



Submission to:

Australian Communications and Media Authority:

Review of alcohol advertising rules in the Commercial Television Industry Code of Practice

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Executive Summary

The Australian spirits industry welcomes the opportunity to make a submission to the Australian Communications & Media Authority (ACMA) review of current alcohol advertising rules in the Commercial Television Industry code of Practice.

In responding to this review Spirits & Cocktails Australia (SCA) recognises that the primary objective of the ACMA review is to assess whether the current rules for alcohol advertising provide appropriate safeguards. We note there are specific terms of reference for the review, and these are addressed in greater detail in our submission.

SCA is also mindful that, in order to make a program standard, ACMA must be satisfied there is convincing evidence the Code is not providing appropriate community safeguards when it comes to alcohol advertising and there is clear and compelling evidence a program standard for alcohol advertising is needed.

The Australian spirits industry does not believe that there is a compelling case for additional regulation. We believe that the existing arrangements are working effectively.

SCA also seeks to note that efforts by some stakeholders to alter the existing arrangements were not warranted and were not supported by the spirits industry.

The decision by ACMA in June 2025 not to register the proposed version of the Commercial Television Industry Code of Practice (CTICP) proposed by FreeTV reflected concerns about the proposed changes.

There may be opportunities to improve the previous redrafted Commercial Television Industry Code of Practice (CTICP) proposed by Free TV that do not require excessive restrictions, especially around alcohol advertising during televised sport.

It should be remembered that it was the new revised code proposed by Free TV that was rejected by ACMA and that ACMA reverted to the existing code while the review was undertaken.

SCA notes ACMA had not rejected the previously operating version of the Commercial Television Industry Code of Practice (CTICP), although the review does provide an opportunity to evaluate the suitability of the existing alcohol advertising provisions.

SCA supports the submission made on behalf of the wider alcohol industry by Alcohol Beverages Australia (ABA).

The SCA submission is also complemented by individual submissions made by members of the Australian spirits industry highlighting their experience with the industry Code and the resulting conclusion that there is insufficient evidence or demonstrated need for additional restrictions on alcohol advertising in sport.

These members of the Australian spirits industry who are directly involved in the distribution and sales of alcohol products support appropriate regulations and requirements to promote responsible drinking.

Improving Health Outcomes

SCA members share a commitment to promoting a safe and vibrant spirits sector, which reflects Australia's mature drinking culture and creates opportunities for economic development, through the sustainable development of a distinctly Australian manufacturing industry.

Long-term trends demonstrate sustained progress in reducing harmful alcohol consumption. Risky drinking has declined significantly across the population, and underage drinking has more than halved over the past two decades. The Australian Institute of Health and Welfare's (AIHW) [National Drug Strategy Household Survey](#) has found significant improvements in Australia's drinking habits over the last decade.

Australians are making informed choices about their alcohol consumption, with AIHW data confirming significant declines in risky and heavy episodic drinking. Australia's per capita alcohol consumption continues its downward trajectory – a trend established over the last 50 years. These positive shifts highlight that heavy regulations and restrictions are not necessarily the solution to affecting positive long-term behavioural changes.

Australia has also seen a reduction in high-risk drinking behaviours across all age cohorts. At the same time, the percentage of people who abstained from alcohol increased from 19.9 to 23.5 per cent.¹⁷ Risky consumption of alcohol for males between 2010 and 2023 has decreased across all aged groups, with 14-19 years and 60-69 years age groups exhibiting the most significant reductions. While the consumption of alcohol by males aged 20-29 years is trending downwards, this age cohort was most likely to engage in risky consumption.

Data from the AIHW and others shows that the majority of Australians are drinking responsibly and in moderation. The AIHW data also shows that alcohol consumption in Australia has declined, and that risky and heavy episodic drinking has reduced, along with overall consumption by young people.

These outcomes have been achieved within the current regulatory settings, including those governing alcohol advertising.

The Australia spirits industry has noted in numerous submissions to government that Australians are choosing to drink less, but higher-quality products. Australia is experiencing a significant decline in risky drinking across the population. The key statistics for this improving consumption behaviours are:

- Per capita consumption has fallen by 25% since 1975.
- Since 2001, there has been a 40% decline in people who drink daily (now just 5.2%); and
- Risky or harmful consumption across all age groups fell by 19.4% between 2001 and 2023.

One of the most significant changes over the last 20 years has been the decline in underage drinking. Across Australia, the portion of young people abstaining from alcohol has more than doubled. Furthermore, of those that are drinking alcohol, the level of risky drinking, as defined by AIHW, has fallen by each indicator.

In the context of these developments, the ACMA review is a review of how the current alcohol advertising restrictions in the Commercial Television Industry Code of Practice (CTICP), are providing appropriate community safeguards. It is not a public health review of alcohol consumption.

Demands for further regulation must establish a direct or indirect link between alcohol advertising on television and increased consumption and broader social harms.

On the first count, it is difficult to argue the current Code does not provide appropriate community safeguards when health outcomes are improving, and consumption is declining.

