



Public Health Association
AUSTRALIA

Public Health Association of Australia submission to the review into alcohol advertising restrictions in the Free TV Code

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The **Public Health Association of Australia** (PHAA) is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

We believe that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

Our mission is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Our vision is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

Traditional custodians - we acknowledge 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 people.

Introduction

PHAA welcomes the opportunity to provide input to the Australian Communications and Media Authority (ACMA) for their *Review into alcohol advertising restrictions in the Free TV Code*.

All people deserve to go about their lives free of alcohol-related harms, but many Australians continue to be greatly affected by harm from alcohol.¹ Currently, Australians are widely exposed to alcohol advertising,²⁻⁴ which is a factor strongly linked to alcohol use.^{5,6} This exposure to alcohol advertising is partly due to several flaws in the existing Free TV Code, which mean that people, including children and young people, are not adequately protected.

PHAA believes the most appropriate approach to this currently failing system is to create a program standard on alcohol advertising that will override the regulations in the Free TV Code. This will better protect Australians from an industry whose products contributed to 2.6 million deaths globally in 2019,⁷ and over 9,000 deaths in Australia in 2021 alone.⁸

Key recommendations

PHAA recommends ACMA create an alcohol advertising program standard, containing:

- a) A definition and scope that comprehensively restricts alcohol advertising, including not only alcoholic product advertising, but also advertising by alcohol companies that uses alcohol company branding elements (e.g., logos) and/or promotes products such as zero-alcohol products or products containing references to ‘beer’, ‘wine’, or ‘spirits’.
- b) Stronger time restrictions on alcohol advertising, that limit periods in which advertising can be shown, further than what is currently specified in the Free TV Code.
- c) No exemptions allowing alcohol advertising during sporting events. That is, the time restrictions listed in a new program standard should apply to all alcohol advertising irrespective of the presence of a sporting event. There should also be no exemptions to the time restrictions for any other reason.
- d) Inclusion of Broadcast Video On Demand (BVOD) services within the program standard’s scope, so that people are safeguarded on this additional channel through which commercial free-to-air TV programs are shown. If the *Broadcasting Services (“Broadcasting Service” Definition – Exclusion) Determination 2022* lapses in late 2027 as per the legislative instrument,⁹ the potential timing of an ACMA consultation and implementation of a new program standard may allow for the inclusion of BVOD within the standard’s scope.

PHAA Response to the review into alcohol advertising restrictions in the Free TV Code

Evidence

Alcohol-related harm

Alcohol causes a significant level of harm to people in Australia every year.¹ Research has estimated that, in 2021, over 9,000 people in Australia experienced an alcohol-attributable death.⁸ Domestic and sexual violence is also strongly associated with alcohol use.¹⁰ As reported in a media release published by Prime Minister Anthony Albanese's office in 2024, "State and Territory First Ministers agreed to review alcohol laws and its impact on family and domestic violence victims to identify and share best practice and reforms and to report back to National Cabinet on progress."¹¹ This highlights the importance of addressing alcohol harms through policy.

There is also strong community concern around alcohol-related harm in Australia, with one survey indicating two thirds of people "agree that Australia has a problem with alcohol".¹² Furthermore, there is significant community support for governments to address the harms caused by alcohol, with over 70% of people in one survey indicating support.¹² Alcohol-related harms are therefore a crucial issue to address in Australia.

Alcohol advertising

Alcohol advertising visible on commercial free-to-air television comes in several forms, including but not limited to:

- Commercials for alcohol products shown during program advertising breaks
- Alcohol company sponsorships of television programs or televised events (e.g., alcohol logos visible during sporting events such as on field fences, or on the field itself)
- Alcohol company sponsorships of sporting teams (e.g., logos visible on sporting jerseys)
- Advertising of low- or zero-alcohol products, which may use the same alcohol company branding elements as alcohol products

In general, alcohol advertising is an area of focus for safeguarding the community from alcohol-related harm.¹³⁻¹⁵ This is important because, as noted in Sargent & Babor (2020),¹⁶ "alcohol consumption by youth is affected by exposure to alcohol marketing". In addition, PHAA's *Preventing Harm Caused by Alcohol Products* policy position statement highlights that, "Young people's exposure to alcohol advertising on TV, radio, social media; in outdoor settings; and at sporting and music events influences their attitudes about drinking and increases the likelihood that adolescents will start to use alcohol or will drink more if they are already using alcohol."¹⁶⁻¹⁸ There is also a clear link between alcohol sport sponsorships and increased drinking of alcohol.¹⁹

PHAA argues that current systems, including the Free TV Code and the alcohol industry-funded Alcohol Beverages Advertising Code, do not adequately limit people's exposure to alcohol advertising. ABAC, for example, a) is a voluntary scheme,²⁰ b) is funded by alcohol industry,²¹ and c) does not impose enforceable, meaningful penalties like fines. In addition, its processes²² mean that community complaints are often dealt with long after inappropriate advertising has occurred. These all make ABAC a fundamentally flawed scheme. Due to these inherent flaws, the Australian Government should withdraw its involvement in ABAC and instead create a regulation system independent of industry, using legislation with enforceable

penalties to reduce inappropriate alcohol advertising practices. PHAA therefore recommends that ACMA create a new program standard, so that ABAC's role is no longer relied upon as a line of defense for alcohol advertising exposure on commercial free-to-air television. It is crucial to address alcohol advertising, including those promoted through commercial free-to-air TV, to safeguard the community.

