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Ms Nerida O'Loughlin
Chair and Agency Head
The Australian Communications and Media Authority (ACMA)
PO Box Q500
Queen Victoria Building NSW 1230

Via email: CAMR@acma.gov.au

Dear Ms O'Loughlin

**RE: SUBMISSION TO REVIEW INTO ALCOHOL ADVERTISING RESTRICTIONS IN THE
FREE TV CODE (THE CODE)**

Drug ARM welcomes the opportunity to make this submission in response to the ACMA's public consultation on the *Review into alcohol advertising restrictions in the Free TV Code* (the Code).

Drug ARM is a not-for-profit organisation that has been supporting individuals, families and communities affected by alcohol and other drug use for over four decades, and can trace our Foundation history back to 1849. We deliver prevention, early intervention, treatment, and harm-reduction services across metropolitan, regional and rural communities, including targeted programs for children and young people, families, and Aboriginal and Torres Strait Islander communities.

Through our frontline services, Drug ARM sees firsthand the significant harms caused by alcohol use, including impacts on physical, mental and social health. We are particularly concerned about the role alcohol advertising plays in shaping social norms around drinking, influencing earlier initiation among young people, and reinforcing harmful patterns of use. This consultation is therefore of critical importance to our clients, our workforce, and the communities we serve.

Key points

We support the Foundation for Alcohol Research and Education (FARE)'s submission on this matter, and reiterate our support of the following key points, which are clearly evidenced

in the extensive research and community opinion relating to alcohol, its harmful impacts, and the role advertising plays in those harms.

1. The existing Code exposes the community to significant harm, and it fails to provide appropriate community safeguards.
2. The flaws in the Code are unlikely to be improved in any material way by the commercial television industry.
3. Specific weaknesses in the code include: a) the generally permissive approach to alcohol advertising; b) the sports programming exemption; c) limited definitions in the Code mean the full breadth of alcohol promotion is not covered.
4. ACMA should replace the code by making a new program standard to protect the community.
5. ACMA should include Broadcast Video on Demand (BVOD) services under a new program standard to ensure the community is appropriately safeguarded from harms caused by alcohol advertising.

Harms of alcohol and alcohol advertising

Australians deserve to live healthy and safe lives, free from the harms of alcohol on individuals, families and communities. Yet tragically, Australians are experiencing extensive and worsening harms from alcohol.

Alcohol advertising, which is facilitated by the existing Free TV Code, is contributing to this harm. Marketing is a key driver of alcohol use.ⁱ Millions of Australians watch commercial broadcast television - over 50 per cent of adults, according to ACMA's latest data.ⁱⁱ The Code, and the extensive alcohol advertising it permits on commercial TV, is directly contributing to serious harms in the Australian community.

Given these harms, it is critical that ACMA recognises alcohol as a unique and harmful commodity, regulates it appropriately, and prevents harm in the Australian community.

Alcohol harms include the following:

- Recently, Australia experienced the highest rates of alcohol-induced deaths in over 20 years.ⁱⁱⁱ
- Alcohol contributes to and exacerbates domestic, family and sexual violence (DFS),^{iv} with women and children most impacted by family and domestic violence.^v Over half of male intimate partner homicide offenders used alcohol at high-risk levels at the time of the homicide.^{vi}
- Alcohol is a carcinogen, causing at least seven types of cancer, including mouth, throat, oesophagus, liver, breast and bowel cancer.^{vii}
- Alcohol continues to be the most common principal drug of concern that leads people to receive treatment across Australia^{viii}, and causes alcohol-related brain injury.
- Almost half of Australians are negatively affected by another person's alcohol use.^{ix}

Weaknesses in the Code

The Code has proved to be ineffective in protecting the community from harm and in providing appropriate safeguards.

- One significant weakness is the sports exemption, which permits alcohol advertising from 6pm Friday to midnight Sunday for a broad category of "sports programs". Weekends and public holidays are times when alcohol harms are more likely to

occur.^x ACMA should be guided by the Federal Government's 2024 Rapid Review of Prevention Approaches for family and domestic violence, which recommended that alcohol advertising be restricted during sporting events due to the connection to DFSV.^{xi}

- The Code's general restrictions on alcohol advertising (which allow it from 8:30pm-5am every day of the week, and also between 12pm-3pm Monday to Friday on school days) are weak and insufficient for a product that is understood to cause such harm.
- The Code is also 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 alcohol advertising rules do not apply to low-alcohol or zero-alcohol products, even though these often use identical branding to full-strength alcohol. 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.^{xii} 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.^{xiii}

Alcohol advertising is harmful to children – exposure makes them more likely to begin drinking at a younger age and are more likely to drink at harmful levels later in life – yet the Code frequently exposes children to this advertising.

For example, 2022 research showed that young people (12 to 17 years) reported frequent exposure to alcohol advertising on television (17.1% daily).^{xiv} 2022 research shows there are around 11,000 alcohol ads during sports broadcasts on free to air TV during a year – 45% of which were shown during children's viewing hours.^{xv} Children are also particularly susceptible to alcohol advertising through the medium of sport, and the Code's sports program exceptions are facilitating this exposure.

The objects of the *Broadcasting Services Act*, 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.

Failure to improve the Code

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 conflict with the ACMA's mandate to safeguard the community. Examples include:

- 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 more harm.
- The latest Code revision put forward by Free TV sought 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 – a proposal rejected by ACMA.^{xvi}

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.

Lack of regulation for Video On Demand (VOD) in the Free TV Code

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.

This lack of alcohol advertising regulation has resulted in the placement of alcohol advertising during programs aimed at children and young people. To date, the commercial broadcasters have been unwilling to extend the Code to cover their BVOD services, despite ACMA requesting them to do so in public statements in 2024^{xvii} and 2025.^{xviii} There is nothing formally preventing the commercial television broadcasters from extending the Code to BVOD.

