



About the Alcohol Policy Coalition

The Alcohol Policy Coalition (APC) is a collaboration of health agencies—Australian Drug Foundation, Cancer Council Victoria, Heart Foundation of Victoria, Turning Point Alcohol and Drug Centre and the Victorian Health Promotion Foundation (VicHealth)—with shared concern relating to the misuse of alcohol and its health and social impacts on the community. The APC’s long-term goal is to reduce harmful drinking.

We welcome the opportunity to comment on the expansion to the National Binge Drinking strategy: Community Sponsorship Fund (fund).

EXECUTIVE SUMMARY

The APC recommends:

1. The adoption of broad definitions of ‘alcohol industry’ and ‘sponsorship’ arrangements in relation to eligibility for the fund, so as to effectively capture the wide scope of sponsorship activities by alcohol companies;
2. The restriction of fund disbursements in the first instance to organisations that are current or previous recipients of alcohol industry funding;
3. Organisations should not receive support from the fund concurrently with alcohol industry sponsorship. In the limited circumstances where the two funding sources may overlap, organisations must commit to removing all alcohol branding imagery, in particular, where children and young people may view that imagery; and
4. It should be a term of a community sponsorship funding agreement that licensed organisations abide by the conditions of their liquor licence and responsible service of alcohol obligations. Non-compliance with relevant liquor licensing legislation should be grounds for the Department of Health and Ageing (Department) to withdraw funding.

The APC supports the regulation of alcohol advertising by an independent alcohol-advertising watchdog with strong enforcement powers, rather than self-regulated through voluntary industry codes.

Introduction

The APC acknowledges the vital role sporting, social and cultural events play in Australia on a national, state and local level. However, we are concerned that the integration of these events with alcohol products creates a positive public association between alcohol and sporting, social and cultural events—and that this association obscures the serious short and long term harms of alcohol at a national, state and local level.

Alcohol harm and alcohol sponsorship

Much of the current research around the effects of alcohol marketing illustrates the impact on children and young people. This is because in general, marketing is particularly important for recruiting new consumers and because alcohol-related harm is more acute in young people than in older people.

Studies on the long-term impact of adolescent alcohol use consistently show that early and frequent use of alcohol approximately doubles the risk of alcohol-related problems later in life.¹ Research into lifelong alcohol consumption demonstrates that early initiation of drinking and heavy drinking in adolescence and young adulthood can have long-term adverse health impacts, including increased risks for a range of diseases such as cancer and cardiovascular disease.²

Marketing and promotion is crucial for alcohol beverage producers to achieve their key objectives—to gain the greatest possible market share and maximise alcohol consumption.³ Traditional, measured, ‘above-the-line’ alcohol marketing in television, radio, print and the outdoors, is supplemented by a broad mix of unmeasured, or ‘below-the-line’ marketing techniques (such as sponsorship and branding), predominantly in association with sporting and cultural events, teams and players.⁴ The use of alcohol sponsorship in sports, the arts and other community events is conducted in the context of an integrated marketing strategy on the part of the alcohol industry, where different forms of marketing and promotion are used to reinforce the advertising message to current and potential consumers, thereby creating a cumulative effect.⁵ The effects of this integrated approach are often difficult to track and quantify—particularly where the marketing mix includes below-the-line activities to promote alcohol products.⁶ Below-the-line marketing represents a considerable segment of the market; above-the-line media is now understood to be an underestimation of the alcohol marketing effort ‘by a factor of two to four’.⁷

In 2008, the U.S. Federal Trade Commission reported that alcohol manufacturers spent 44% of their marketing dollars on television, radio, print and outdoor marketing; the remainder was spent on point-of-sale advertising and promotions and sponsorship of sporting events, sports teams or individuals.⁸ The variance between money spent on above- and below-the-line marketing can be telling; for example Diageo's 2005 annual report noted US\$1,760 million for *marketing*, significantly more than the reported US\$409 million spent on *advertising* (emphasis added).⁹

It has been estimated that in Australia each year, AU\$50 million of sponsorship for major sporting events comes from alcohol companies, with 80% invested by three companies—Fosters, Lion Nathan and Diageo.¹⁰

Sponsorship of sporting and cultural events, organisations and participants is commonplace in Australia. Event, group and team sponsorships offer alcohol marketers a receptive audience motivated to have a good time,¹¹ commercial opportunities (such as exclusive stocking agreements), and the chance to embed their brands in the everyday activities of current and potential consumers.¹²