Free TV Code's significant weaknesses

Despite well-established concerns around alcohol advertising in Australia, including concerns related to commercial free-to-air television, there remain several significant flaws in the Free TV Code:

1. Despite the evidence linking alcohol advertising to higher alcohol use,^{19,23} young people including children are exposed to television alcohol advertising frequently.^{3,4} Data indicate that television is a prominent channel through which children are exposed to alcohol advertising,²⁴ and a study found more exposure to television advertising was associated with increased alcohol use by adolescents.²⁵

With the Free TV Code currently allowing alcohol advertising during long time periods,²⁶ the Code is clearly insufficient to protect young people from alcohol advertising exposure.

2. In addition, the Free TV Code's special conditions for sporting programs, which allow additional advertising on weekends starting from 6pm on Fridays,²⁶ contributes to the high levels of exposure to alcohol advertising that children experience. Data also suggest increased levels of certain alcohol-related harms on certain days, including Saturdays,²⁷ and leading up to certain public holidays.^{27,28} Therefore, restricting alcohol advertising during weekends, by creating a program standard that contains no exemptions on weekends and around public holidays for sporting events, may significantly assist in safeguarding the community.

It is clear the Free TV Code fails to protect against exposure to alcohol advertising during restriction-exempted sporting events.

3. Another loophole in the Free TV Code is that it does not include any specific time restrictions on certain types of alcohol advertising that fall outside its definition. For example, young people are also exposed to zero-alcohol product advertising, many of which use branding elements that reflect alcohol products.²⁹ A 2026 study noted its findings "[corroborated] evidence to support concerns that zero-alcohol advertising may serve as surrogate marketing for alcohol products".²⁹ Concerningly, this type of advertising, even when containing parent alcohol brand elements (e.g., names and logos), is not currently covered by the Free TV Code's alcohol advertising restrictions.

As the Free TV Code fails to include these forms of alcohol advertising in its scope, it fails to adequately protect the community.

4. A fourth key concern is the Free TV Code's lack of regulation of alcohol advertising on Broadcast Video On Demand (BVOD) services, such as 10Play, 9Now and 7Plus. While these streaming and catch up services are provided by commercial free-to-air TV broadcasters, BVOD is not covered by the Free TV Code, despite ACMA's recommendations for such coverage.^{30,31} In addition, there have been several community complaints about alcohol advertising on BVOD services,³²⁻³⁵ which highlight community concerns.

Therefore, as the Free TV Code fails to include BVOD services in its scope for alcohol advertising restrictions, it fails to safeguard the community adequately.

Alcohol advertising restrictions as a policy lever

While alcohol advertising in Australia is currently widespread, restricting this advertising is an important policy option that the federal government could implement. For example, one of the World Health Organization's *SAFER* initiative focus areas to reduce alcohol-related harm is to 'Enforce bans or comprehensive restrictions on alcohol advertising, sponsorship, and promotion'.¹³ In addition, the *National Preventive Health Strategy 2021-2030*¹⁴ and the *National Alcohol Strategy 2019-2028*³⁶ both highlight alcohol advertising restrictions as a policy option. More recently, the *Unlocking the Prevention Potential: Accelerating action to end domestic, family and sexual violence* report recommended alcohol advertising restrictions, including during sporting events, with the aim of preventing alcohol-related domestic, family and sexual violence harms.¹⁵ Finally, the South Australian Government's recently released *SA Alcohol and Other Drugs Strategy 2025-2030*'s list of supporting activities includes advocating for federal action to restrict children's exposure to alcohol advertising.³⁷ These declarations indicate that strengthening restrictions on alcohol advertising is a strong policy option.

Community support for alcohol advertising restrictions

In addition to acknowledgement among organisations - including the World Health Organization and the Government of South Australia - of the policy option of alcohol advertising restrictions,^{13,37} there are also high levels of community support in Australia for such restrictions. For example, of those aged 14 years or older in the National Drug Strategy Household Survey 2022-23, 70% indicated support for "Limiting advertising for alcohol on TV until after 9.30pm"³⁸ with majority support across all age groups, of those who provided an opinion.³⁹ Additionally, a 2023 survey showed 77% of respondents "support restricting alcohol advertising on television during times when children are likely to be watching, including during live sports broadcasts".¹² Finally, a 2026 survey report stated that three quarters of respondents "agreed that there should be less alcohol advertising on television".⁴⁰ These data indicate that there is likely to be strong community support for ACMA to introduce a program standard to restrict alcohol advertising, including during sporting events.

Summary and Recommendations

PHAA supports ACMA's *Review into alcohol advertising restrictions in the Free TV Code*.

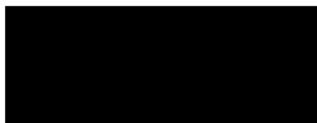
PHAA recommends ACMA create an alcohol advertising program standard, containing:

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- d) Inclusion of Broadcast Video On Demand (BVOD) services within the program standard's scope, so that people are safeguarded on this additional channel through which commercial free-to-air TV programs are shown. If the *Broadcasting Services ("Broadcasting Service" Definition – Exclusion) Determination 2022* lapses in late 2027 as per the legislative instrument,⁹ the potential timing of an ACMA consultation and implementation of a new program standard may allow for the inclusion of BVOD within the standard's scope.

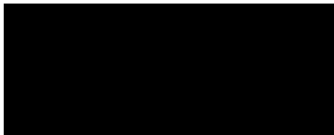
This would ensure less exposure of people, including children, to alcohol advertising in Australia. This aligns strongly with one of the *Broadcasting Services Act 1992* objects (section 3), which is "to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them".⁴¹

The PHAA appreciates the opportunity to make this submission and the opportunity to contribute to better regulation of alcohol advertising in Australia, toward the better health and wellbeing of people in Australia.

Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.



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30 April 2026

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