These documented improvements in health outcomes associated with alcohol consumption also repudiate many claims purporting to show a direct or indirect link between alcohol advertising on television and increased consumption and broader social harms. The independent AIHW research clearly shows that alcohol consumption is declining, and health outcomes are improving.

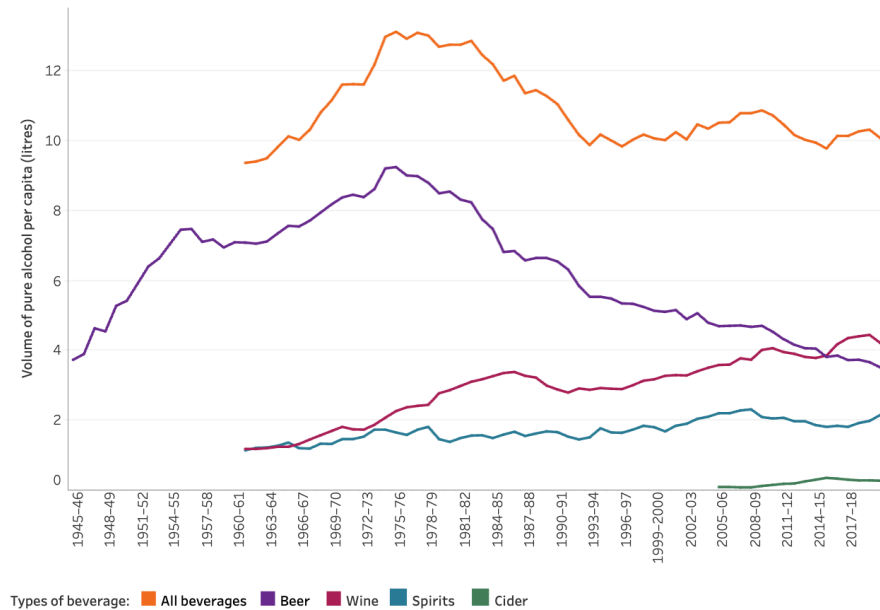
According to the National Drug Strategy Household Survey:

“Alcohol has a unique place in Australian society. While the number of people abstaining from alcohol has gradually increased over time, a majority of people in Australia do consume alcohol, and of those that do, most drink at safe levels.”

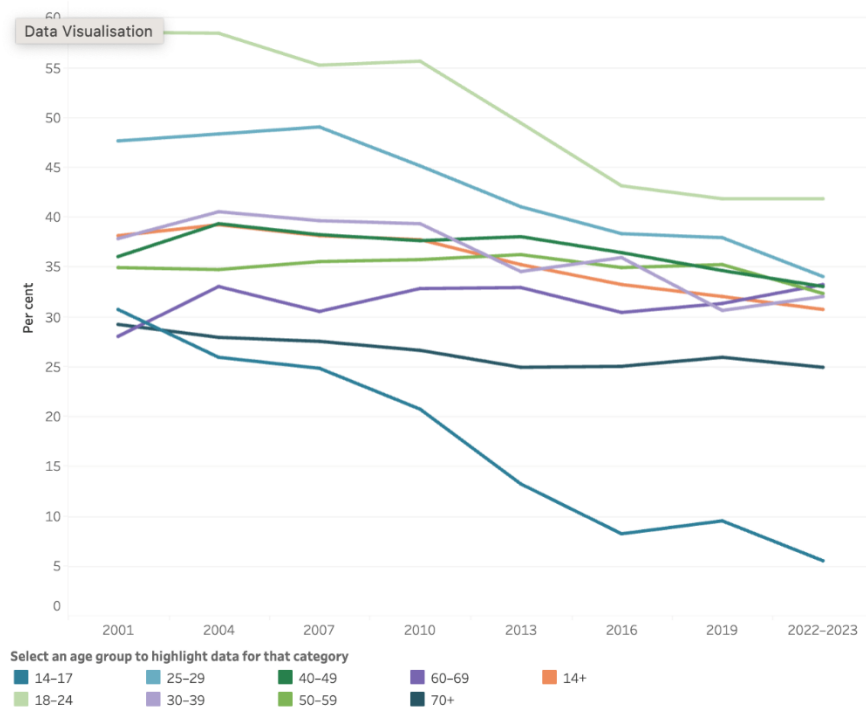
Claims that dangerous and excessive drinking is increasing does not reflect the reality that Australian per capita alcohol consumption has been declining for the last 50 years.

These data and statistics suggest an absence of a link or correlation between alcohol advertising and harmful consumption (or indeed between alcohol advertising and consumption per se). SCA submits this lack of correlation mitigates against a conclusion that significant further regulatory intervention is required and suggests that any recommendations be proportionate to and reflective of current trends.

According to the latest National Drug Strategy Household Survey, the proportion of people who took part in at least one risky activity under the influence of alcohol reduced from 17.4 per cent in 2016 to 14.7 per cent in 2022–2023, continuing the downward trend occurring since 2010 when 22 per cent of people had done so. Similar reductions occurred in individual risky activities, including driving a motor vehicle.



