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Manager, Content and Media Reform
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

Registered Charity
ABN 42 006 173 379
Level 7, 461 Bourke Street
Melbourne VIC 3000
Telephone 03 9670 1000
StrokeLine 1800 STROKE (1800 787 653)
strokefoundation.org.au

Sent by email: camr@acma.gov.au

Dear Sir/Madam

Stroke Foundation's response to the Australian Communications and Media Authority review of alcohol advertising rules in the Free TV Code

As the voice of stroke in Australia, Stroke Foundation welcomes the opportunity to provide input into the Australian Communications and Media Authority (ACMA) review of alcohol advertising rules in the Free TV Code (the Code). The key points in our submission are summarised below.

Key points

- Drinking too much alcohol regularly, or 'one-off' over consumption of alcohol, can increase the risk of stroke. We know that the less alcohol you drink, the lower your risk of harm; however, there is no safe level of alcohol intake with regard to alcohol-related harms.
- We have developed a range of recommendations for Australian governments to reduce alcohol-related harm in the community. These include implementing taxation reforms, developing public health campaigns that promote a better understanding of the risks and harms associated with alcohol consumption, and most pertinently for this review, introducing restrictions to reduce exposure to alcohol marketing, which is a key driver of alcohol use.
- The existing Free TV Code is failing to adequately safeguard the community against the harms associated with alcohol advertising, and its deficiencies are facilitating the widespread exposure of children and young people to these harms.
- Commercial free-to-air television broadcasters are heavily reliant on advertising revenue and have clearly indicated their wish to expand alcohol advertising. Therefore, the Australian Communications and Media Authority (ACMA) must act now to regulate alcohol advertising appropriately. Specifically:
 - ACMA should create a new program standard to regulate alcohol advertising in Australia, and replace the existing Code, which has failed in delivering appropriate community safeguards **(Recommendation 1)**.
 - As a minimum, the program standard should further restrict the permitted alcohol advertising hours, remove any exemption for alcohol advertising during sports programming, and capture all forms of alcohol marketing seen on broadcast television (including sponsorship and zero/no alcohol products) **(Recommendation 2)**.
 - The program standard should be extended to all aspects of commercial broadcasters' services, including Broadcast Video On Demand services (e.g. channels such as 7Plus, 9Now and 10Play) **(Recommendation 3)**.

About Stroke Foundation and the health impacts of alcohol

Stroke Foundation is a national charity that partners with the community to prevent stroke, save lives and enhance recovery. We do this through raising awareness, empowering health professionals to deliver high quality, best-practice care to stroke patients, facilitating research, and supporting survivors of stroke. We advocate for better systems, processes and resources to help health professionals deliver world class stroke care.

There are an estimated 45,785 stroke events in Australia annually and more than 440,000 survivors of stroke are living in our community.¹ The lifetime costs associated with strokes that occurred in Australia in 2023 exceed \$15 billion (\$350,000 per person), including healthcare, lost productivity and unpaid carer costs.¹ Research shows that without a concerted effort to improve stroke awareness and prevention, the number of annual stroke events in Australia is expected to reach 72,000 by 2050.¹

We know that more than 80 percent of strokes can be prevented,² and that stroke prevention remains the most effective means of reducing the impact of stroke in Australia.

Drinking too much alcohol regularly, or 'one-off' over consumption of alcohol, can increase the risk of stroke, as alcohol consumption is linked to a number of other conditions which are risk factors for stroke. For example:

- One of the cumulative effects of drinking too much alcohol is circulatory system damage, which increases the risk of high blood pressure, the leading modifiable risk factor for stroke.³
- A one drink per day increase in alcohol consumption increases the risk of atrial fibrillation by six percent.⁴ In this condition, the heart beats fast and out of rhythm, which can lead to the formation of blood clots in the heart and an increased risk of stroke.
- A high alcohol consumption changes the way the body responds to insulin, making it harder to control blood sugar levels, contributing to the development of type 2 diabetes, a known risk factor for stroke.
- Given the relatively high energy content of alcohol, excessive alcohol consumption has been associated with overweight and obesity,⁵ which increases the risk of stroke.

Alcohol can also interact with prescribed medications, such as the anticoagulant warfarin,⁶ increasing the risk of bleeding in the brain and haemorrhagic stroke.

Alcohol is a major contributor to domestic, family and sexual violence in Australia.⁷ Women exposed to such violence, who experience non-fatal strangulation and traumatic injury to the head, may be at increased risk for stroke.^{8, 9}

We know that the less alcohol you drink, the lower your risk of harm.¹⁰ Importantly, however, there is no safe level of alcohol intake with regard to alcohol-related harms.¹⁰ To reduce the risk of harm from alcohol-related disease or injury, including stroke, healthy men and women should drink no more than 10 standard drinks a week and no more than 4 standard drinks on any one day, in line with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol.¹⁰ Similarly, people who have had a stroke or transient ischaemic attack (TIA) should avoid excessive alcohol consumption (no more than 10 standard drinks per week and no more than 4 standard drinks on any one day).^{10, 11}

Reducing alcohol-related harm in the Australian community

Stroke Foundation is focused on empowering more Australians to recognise the risk factors for stroke, including alcohol use, that can be changed, and in doing so increase their chances of preventing stroke.

We have also developed a range of recommendations for Australian governments to reduce alcohol-related harm in the community,¹² including introducing restrictions to reduce exposure to alcohol marketing, which is a key driver of alcohol use.¹³

In Australia, under the *Broadcasting Services Act 1992*, commercial free-to-air television broadcasters, who are represented by the peak industry body 'Free TV Australia', are required to develop a Code of

Practice that provides adequate community safeguards, particularly for vulnerable groups such as children. Importantly, however, the existing Commercial Television Industry Code of Practice (the Code) is failing to protect the community from the harms associated with alcohol advertising. Concerningly, the deficiencies of the current Code are facilitating the widespread exposure of children and young people to these harms.