Attitudes towards alcohol consumption are strongly influenced by social and cultural norms and by the specific social situation in which alcohol consumption occurs. In Australia, sport and alcohol have a particularly close association.¹³ Indeed, it is difficult to have any involvement in sport in Australia, as a participant or fan, without being exposed to a strong message that alcohol and sport are inextricably connected.¹⁴ Excessive drinking is also normalised by some elite athletes, who are role models to young people. Research indicates that alcohol industry sponsorship of sportspeople and, in particular, the provision of free or discounted alcoholic drinks in association with sporting events is associated with hazardous levels of drinking.¹⁵

The *National Alcohol Strategy 2006-2009* notes, 'the wide-ranging ways in which alcohol is promoted is a major force behind Australia's drinking culture.'¹⁶ Research has demonstrated that exposure to repeated high level alcohol promotion inculcates pro-drinking attitudes.¹⁷ Alcohol advertising has also been found to promote and reinforce perceptions of drinking as positive, glamorous and relatively risk-free.¹⁸ Such advertising undermines public health strategies that aim to help people make appropriate alcohol consumption choices.¹⁹

Exposure of young people and children to alcohol imagery and branding

The issues paper states that the objectives of the fund are likely to include the following:

1. Reduce the exposure of young people and children to alcohol imagery and branding;
2. Remove links between alcohol and the sporting and cultural activities that young people are often directly involved in. These links tend to normalise a strong association between alcohol consumption and these activities;
3. Provide support for community-based organisations to provide alcohol-free environments for minors; and
4. Reduce risky consumption of alcohol through appropriate responsible service of alcohol provisions at sporting and cultural events.

We note that the proposed objectives for the fund refer to children and young people, but do not provide an objective measure of this group. The APC recommends that the objectives be developed in line with recommendation 3.1 of the *National Preventative Health Strategy*, which states:

In a staged approach phase out alcohol promotions from times and placements which have high exposure to young people **aged up to 25 years**, including:

- Advertising during live sport broadcasts
- Advertising during high adolescent/child viewing
- Sponsorship of sport and cultural events (e.g. sponsorship of professional sporting codes; youth oriented print media; internet based promotions)
- Consider whether there is a need for additional measures to address alcohol advertising and promotion across other media sources,²⁰

(emphasis added)

The APC is supportive of the threshold age limit for limiting advertising exposure to 25 years of age, rather than the legal purchase age of 18. This is because there is evidence that young people are highly vulnerable to the effects of alcohol up to the age of 25, which is when the brain stops developing.²¹ We strongly encourage the Department to follow the recommendation of the National Preventative Health Taskforce when defining the upper age limit for children and young people.

By exposure, we believe this should mean a significant proportion of exposure to participants (in whatever manner of participation—spectators, performers, athletes, members etc). Accordingly, community organisations should not have alcohol-related branding, equipment or merchandise for any school, sporting, cultural or social club or activity or event where 10% or more of the participants are under 25 years of age.²² This would include, for example, no advertising material in a sports club bar, and no sponsorship messages displayed at sports grounds or other public venues hosting participants under the age of 25 years.²³

Submission format

The Department is seeking information and views on two broad issues that will impact on eligibility for funds and administrative functions of the fund. These issues are:

1. Information about the operational context of community sporting and cultural organisations, and the impact of these contexts on the appropriate size, duration and timing of grants; and
2. Suggestions as to the conditions that funded organisations would need to accept to receive funds from the Community Sponsorship Fund.

The fund will be an alternative to sponsorship by alcohol companies for community sporting and cultural organisations. The Department is seeking information and views on issues relating to the scope of sponsorship from the alcohol industry, recency of sponsorship and other matters.

As noted above, the APC is a collaboration of public health agencies, with a broad mandate to advocate for policies that bring about a positive change in Australia's drinking culture. We commend to the Department the separate submission made by our APC partners, the Australian Drug Foundation and VicHealth, in relation to the operational context of community sporting and cultural organisations.

This submission focuses on the second issue for discussion, namely suggestions as to the conditions that funded organisations would need to accept to receive funds from the fund.

The key points and recommendations that the APC wish to make are presented as responses to questions A) to E) from section 2 of the issues paper, with summary sections (in shaded text) at the end of each response.

Information about the operational context of community sporting and cultural organisations, and the impact of these contexts on the appropriate size, duration and timing of grants.

In general, the APC does not represent community sporting nor cultural organisations; therefore we are not in a position to provide information about the operational context of these organisations, as that context relates to alcohol sponsorship. That said, we are hopeful that consultation on this issue will elicit information about the full financial extent of existing sponsorship agreements with the alcohol industry, and the term and lengths of these agreements. Estimated figures (\$50 million per annum as noted above) suggest that the financial contribution by the alcohol industry to sports and the arts in Australia is very significant.