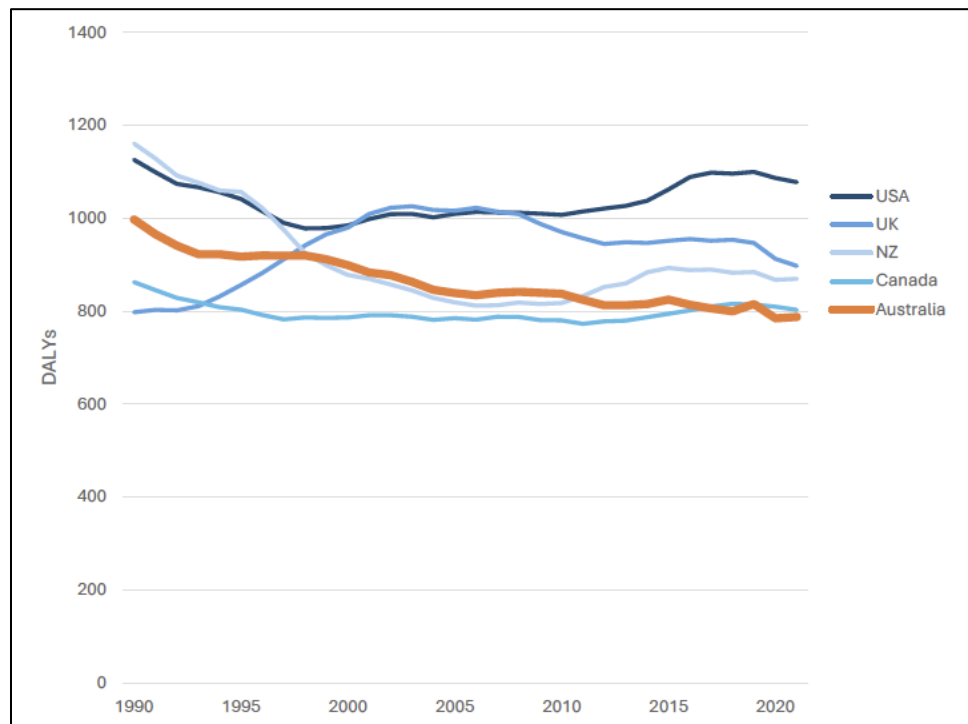
The 2022–2023 National Drug Strategy Household Survey (NDSHS) continued a trend of gradually declining risky drinking in Australia since 2004, when 39 per cent of the population consumed alcohol at risky levels.



Over the period from 2021 to 2022-23, measures of heavy episodic drinking (HED) also declined by 13 per cent between 2010 and 2016. Likewise, the rate of age-standardised alcohol attributable deaths has declined by 13 per cent in the period 2003 to 2018, and the rate of age-standardised alcohol attributable total burden (Disability-Adjusted Life Year - DALY) has fallen by 10 per cent.

The burden of disease from high alcohol use in Australia has declined significantly over the last 30 years. The chart below shows DALYs per 100,000 people from 1990 to 2020. DALYs measure the overall burden of disease by combining years of life lost due to premature death and years lived with disability.

The graph below indicates a steady decline in alcohol-related health impacts over the decades, suggesting that Australians are being more responsible with their consumption of alcohol. Importantly, Australia (787.4) now has fewer DALYs than the USA (1077.6), UK (897.3), New Zealand (869.9) and Canada (802.7).



This positive trend is also confirmed in recent analysis by the International Association for Responsible Drinking of the Australian market, using the latest results from the Global Burden of Disease 2021 data release on 16 May 2024:

- High alcohol use has declined in line with the global trend (-3 per cent)
- Mortality rates for all causes attributable to alcohol have declined (-8 per cent)
- Morbidity rates for all causes attributable to alcohol among young people aged 20 years or less have declined (-18 per cent)
- Morbidity rates for all road injuries attributable to alcohol use have declined (-31 per cent).

Australia also has the sixth lowest rate of premature death from non-communicable disease in the world (behind South Korea, Switzerland, Cyprus, Japan, and Sweden). These results demonstrate a positive shift in modifiable risk behaviours associated with non-communicable diseases.

These statistics and data do not indicate a failure of the current CTICP to provide appropriate community standards. The improving health outcomes and lower consumption do not establish a direct or indirect link between alcohol advertising on television and increased consumption and broader social harms.

While SCA welcomes improving health outcomes and more responsible consumption of alcohol, we recognise that the industry regulatory framework must continue to provide the necessary protection for consumers, especially minors, and that we must continue our efforts to promote and support a healthy drinking culture in Australia.

Economic Contribution of Australia's Spirits Industry

Our industry contributes \$15.5 billion in added value to the Australian economy, supporting 5,700 spirits manufacturing jobs and a further 45,400 jobs in spirits wholesale, retail, and hospitality. An additional 48,700 jobs are supported throughout our supply chain (Deloitte, 2024), while advertising investments support many more jobs across the creative industries and media sector.