Community complaints have been lodged across a number of years for ads appearing during family friendly shows on BVOD services such as 7Plus, 9Now and 10Play. These complaints report alcohol advertising being placed during shows like Lego Masters, Carols in the Domain and Home & Away.

This is an environment requiring urgent attention given the growing viewer numbers on digital platforms. With the legislative exclusion of BVOD services from the Act due to sunset in September 2027, the timing of this change is suitable for BVOD services to be brought into a new program standard developed by ACMA over the next year.

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

Community expectations

The Australian community wants to see stronger protections on alcohol advertising. Representative polling from January 2026 showed 75% of Australians support less alcohol advertising on television (only 8% oppose) and 82% of Australians agree that alcohol advertising should be restricted during children's viewing hours, even during live sports broadcasts (only 6% disagree).^{xix} This is in addition to the strong community response to Free TV's proposed new Code in 2024, which was rejected by ACMA.

Conclusion

For the individuals, families and communities supported by Drug ARM, stronger regulation of alcohol advertising is not an abstract policy issue, rather, it has real and measurable impacts on safety, health and wellbeing. Allowing the commercial television industry to continue writing its own Code prioritises advertising revenue over the protection of children, families and those most vulnerable to alcohol-related harm.

A program standard developed and enforced by ACMA would mark a critical shift toward evidence-based regulation that reflects community expectations and public health priorities. It would better protect children from early exposure, reduce the normalisation of harmful

drinking, and support national efforts to address domestic and family violence, chronic disease and preventable deaths.

We reiterate our call for ACMA to respond to the evidence of harm and to the community concern, and to replace the failing Free TV Code with a strong program standard that puts community health and wellbeing first.

Yours sincerely



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ⁱⁱ ACMA (2026) *Communications and media in Australia: Trends and developments in viewing and listening 2024-2025* <https://www.acma.gov.au/publications/2026-03/report/trends-and-developments-viewing-and-listening-2024-25>

ⁱⁱⁱ AIHW (2024) *Alcohol, tobacco & other drugs in Australia* <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/impacts/health-impacts>

^{iv} ANROWS (2017) *Links between alcohol consumption and domestic and sexual violence against women: Key findings and future directions* https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/02/19024408/Alcohol_Consumption_Report_Compass-FINAL.pdf

^v AIHW (2023) *Family and domestic violence* <https://www.aihw.gov.au/family-domestic-and-sexual-violence/types-of-violence/family-domestic-violence>

^{vi} Campbell E, Fernando T, Gassner L., Hill J, Seidler Z & Summers A (2024) *Unlocking the prevention potential: Accelerating action to end domestic, family and sexual violence* <https://www.pmc.gov.au/resources/unlocking-the-prevention-potential>

^{vii} Cancer Council Victoria (2024) *Ways alcohol causes cancer - Alcohol causes at least 7 types of cancer* <https://www.cancervic.org.au/cancer-information/preventing-cancer/limit-alcohol/how-alcohol-causes-cancer>

^{viii} AIHW (2025) *Alcohol and other drug treatment services in Australia: early insights* <https://www.aihw.gov.au/reports/alcohol-other-drug-treatment-services/alcohol-other-drug-treatment-services-aus/contents/key-findings/drugs-of-concern>

^{ix} Laslett A, Hopkins C, Smit K, Cook M, Robin R, et al (2025) *Alcohol's Harm to Others in Australia: Patterns, Costs, Disparities and Precipitants* <https://doi.org/10.26181/30715955>

^x Lloyd B (2012) *Drinking cultures and social occasions – public holidays Research summary*. Turning Point. https://www.vichealth.vic.gov.au/sites/default/files/Drinking-cultures-social-occasions-Factsheet_public-holiday.pdf

^{xi} Rapid Review (2024) *Unlocking the Prevention Potential: Accelerating action to end domestic, family and sexual violence*. p. 105 <https://www.pmc.gov.au/sites/default/files/resource/download/unlocking-the-prevention-potential-4.pdf>

^{xii} Bartram A, Ahad M A, Bogomolova S, Mittinty M, Dono J, Brownbill A, et al (2026) *Adolescents' Exposure to Zero-Alcohol Advertisements and Attitudes and Consumption Intentions Towards Alcohol: A Cross-Sectional Study* <https://onlinelibrary.wiley.com/doi/10.1111/dar.70125>

^{xiii} Harrison N, Norris C, Bartram A, Murphy M, Pettigrew S, et al (2024) *"They start on the zero-alcohol and they wanna try the real thing": Parents' views on zero-alcohol beverages and their use by adolescents* <https://www.sciencedirect.com/science/article/pii/S1326020023052962?via%3Dihub>

^{xiv} 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* <https://pubmed.ncbi.nlm.nih.gov/36067077/>

^{xv} Martino F, Ananthapavan J, Moodie M, Sacks G (2022) *Potential financial impact on television networks of a ban on alcohol advertising during sports broadcasts in Australia* <https://doi.org/10.1111/1753-6405.13223>

^{xvi} ACMA (2025) *ACMA decision on revised Commercial Television Industry Code of Practice*
<https://www.acma.gov.au/articles/2025-06/acma-decision-revised-commercial-television-industry-code-practice>

^{xvii} <https://www.acma.gov.au/articles/2024-10/acma-welcomes-commercial-tv-code-practice-consultation>

^{xviii} <https://www.acma.gov.au/articles/2025-06/acma-decision-revised-commercial-television-industry-code-practice>

^{xix} Unpublished data available upon request through info@fare.org.au