

# SUBMISSION

Thursday, 7 May 2026

## AMA submission to the ACMA Review of alcohol advertising rules in the Free TV Code

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### Introduction

The AMA supports ensuring that Australians should have the opportunity to be healthy, safe and free from the many ways that alcohol causes harm to people, families and communities. The AMA supports a harm minimisation approach to alcohol consumption is best addressed through targeted prevention and early intervention. This includes tighter regulation around alcohol marketing and promotion. We are pleased to make this submission in response to the Australian Communications and Media Authority (ACMA) public consultation on the *Review into alcohol advertising restrictions in the Free TV Code* (the Code).

Currently, Australia is experiencing the highest rates of alcohol-induced deaths in over 20 years.<sup>1</sup> Alcohol marketing, including broadcast advertising, influences people's preferences, attitudes, social norms and use of alcohol products, which subsequently impacts on community health, safety and wellbeing.

Health impacts of alcohol include hospitalisation and deaths from injury and other acute and chronic diseases, like cancer and mental illness. Alcohol is a known carcinogen, causing at least seven types of cancer, including mouth, throat, oesophagus, liver, breast and bowel cancer.<sup>2</sup> Alcohol continues to be the most common principal drug of concern leading people to seek treatment<sup>3</sup>, and can cause alcohol-related brain injury and Fetal Alcohol Spectrum Disorder (FASD) when alcohol is consumed during pregnancy.

The AMA is concerned that alcohol plays a significant role in exacerbating domestic, family and sexual violence (DFSV),<sup>4</sup> with women and children most impacted by family and domestic violence.<sup>5</sup> Over half of male intimate partner homicide offenders used alcohol at high-risk levels at the time of the homicide.<sup>6</sup> Several studies confirm the link between violence and alcohol and heightened incidences corresponding to sporting events.<sup>7 8</sup> The link is so strong that the Rapid Review of Prevention Approaches for family and domestic violence recommended that *"alcohol advertising be restricted during sporting events"*.<sup>9</sup> They based this recommendation on *"the statistical increase in DFSV incidents during football grand finals, as well as the high number of children who watch sport on television and mobile apps"*.

Considering this recommendation, and the evidence demonstrating that when children are exposed to alcohol advertising, they are more likely to start drinking early and to drink at higher risk levels<sup>10 11</sup>, broadcast alcohol advertising should be reduced, not increased. Children are frequently exposed to harmful alcohol advertising.<sup>12 13 14</sup> Weekends and public holidays are also times when alcohol harms

are more likely to be exacerbated with more viewers.<sup>15</sup> Almost half of Australians are negatively affected by another person's alcohol use.<sup>16</sup>

Alcohol advertising, which is facilitated by the existing Free TV Code, is contributing to this harm. Marketing is a key driver of alcohol use.<sup>17</sup> Millions of Australians watch commercial broadcast television, over 50 per cent of adults, according to ACMA's latest data.<sup>18</sup> 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, the AMA advocates that it is critical that ACMA recognises alcohol as a unique and harmful commodity, regulates it appropriately, and prevents harm in the Australian community.

## Recommendations

**Recommendation 1.** ACMA exercise its power under s125 of the *Broadcasting Services Act 1992* to *make a program standard* to apply to the commercial television broadcasting industry in relation to alcohol advertising. This program standard would replace the current Code in respect of alcohol advertising because the Code has failed in delivering appropriate community safeguards.

**Recommendation 2.** The program standard should be framed to provide strong community safeguards that recognise the role that alcohol advertising plays in driving alcohol consumption and the harms that flow from such consumption. 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 3.** The program standard should be extended to all aspects of the commercial broadcasters' services, including broadcast video on demand (BVOD) (eg. Channels 7Plus, 9Now).

## Further evidence

### Weaknesses in the Code

The AMA is deeply concerned that 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.<sup>19</sup> 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.<sup>20</sup>
- 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.<sup>21</sup> 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>22</sup>

The AMA is also concerned that the Code fails to adequately protect children from frequent exposure to alcohol advertising. This exposure is harmful, increasing the risk that children will begin drinking at a younger age and consume alcohol at harmful levels later in life.

Research conducted in 2022 showed that young people (12 to 17 years) reported frequent exposure to alcohol advertising on television (17.1% daily).<sup>23</sup> This research reported around 11,000 alcohol ads during sports broadcasts on free to air TV during a year – 45 per cent of which were shown during children’s viewing hours.<sup>24</sup> 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.

Whilst alcohol regulation is regularly framed around protecting children, the AMA believes these measures should also safeguard people at risk in the adult population. Alcohol marketing has shown to increase positive alcohol-related emotions and cognitions and trigger alcohol cravings among people at-risk of or experiencing an alcohol problem, and this advertising is seen to trigger a desire to drink among people in recovery from an alcohol use disorder.<sup>25 26</sup>

### **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.<sup>27</sup> The AMA, and many other public health and consumer focussed organisations, made a strong submission during this review.<sup>28</sup>

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.

The AMA advocates that 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<sup>29</sup> and 2025.<sup>30</sup> There is nothing formally preventing the commercial television broadcasters from extending the Code to BVOD. 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.

The AMA strongly implores ACMA to 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 per cent of Australians support less alcohol advertising on television (only 8 per cent oppose) and 82 per cent of Australians agree that alcohol advertising should be restricted during children's viewing hours, even during live sports broadcasts (only 6 per cent disagree).<sup>31</sup>

The community's objection to alcohol advertising is also evident in the many submissions Free TV receive as part of its Code revision in 2015, and again in 2024. In 2024, ACMA rejected the proposed Code revision, determining it was "not satisfied that the revised code would provide appropriate community safeguards".<sup>32</sup>

### Conclusion

In closing, the evidence is clear that the current Free TV Code is not providing the level of community protection required for a product that is a known driver of preventable harm, including injury, chronic health conditions, alcohol-related brain injury and family and domestic violence. The Code's weak time-based restrictions, broad sports exemption and failure to capture key forms of alcohol marketing, particularly across broadcaster-operated BVOD services, mean children and families remain routinely exposed.

The AMA therefore urges ACMA to act decisively by exercising its powers under s125 of the *Broadcasting Services Act 1992* to make a program standard that replaces the Code for alcohol advertising, removes sports exemptions, tightens permitted hours, and applies consistently across broadcast and BVOD. Doing so would reflect community expectations, align regulation with the best available public health evidence, and deliver meaningful harm minimisation for Australians.

### Contact

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<sup>2</sup> 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>

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<sup>6</sup> 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>

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