At the same time, as part of its community contribution, the alcohol industry is a valuable source of funding for sporting clubs and associations across Australia, especially in regional and remote areas.

Approximately half of all local sports clubs, particularly in regional areas and in codes like rugby league, soccer, netball, and Australian Rules Football, are sponsored by the alcohol industry.

On an annual basis alcohol sponsorship of sporting and cultural events and associated promotions is valued at approximately \$50 million.

The Australian Alcohol Strategy also acknowledges the roles that alcohol plays in the economy, including through advertising, stating that "The alcohol manufacturing industry, wider retail and hospitality industries, advertising, broadcasting, and sporting industries play a significant role in Australia's economy and social fabric.

SCA would support an ACMA approach to this Review which balances the risk of over-regulation against these benefits, including the specific contribution of alcohol advertising during sporting broadcasts to the ongoing viability of important industries and the continuing delivery of vital services in our communities.

Alcohol Industry Regulatory Overview

An evaluation of existing arrangements is a statutory requirement before imposing restrictions, as ACMA must be satisfied that current CTICP fails to provide "appropriate community safeguards".

The evidentiary burden for those seeking to impose any additional restrictions, especially program standards, is to adequately demonstrate that the current code is NOT providing appropriate community standards.

The review will still inform the ACMA's assessment of whether it should determine a program standard on alcohol advertising in the CTICP under subsection 125(1) of the BSA, which confers power on the ACMA

to determine a standard where a code of practice fails” and ultimately it is up to ACMA to determine if further restrictions are required.

Roles and Responsibilities in Broadcasting

ACMA states in the Terms of Reference for the review that “We acknowledge that alcohol products and the advertising of such products are already subject to a wide range of regulatory requirements in Australia.”

The Australian alcohol market is among the world’s most highly regulated, with an extensive framework of federal, state/territory, and local regulations applying to the manufacture and sale and promotion of spirits as well as joint public and industry sector regulation of alcohol marketing and delivery.

All these protections recognise that the community has certain expectations and conditions on the consumption of alcohol, as we do with many industries and products. They provide Australian consumers with the confidence to make informed choices about their alcohol consumption.

Encouragingly the last AIHW survey mentioned above stated that *“Alcohol has a unique place in Australian society. While the number of people abstaining from alcohol has gradually increased over time, a majority of people in Australia do consume alcohol, and of those that do, most drink at safe levels.”* It is important to recognise that the research shows that proportion of people drinking alcohol at risky levels continued a gradual, long-term decline.

Importantly for the ACMA review consideration of correlation between alcohol advertising during sport and young Australians, AIHW research clearly states that the proportion of people aged 14–17 who had consumed alcohol in the previous year has dropped considerably over time, from 7 in 10 people in 2001 (69%) to just 3 in 10 (31%) in 2022–2023.

The evidence shows that more Australians are drinking responsibly, and in moderation, which counters the claims of the need for further regulations in alcohol advertising on free to air television.

Existing Broadcasting Regulations

The existing national regulatory framework for alcohol marketing carried on free-to-air TV combines the CTICP, the ABAC Responsible Alcohol Marketing Code (ABAC Code) and ABAC’s pre-vetting and complaints systems, and Free TV’s ClearAds pre-clearance service.

In addition, alcohol marketing is subject to the AANA Code of Ethics and the Ad Standards public complaints process. This combination provides a comprehensive approach to alcohol marketing on free-to-air TV.

The placement of alcohol commercials on television channels requires numerous checks to ensure compliance with the relevant codes. The industry must comply with the highest standards of each applicable code.

This current framework provides safeguards for the community by:

- requiring pre-vetting clearance of the content of alcohol advertisements before broadcast.

- limiting the exposure of minors to alcohol advertisements through a combination of time-of-day restrictions (CTICP) and restricting advertising to programs reasonably expected to attract an audience of at least 80% adults, irrespective of the time of day the program is broadcast (ABAC); and
- providing a public complaints and determination process.

In addition to the national regulatory there are state/territory laws and regulations on the sale and marketing of alcohol products that also need to be considered in evaluation the role of the CTICP in the much wider framework for community safeguards.

The role of ACMA

ACMA is the independent Commonwealth statutory authority for the regulation of communications and media services in Australia. Its purpose is to contribute to maximising the economic and social benefits of communications infrastructure, content and services for Australia. ACMA does this by maintaining, enforcing and improving regulation to drive industry performance and protect consumers.

ACMA is responsible for a broad range of functions which are spread across multiple pieces of legislation including the Telecommunications Act 1997, Broadcasting Services Act 1992 and Australian Communications and Media Authority Act 2005. ACMA sets and manages rules about communications and media services and markets. It is not a health or scientific body.

The purpose of the review is to determine if the Code of practice is providing appropriate community safeguards. It is not a health review of alcohol consumption.

As noted by Australian Grape and Wine, the review will not examine the content of alcohol advertisements, nor other advertising restrictions already covered under existing industry codes and standards.