Weaknesses in the existing Code

General permissiveness

A significant amount of alcohol marketing is allowed under the current Code, which is characterised by a lack of adequate rules and a general permissiveness, limiting its ability to provide appropriate community safeguards. Specifically, alcohol advertisements are able to be shown from 8.30 pm to 5 am every day, and between 12 pm and 3 pm Monday to Friday (school days), as well as during any sports program on a weekend (6 pm Friday to midnight Sunday) or public holiday.

The definition of a 'Commercial for Alcoholic Drinks' in the current Code is narrow, and only includes advertisements that directly promote the purchase or use of an alcoholic drink, while excluding several other types of alcohol-related marketing and allowing these advertisements to be shown on television at any time. Examples of alcohol-related marketing that fall outside the narrow definition in the current Code include brand-only advertising, alcohol sponsorship announcements, incidental depictions of alcohol consumption and advertising for zero-alcohol and low-alcohol products (below 1.15 percent alcohol by volume [ABV]). Zero alcohol and low alcohol products serve as a 'backdoor' for alcohol marketing, as they utilise labels, colours and designs that are closely associated with a brand, without actually advertising the product itself, while successfully sidestepping legislation. It is important that the same advertising restrictions that apply to alcoholic products also apply to zero alcohol and low alcohol products.

Alcohol advertising and sports programming - 'the sports loophole'

For at least the last 50 years, a live sports exception which allows alcohol advertising from 6 pm Friday to midnight Sunday for a broad range of 'sports programs', has applied on commercial television, which is a major weakness in the Code. When the Code was revised in 2015, the definition of a 'sports program' was broadened further, to include coverage such as sports replays, highlights, news, commentary and events (such as the Brownlow medal night).

This loophole facilitates more alcohol advertising during sports programming, and increases the exposure of children to alcohol advertising. A recent study has shown that over a 12-month period, the top ten alcohol companies aired nearly 11,000 advertisements during Australian sports free-to-air television broadcasts, and 45 percent of these were shown during children's viewing hours (before 8.30 pm).¹⁴

Lack of regulation of Broadcast Video On Demand in the Code

In 2024-25, catch-up and streaming services delivered via channels such as 7Plus, 9Now, and 10Play, attracted regular adult viewing of between 27 percent and 45 percent¹⁵; however, due to a carve-out that has been in place for more than 25 years, these Broadcast Video On Demand (BVOD) services are not considered a 'broadcasting service' under the *Broadcasting Services Act*. Consequently, despite these BVOD services being operated by the same broadcasters, the alcohol advertising rules in the Code do not apply to these channels. This lack of regulation has resulted in alcohol advertisements being shown during BVOD programs for children and young people. BVOD audiences are growing, and these services should not be excluded from the Code, and left unregulated.

The impact on children and young people

When children are exposed to alcohol advertising, this makes them more likely to begin drinking at a younger age and more likely to drink at harmful levels later in life¹⁶; however, despite this, children are frequently exposed to this advertising. A recent study has confirmed that Australian children continue to experience significant exposure to alcohol advertising on television, with 70 percent of survey participants aged 15 to 17 years reporting seeing alcohol advertising in the past month, and the highest recall being television advertisements (32 per cent).¹⁷ As noted above, children are particularly vulnerable to alcohol advertising through the medium of sport, and the Code's sports programming loophole is facilitating this

exposure. In order to meet the objective in the *Broadcasting Services Act* 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’, stronger protections are needed.

The need for an ACMA-created ‘program standard’

Commercial free-to-air television broadcasters are heavily reliant on advertising revenue and have clearly indicated their wish to expand alcohol advertising. For example, the most recent Code revision proposed by Free TV Australia, which was rejected by ACMA, would have further undermined the regulation of alcohol advertising by allowing up to 800 additional hours of alcohol advertisements each year.¹⁸ Therefore, ACMA must act now to regulate alcohol advertising appropriately. Specifically:

- ACMA should create a new program standard to regulate alcohol advertising in Australia, and replace the existing Code, which has failed in delivering appropriate community safeguards **(Recommendation 1)**.
- As a minimum, the program standard should further restrict the permitted alcohol advertising hours, remove any exemption for alcohol advertising during sports programming, and capture all forms of alcohol marketing seen on broadcast television (including sponsorship and zero/no alcohol products) **(Recommendation 2)**.
- The program standard should be extended to all aspects of commercial broadcasters’ services, including BVOD services **(Recommendation 3)**.

Conclusion

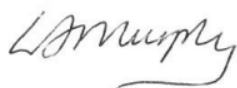
Stroke Foundation strongly supports the implementation of proven, evidence-based policy measures by Australian governments, in order to address the significant impact of alcohol-related harm in our community.

Evidence shows that Australians want to see stronger regulation of alcohol advertising. The results of a recent, nationally representative survey undertaken by the Foundation for Alcohol Research and Education (FARE), showed 75 percent of Australians agreed there should be less alcohol advertising on television, with only 8 percent disagreeing.¹⁹ In addition, 82 percent supported restrictions on alcohol advertising during children’s viewing hours, including during live sports broadcasts, with only 6 percent disagreeing.¹⁹

Stroke Foundation commends ACMA on its current review of alcohol advertising rules in the Code, and for inviting expert and community input. This review provides ACMA with the opportunity to address weaknesses in the current Code, reduce alcohol-related harm in the community and meet the expectations of the Australian public.

Thank you for the opportunity to provide feedback as part of this review.

Yours sincerely



Dr Lisa Murphy
CEO
Stroke Foundation

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