In addition to information from community sporting and cultural organisations, the alcohol industry should be requested to provide figures detailing their spend on alcohol sponsorship in Australia and cost-benefit analysis data about returns on sponsorship investments.²⁴

For further discussion on this issue we commend to the Department the submissions made by our collaborating partners the Australian Drug Foundation and VicHealth.

Suggestions as to the conditions that funded organisations would need to accept to receive funds from the Community Sponsorship Fund.

For the purposes of eligibility criteria for the Community Sponsorship Fund, should the definition of "alcohol industry" include community-based licensee sponsorships and "in-kind" sponsorship arrangements?

The construction of eligibility criteria for the fund will involve a consideration of the social benefits that well-funded community organisations deliver to the community at large, and the continued financial dependency of these organisations on an industry whose product delivers real harm to individuals, families and communities.²⁵ The APC agrees that some community-based licensee sponsorships may be administered in a way that achieves some of the objectives of the fund (reducing exposure of young people and children to alcohol imagery, supporting organisations to hold alcohol-free events and reducing risky consumption of alcohol). However, experience shows that half-hearted measures to reduce or limit exposure to alcohol sponsorship weaken the impact of these measures overall, and the alcohol industry will exploit any opportunity to circumvent legitimate restrictions.

For this reason, the APC recommends the Department adopt comprehensive definitions of ‘alcohol industry’ and ‘in-kind’ sponsorship.

The APC recommends ‘alcohol industry’ mean a person or company that is involved in the manufacture, distribution and/or sale of alcohol. This definition includes typical alcohol companies (for example, Carlton United Breweries) but should also capture non-typical alcohol companies (such as Coca-Cola, which has a broad portfolio of alcohol brands), if a sponsorship arrangement with such a company involves any promotion of, or exposure to, alcohol imagery and branding. This definition will include community-based licensee sponsorships.

In our position statement on the marketing and promotion of alcohol the APC has adopted the definition of alcohol marketing as outlined in the WHO Global Alcohol Strategy and accordingly considers alcohol marketing and promotion to be ‘any form of commercial communication or message that is designed to increase, or has the effect of increasing, the recognition, appeal and/or consumption of particular products and services. It could comprise anything that acts to advertise or otherwise promote a product or service.’²⁶

Anything less than a comprehensive definition of sponsorship is, as we have already discussed, likely to result in alcohol sponsorship continuing, just in a modified form. Therefore, a broad and comprehensive definition of sponsorship must be adopted, and this definition must include ‘in kind’ sponsorship.

Accordingly, the APC recommends the following definition from the European Sponsorship Agency, which states that sponsorship means ‘any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides **financing or other support** in order to establish an association between the sponsor’s image, brands or products...in return for rights to **promote** this association and/or for the granting of certain agreed **direct or indirect benefits**.²⁷

In relation to this definition, financing or other support may include (but should not be limited to):

- money, whether by way of grant or otherwise; or
- goods and services; or
- trophies, prizes, awards and scholarships²⁸

Promotion and/or direct or indirect benefits may take the form of:

- publicising messages relating to alcohol
- promoting an alcohol brand.²⁹

Accordingly, community sporting and cultural organisations will not be eligible for the fund where they have a sponsorship agreement with the alcohol industry.

The APC acknowledges that these definitions are broad—and therefore unintended and adverse effects arising from the application of these definitions should be carefully considered. However, rather than lessen the scope for companies and sponsorship activities to be captured by the definition, the APC suggest that the eligibility criteria may include an exemption clause, to apply in defined circumstances.

So, in circumstances where to apply the definitions strictly would give unintended results, then the Department should be in a position to waive aspects of the eligibility criteria. Also, if the application of these definitions would result in hardship to a community sporting or cultural organisation then the discretion to waive the criteria may also be exercised. This should only occur where the Department is satisfied that the objectives of the fund (broadly harm minimisation) will be upheld.

It is not intended that an exemption would permit community sporting and cultural organisations to draw from the fund while receiving any form of sponsorship from primary alcohol manufacturers, distributors or vendors (for example, Dan Murphy's, Carlton United Breweries, or Jim Beam), but it may permit community organisations to draw from the fund where they concurrently receive limited support from a community-based licensed sponsor, and where that support does not take the form of visible promotion nor detract from organisations' freedom to run alcohol-free events, nor impede the responsible consumption of alcohol.

The Department should adopt broad definitions of 'alcohol industry' and 'sponsorship' arrangements in relation to eligibility for the Community Sponsorship Fund, so as to effectively capture the wide scope of sponsorship activities by alcohol companies.