Under section 125 of the Broadcasting Services Act, in order to make changes to the current regulatory setting, ACMA must be satisfied that there is convincing evidence that the Code of practice is not providing appropriate community safeguards.

Because ACMA's power to determine a standard is discretionary, even if it is satisfied that there is "convincing evidence" that the Commercial Television Industry Code of Practice (CTICP), is not providing 'appropriate community standards' – other matters may justify not making a standard.

On balance, ACMA will take into account other impacts, and in the case of the alcohol advertising review, this includes the economic contribution of alcohol advertising on commercial TV.

Therefore, any submissions recommending further restrictions, must not only make the case for more regulation, must address how any additional regulations take into account the economic contribution of alcohol advertising. This is especially relevant for sporting clubs and associations across Australia, especially in regional and remote areas.

Demands for increased restrictions should address the transaction costs of greater regulation, especially on the sporting clubs and associations.

Access to sport is critical for health and wellbeing. The Australian National Sport Strategy aspires to *“Building healthy, active, connected communities and a thriving sport system”* with sport delivering \$83 billion in combined economic, health and education benefits to Australia annually.

The National Sport Strategy highlights that physical inactivity is a leading preventable cause of ill health and premature death, responsible for 2.5% of total disease burden in Australia (in 2018) and that the benefits of sport include improved health and wellbeing, strengthened social connections, and increased productivity.

The Strategy also recognises the importance of collaborative arrangements in delivering policies, programs, community infrastructure and services needed to build healthy, active, connected communities and a thriving sport system.

In addressing how the review can take into account the economic contribution of alcohol advertising on television, SCA refers to the argument presented by Members of Parliament in support of funding provided by the alcohol and hospitality industry to sporting clubs and associations.

Government MPs referenced the connection between the alcohol industry and local sport in support of legislation for the beer excise freeze:

Member for Paterson NSW:

“In Paterson alone, we have around 340 licensed venues that will benefit from this policy. Three-quarters of them are small, family run businesses, the sorts that sponsor junior footy teams, host raffles, take on apprentices and put their profits straight back into their communities.”

Member for Braddon Tasmania:

“These are the venues that sponsor the local footy team, host charity raffles and employ young people starting out in the workforce, many of them university students.”

Member for Barton NSW:

“These are the venues that sponsor the local footy club, host family dinners, employ young people, train chefs, host charity events and offer a safe and social space for neighbours to connect.”

Member for Hunter NSW:

“In Kurri I've seen the pubs chip in to sporting clubs when the season's gone a fraction over budget.”

Member for Deakin Victoria:

“I've got a lot of local bowls clubs, footy clubs and cricket clubs who rely on revenue generated from draught beer to help subsidise the important work they do, whether it's supporting a family on a lower income with the cost of a uniform or footy boots, or keeping up the quality of the venue.”

They are covering essential costs for community organisations who are doing important work and providing a sense of social connection.”

Approximately half of all local sports clubs, particularly in regional areas and in codes like rugby league, soccer, netball and Australian Rules Football, are sponsored by the alcohol industry.

On an annual basis alcohol sponsorship of sporting and cultural events and associated promotions is valued at approximately \$50 million.

The Australian Alcohol Strategy also acknowledges the roles that alcohol plays in the economy, including through advertising, stating *“The alcohol manufacturing industry, wider retail and hospitality industries, advertising, broadcasting and sporting industries play a significant role in Australia’s economy and social fabric. Governments collect a significant amount of revenue via measures such as alcohol excise and liquor licence fees.”*

We suggest ACMA balance the risk of over-regulation against these benefits, and this review take into account the positive role played by the alcohol industry including the way advertising during sporting broadcasts supports the ongoing viability of important industries and the continuing delivery of vital community services.

The existing Commercial Television Industry Code of Practice (CTICP)

Television broadcasters and alcohol companies operate in a shared regulatory environment governing television alcohol marketing. The Australian spirits industry supports appropriate regulations that offer consumers protection through effective regulations and the availability of information necessary to support them making informed choices as adults in the consumption of a legal product.

Live sport is a uniquely Australian cultural setting with overwhelmingly adult audiences, where existing safeguards apply through both scheduling rules and audience composition requirements.

There are a number of appropriate provisions under the Commercial Television Industry Code of Practice (CTICP), that already restrict when alcohol advertising may be broadcast on free-to-air television, including during live sporting broadcasts, and SCA continues to support the application of these protections for underage consumers.

In particular, SCA continues to support restrictions on alcohol advertising, with the provision that compliant advertising is permitted “as an accompaniment to a Sports Program on a Weekend or a Public Holiday” when it is more likely an adult will be present.

We note ABAC did not support the changes to the Commercial Television Industry Code of Practice (CTICP) proposed by Free TV last year.

