The differences between the ABAC and CTICP has proven problematic as a result. Panel believes the broadcast of the advertisement prior to 8:30pm does

					not comply with the CTICP time zone restrictions. <b>Further dialogue might usefully be held with FreeTV to seek a workable position that provides certainty to alcohol marketers and television networks.</b>
49/18 3 May 2018	Television – Channel 7	Previous Code sections - (b)(iv)	Advertisement for Great Northern beer on Channel Seven between 5:30 and 6pm during Sydney Weekender at a time many children will be watching television and during family friendly programs.	Dismissed	The evidence before the Panel supports the conclusion that the Complainant is mistaken about either seeing an alcohol ad at that time or an ad shown in conjunction with the Channel Seven program.
40/18 29 March 2018	Television – Channel 10	Previous Code sections - (b)(iv)	Advertisement for VB broadcast at 12:26pm on Channel Ten in Brisbane during Dr Phil as it is during the middle of the day.	Dismissed	The audience reach of the program is predominately adult and was broadcast during specified times.
14-15/18 14 March 2018	In Stadium/Television	Previous Code sections - (b)(iv)	Advertisements for Canadian Club, Jacobs Creek and Liquorland during the broadcast of the Australian Open Tennis 2018. The complainant is concerned that children are viewing alcohol advertising and that exposure to alcohol advertising is promoting a culture of alcohol use and this leads to a range of problems in the community.	Dismissed	CTICP provides that alcohol advertising is not to be broadcast before 8.30 pm unless shown in conjunction with live sports events. The audience for the Australian Open is predominantly adult and is in excess of the 75% adult benchmark. The Panel does not believe a broadcast of the Australian Open can be characterised as being primarily aimed at minors. <b>In large measure the complainant is raising a public policy argument that alcohol advertising should be either prohibited or at least not broadcast with sports events. This is a valid</b>



					policy debate but is beyond the scope of the Panel to decide. It is a question for governments and parliaments to decide if alcohol marketing should be prohibited outright or specific measures taken such as stopping alcohol companies sponsoring sports teams and advertising during sports competitions.
9/18 6 February 2018	Television – Channel 9	Previous Code sections - (b)(iv)	Advertisements for XXXX with a broadcast of a one day international cricket match on Channel Nine and the complainant is concerned that children and teenagers are viewing the match.	Dismissed	The CTICP limits when alcohol advertising can be broadcast to after 8.30 pm however an exemption to this is advertising in conjunction with live sports events. The data shows that for One Day International cricket matches 9% of viewers before 8.30pm are under 18. <b>It should be noted that ‘primarily aimed at minors’ is a more narrowly framed test than ‘strongly or evidently’ appealing to minors which the ABAC applies in assessing the content of alcohol marketing.</b> Cricket on television has a general appeal and tending towards an older focus as opposed to being primarily aimed at under 18 year olds.
2/18 6 February 2018	Television	Previous Code sections - (b)(iv)	Advertisement for Carlton on Channel 8 and was broadcast when children and young adults are watching.	Dismissed	The Panel is unable to assess the consistency of the placement of the advertisement.

121/17  21 December 2017	Television	Previous Code sections - (b)(iv)	Advertisements for XXXX with a broadcast of the recent Cricket test match in Adelaide. The complainant is concerned that children are viewing the match. The broadcast of alcohol advertisements (and gambling advertisements) are argued to contribute to social harm such as binge drinking and violence.	Dismissed	<b>In large measure the complainant is raising a public policy argument that alcohol advertising should be prohibited. This is a valid policy debate but is beyond the scope of the Panel to decide. It is a question for governments and parliaments to decide if alcohol marketing (or indeed gambling) should be prohibited outright or specific measures taken such as stopping alcohol companies sponsoring sports teams and competitions.</b> CTICP limits when alcohol advertising can be broadcast to after 8.30 pm however an exemption to this is advertising in conjunction with live sports events. The under 18 year old component of the audience is well under the 25% threshold, at between 8% to 10%. Cricket on television has a general appeal and tending towards an older focus as opposed to being primarily aimed at under 18 year olds.
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