SCA shares the concerns raised about the proposed expansion of times during which alcohol advertising may be shown during the day when children are not at school and are generally at home (school holidays, public holidays, and weekends) and is expanded beyond 12-3 on school days to include 10 am – 12 middays. SCA and wider alcohol industry expressed concerns at the time, noting while the Code needs

to be updated to reflect changing consumer preferences and consumption behaviours, there was not a case to be made for the expansion of viewing times for alcohol advertising.

The proposed changes were inconsistent with ABAC guidance to alcohol marketers in relation to digital commercial television via a connected television which was developed to address community concerns about family co-viewing, which recommends that in addition to meeting ABAC placement standards alcohol marketers do not place advertisements with C, P or G (excl sports) content and between 5am and midday.

SCA supports the continuation of appropriate restrictions on alcohol advertising, including during sporting broadcasts, and to the ongoing protection of minors and underage consumers through regulatory frameworks such as ABAC and a fit-for-purpose Commercial Television Industry Code of Practice (CTICP).

ABAC and the Commercial Television Industry Code of Practice (CTICP)

It is important to recognise the critical role of the ABAC framework in the effectiveness of the CTICP. Under the current regulatory framework television broadcasters and alcohol companies operate within a shared regulatory environment. The CTICP and ABAC Code directly recognise and support each other in the regulatory framework:

- The CTICP states that television advertisers are expected to ensure their advertising complies with the ABAC Code.
- ClearAds alerts advertisers if an advertisement is likely to attract an ABAC complaint and withdraws its approval if the Panel finds a breach.
- The ABAC Code (Part 4(a)) requires that alcohol marketing communications comply with placement codes published by Australian media industry bodies, including the CTICP.
- ABAC signatories must obtain pre-vetting clearance for all television alcohol advertising.

It is also crucial to recognise that Part 4 of the ABAC Code applies to ads shown with sport, namely:

- If the platform over which the sports program/event is carried has age restriction controls, then these controls must be used by the alcohol marketer to exclude minors; and
- The reasonably expected audience of the sports program/event must be at least 80% adults.

Accordingly, while the CTICP permits alcohol advertising with sport irrespective of the time-of-day the sports broadcast is taking place, ABAC only permits alcohol advertising with sports where the audience of the broadcast is very strongly skewed to adults.

SCA supports the continuation and strengthening of this shared regulatory environment and suggests the ACMA review take into account other regulatory frameworks, especially the role of ABAC in supporting the CTIP in providing appropriate community safeguards.

While technical adjustments may be required to reflect the mechanical characteristics of the Free TV broadcast medium, SCA contends that a broad alignment between the Code and the ABAC Scheme Code could form the basis of a reasonable and pragmatic recommendation from the Review.

Spirits industry consumer commitments

The Australian spirits industry is committed to the responsible and safe consumption of alcohol. This is evidenced by SCA's voluntary participation in a number of industry-led responsibility campaigns and self-regulatory schemes, as well as individual initiatives by member companies.

The Australian spirits industry has a strong track record of regulatory compliance and working proactively to ensure our products are consumed responsibly. We are committed to ensuring the industry grows safely and sustainably, so that Australians may continue to enjoy our products in a safe and responsible manner.

The Alcohol Beverages Advertising Code

SCA jointly funds, and is a signatory to, the Alcohol Beverage Advertising Code (ABAC) Responsible Marketing Code, which is continually revised to meet community expectations.

Founded in 1998, the ABAC Responsible Marketing Code sets key standards for the responsible content and placement of alcohol marketing in Australia. It applies beyond traditional forms of advertising (television, radio, print and outdoor) to alcohol marketing communications in emerging digital and social media.

ABAC signatories represent around 88% of alcohol producer and 66% of alcohol retailer media spend in Australia but ABAC's decision-makers — pre-vetters and Panel members — are entirely independent of the alcohol and advertising industries. Signatory compliance with ABAC determinations has been 100% for all 28 years of its operation.

ABAC operates through three integrated components:

- The ABAC Responsible Alcohol Marketing Code — setting content and placement standards for all alcohol marketing in any medium.
- The ABAC pre-vetting service — providing advance clearance of proposed marketing before release (mandatory for broadcast television advertising by signatories).
- The ABAC public complaints process and independent Adjudication Panel — providing a safety net for public concerns about marketing communications through transparent, procedurally fair complaint determinations.

Spirits producers are the biggest utilisers of ABAC's pre-vetting service, demonstrating our commitment to proactively engaging with ABAC to ensure compliance with the Code.

Updated ABAC Code

In 2023 ABAC announced the implementation of a revised and updated ABAC Responsible Alcohol Marketing Code ("Code"). Key changes include:

- Increasing the percentage of adult viewers required before alcohol advertising is permitted around television programmes from 75 per cent to 80 per cent to ensure Australia's Code is best practice globally.
- Expanding the definition of 'Strong and Evident Appeal to Minors' to further ensure that alcohol advertisements do not engage young people.
- Expanding restrictions on the direct marketing of alcohol by toughening requirements to offer opt outs from this marketing and ensure these are honoured.

The Code now expressly outlines that alcoholic beverages cannot offer therapeutic or health benefits (including mental health) and cannot be used to help overcome problems or adversity.

There is now a specific definition in the Code which outlines that:

"Alcohol Alternative means a beverage that is at or less than 0.5% alcohol by volume that:

- has an appearance and style commonly associated with alcohol; and*
- uses a brand or descriptors commonly associated with alcohol, such as, beer, wine, spirit or other; and*
- is not a beverage commonly understood as non-alcoholic, such as fruit juice, soft drink, flavoured milk or other which fall outside the Code remit".*

There is also now a definition for Alcohol Alternative Marketing Communications, which are now subject to ABAC by virtue of a new Part 5.

Other changes to the Code include the prohibitions against using social media influencers who are (or appear to be) under the age of 25 years of age.

Also, in response to the impact of social media, the wording pertaining to the responsible and moderate portrayal of alcohol in 3(a)(i) and (ii) expands the definition of "excessive consumption" and adds a prohibition on "treat as amusing". As a result, brands will now be explicitly prohibited from using humorous memes and captions in advertising materials which encourages misuse or irresponsible behaviour related to the consumption of alcohol.

In announcing the changes, ABAC stated:

"The ABAC scheme is already one of the strictest codes of its kind for alcohol advertising in the world. It is an example of government, industry and other independent stakeholders joining together to ensure alcohol advertising is appropriate and in line with efforts to reduce harmful consumption and protect young people. But we recognise the need for the Code to do more to keep pace with the changing marketing environment, particularly in relation to protecting young people."

These updates and changes demonstrate ABAC and the alcohol industry in Australia continue to ensure the rules and regulations keep pace with the way alcoholic products are marketed, sold and delivered.

Retail Drinks Online Code

Alcohol retailers, in collaboration with producers, government and community, developed the Retail Drinks Online Code as an industry-wide framework to enhance compliance in the responsible online sale and delivery of alcohol. The Code was launched in July 2019 and is continually revised to meet evolving needs, with the latest revision occurring in November 2023. Signatories to the Code represent more than 80% of all alcohol purchased online in Australia.

DrinkWise

The Australian spirits industry continues to promote and support efforts to protect consumers and further improve the drinking habits of customers. This includes the proactive programs and campaigns by DrinkWise, and member initiatives aimed at encouraging responsible consumption.

Established in 2005, DrinkWise Australia is an independent, not-for-profit organisation focused on bringing about a healthier and safer drinking culture in Australia. Through our membership of Drink Wise, SCA supports:

- Promoting a generational change in the way Australians consume alcohol.
- Tackling underage drinking by educating young people about the impact that alcohol has on the development of the adolescent brain; and
- Increasing awareness of the responsible service of alcohol, through moderation campaigns and educational tools to help enhance understanding of a standard drink, that alcohol is alcohol and the impact that harmful drinking can have on the human body.

To promote such significant behavioural changes, DrinkWise develops and implements a range of national information and education campaigns, as well as providing practical resources to help inform and support the community about alcohol use.

DrinkWise campaigns focus on personal responsibility and courtesy in the context of alcohol consumption emphasizing the importance of moderation and respect during events, particularly in sports and cultural celebrations.

These campaigns include:

- “Always respect, always DrinkWise,”
- “Never Have I Never”
- “You won’t miss a moment if you DrinkWise” and the
- “It’s okay to say nay” campaigns.

69% of Australian sports fans said they adapted their behaviour to drink in moderation after seeing DrinkWise communications.

Member initiatives

SCA members have taken additional steps to promote responsible drinking through global initiatives designed to enhance consumer information and encourage informed choices with regard to alcohol consumption, both in Australia and throughout the world.

Case study: Diageo Australia 'SMASHED' Program [<https://smashedproject.com.au/>]

Smashed is a global alcohol education and attitudinal change programme delivered in Australia by Gibber and sponsored by Diageo Australia as part of its commitment to reducing underage drinking among Australian teens.

Originally developed in the UK, Smashed was created in collaboration with young people and combines drama with interactive workshops to help them understand the facts, causes and consequences of underage drinking. There is no branding in the production, and it's delivered by an independent partner. Since launch in the Australian market in 2018, Smashed has been performed for more than 300,000 Australian students across years 8, 9 and 10. Following the performance, students are evaluated on knowledge and behavioural change and 95% of students surveyed confirm they are less likely to drink alcohol underage as a result of seeing Smashed.

Evidentiary Threshold for Further Regulation

The Terms of Reference clearly state that the review does not presuppose an outcome, including if any additional or strengthened regulatory intervention is required. Under section 125 of the Broadcasting Services Act, ACMA must be satisfied that there is convincing evidence that the Code of practice is not providing appropriate community safeguards.

SCA does not believe this evidentiary burden will be met to prove the current – as opposed to the proposed – code of practice can be deemed to be failing to provide "appropriate community safeguards."

Under the current Code, drinking outcomes are improving, especially the number of Australians drinking in moderation, further undermining the contention that additional regulations and restrictions are required.

Available evidence does not support the proposition that alcohol advertising is a significant community concern. A nationally representative online survey of 1,500 Australian adults conducted by JWS Research for ABAC in 2025 found that alcohol marketing ranked lowest out of 14 societal issues tested, with only 12% of respondents identifying it as a significant concern, down from 16% in 2021.

Importantly the Terms of Reference acknowledge the review will provide a fact base to be used by industry and Free TV in the development of a revised Commercial Television Industry Code of Practice (CTICP), that can be re-submitted to ACMA. This is an important guide to the need to allow the industry to respond to the outcomes of the review before any additional restrictions are imposed on the industry.

SCA strongly endorses this approach and requests that industry be provided with sufficient opportunity to consider the outcomes of the review in the development of revised code of practice. Regardless of any findings supporting program standard under section 125 of the BSA, free to air broadcasters and the alcohol industry should be given opportunity to address these through a revised code.

Further improvements to the industry Code of Practice can be better achieved through consultation, and that there are some areas of the existing arrangements that can be achieved through a revised Code of Practice that can be re-submitted to ACMA for approval.

As discussed earlier in this submission, the SCA strongly recommends the ACMA review take into account other regulatory frameworks, especially the role of ABAC in supporting the CTIP in providing appropriate community safeguards.

This is important to understanding and evaluating the role of the FreeTV code in a comprehensive regulatory framework, and to ensure that the role and contribution of other regulatory models, especially ABA are incorporated into the findings.

SCA highlights the important role of other regulatory models in provide appropriate community safeguards, with ABAC reporting key performance measures such as:

- In 2025, only 5% of Panel decisions related to broadcast television, and none of those resulted in a breach finding.
- The alcohol category attracts less than 4% of all public complaints about advertising.

Results and outcomes such as those from ABAC and AIHW are crucial to understanding and evaluating the protections offered to the community.

SCA also welcomes ABAC's recent environmental scan of the alcohol marketing regulatory landscape did not identify alcohol advertising on broadcast television as posing a systemic regulatory risk.

Conclusion

In responding to the ACMA review of alcohol advertising rules in the CTICP, SCA is guided by the Australian spirits industry's strong and enduring commitment to promoting a safe and vibrant spirits sector, reflecting Australia's maturing drinking culture.

This review provides an opportunity for industry and government to reflect on the specific issue of alcohol advertising during the broadcasting of sport and also the consumption trends and behavioural changes reflecting a more mature and healthy relationship between Australians and alcohol.

It is important for this review to acknowledge the progress that is being made, and to develop appropriate policy responses where they are warranted and required.

SCA recognises the long-standing role of ACMA and its expertise in developing evidence-based regulations. In our submission we have sought to provide analysis and evidence aligned with the Terms of Reference and to address the specific requirements of the review to ensure ACMA has the right information to fulfill the objectives of the review.

This review sought to gather evidence to allow ACMA to understand how the current alcohol advertising restrictions, set out under part 6.2 of the CTICP, are operating and if they provide appropriate community safeguards.

To assist ACMA in this process, SCA has addressed the specific requirements for the review to consider and report to the Authority on:

1. **The operation and outcomes of current Free TV Code provisions**, including the volume, frequency, and placement of alcohol advertising in sport and non-sport programming on commercial TV. Our submission provides independent data and research on the improving alcohol consumption trends in Australia, and the associated improving health outcomes, which are occurring under the current regulator arrangements, suggesting firstly that the current arrangements are effective but secondly countering any allegations that they are not providing appropriate community safeguards.
2. **Available data and research that is directed towards establishing a direct or indirect link between alcohol advertising on television, increased consumption, and broader social harms**. Once again, the Australian spirits industry does not believe that based on the available data and research, especially from independent bodies such as the AIHW, that there is either direct or indirect link between alcohol advertising on television, increased consumption and broader social harms that would warrant the imposition of stronger mandatory regulations, and that the industry should continue to develop and improve the current framework, especially through an improved and approved CTICP.
3. **The economic contribution of alcohol advertising on commercial TV**.

It is incumbent on stakeholders pushing for further restrictions to demonstrate their demands will not have unintended consequences and negative outcomes such as reduced funding for sport and other community activities, especially in more disadvantaged areas such as remote and regional communities. As highlighted by numerous Members of Parliament during recent debate, many local sporting teams rely on funding and support from the alcohol and hospitality industry, along with the jobs and economic contribution of the sector.

SCA, along with ABAC, the ABA and others submit the regulatory settings for alcohol marketing on traditional free-to-air TV are currently effective and can be further improved by through a revised CTICP.

SCA supports the approach taken by ABAC of promoting greater alignment between the ABAC and CTICP codes to strengthening the broader regulatory system without the complexity of a new standard.

The Australian spirits industry will continue to advocate for sensible and appropriate reforms that balance the choice for Australian consumers to access legal products, with the obligations and responsibilities of the society to offer the necessary protections and support to ensure that alcohol is consumed safely and appropriately.