Should Community Sponsorship Fund disbursements be restricted to organisations that are current or previous recipients of "alcohol industry" funding?

As noted above, community sporting and cultural organisations should not be eligible for the fund where they have an existing sponsorship agreement with the alcohol industry. However, we appreciate that in order to assist organisations to replace alcohol industry sponsorship, there is likely to be some overlap as existing alcohol sponsorship agreements expire, and community sponsorship funding agreements commence. However, any overlap should be minimal.

In practice, organisations with current alcohol industry sponsorship agreements should be permitted to apply at any time for fund disbursements—however, a promise of funding should be made conditional on those organisations completing existing alcohol sponsorship arrangements by an agreed date, and not making new sponsorship agreements with the alcohol industry.

We agree that preference should be given to organisations that are current or previous recipients of alcohol industry funding, and to recipients who receive high levels of alcohol sponsorship.

We acknowledge that this position has the effect of rewarding organisations that are the worst performers, and penalising organisations that have taken a more difficult path by refusing alcohol industry funding. It would be a perverse outcome if organisations (not already sponsored by the alcohol industry) elected to accept alcohol industry funding so as to qualify for support from the fund at some point in the future. So, ideally, all organisations should be eligible to draw from the fund. However, we accept that there are limited funds available to distribute.

Accordingly, and if the objective is to reduce the exposure of alcohol promotion to children and young people, and to remove the link between alcohol and sporting and cultural events, then we support an approach that targets those organisations that receive the most alcohol funding first. Organisations that have primary alcohol industry funding—where sponsorship is prevalent and visible to an audience or group comprising significant numbers of children and young people—should be prioritised over organisations with little or no alcohol industry sponsorship, and little or no youth members or potential sponsorship exposure to children and young people.

We expect that an effect of this approach will be that the alcohol industry will funnel sponsorship efforts elsewhere. The effectiveness of the fund can only be fully realised with comprehensive legislative restrictions on alcohol marketing and sponsorship that prohibit the sponsorship of sporting social and cultural events, organisations or participants by alcohol companies. We also note that the amount currently allocated to the fund (\$25 million over four years) is vastly lower than the amount spent on sponsorship by the alcohol industry (estimated at \$50 million each year for sports sponsorship only). Therefore we strongly encourage the Department to explore options to increase the fund over time, whether by imposing a levy on the alcohol industry, or earmarking a set proportion of alcohol taxation revenue to the fund.

In this way, the fund may eventually be expanded to all organisations, to assist those needing to replace alcohol industry sponsorship, and to support other organisations to resist taking up alcohol industry sponsorship.

Community Sponsorship Fund disbursements should, in the first instance, be restricted to organisations that are current or previous recipients of alcohol industry funding.

Should organisations that receive "alcohol industry" sponsorship be required to remove all alcohol branding imagery eg from uniforms, venues?

As discussed above, we do not support organisations receiving alcohol industry sponsorship at the same time as receiving support from the fund. Accordingly, it should be a mandatory condition that organisations do not receive alcohol industry sponsorship concurrent with money from the fund.

Organisations that receive money from the fund should also do so under the condition that they remove all alcohol branding in whatever form and across all organisation property (including clubrooms and uniforms).

An exception to this condition will be where organisations are permitted to draw from the fund and maintain a sponsorship arrangement with, for example, a community-based licensee sponsor, or where an organisation itself holds a liquor license (for example a sports club with a bar, or a cultural organisation that holds a special license for a one-off event).

In these circumstances we support tight restrictions on the display of any alcohol branding imagery.

Children and young people cannot be viewed in isolation from the world in which they live.³⁰ If we are to reduce the exposure of children and young people to sponsorship by the alcohol industry, then we need to reduce the levels of sponsorship viewed by all.³¹ Children and young people cannot be expected to simply ignore alcohol sponsorship until they reach the legal age for purchasing alcohol.³² For example, research from Western Australia shows the Bundy Bear character used to promote Bundaberg Rum has evident appeal to children and youth.³³ Results of survey data showed that more than three-quarters of children relate the Bundy Bear character with the alcohol product.³⁴

A pragmatic approach to the display of alcohol branding imagery in these limited circumstances (i.e. organisations with a licensed sponsor, or with a liquor licence) should be adopted that takes into account the objectives of the fund—to reduce marketing exposure, to break the nexus between sporting and cultural events and alcohol products, and to reduce risky alcohol consumption.

Organisations should not receive support from the fund concurrently with alcohol industry sponsorship. In the limited circumstances where the two funding sources may overlap, organisations must commit to removing all alcohol branding imagery, in particular, where children and young people may view that imagery.

For organisations that either hold or will obtain a liquor licence concurrently with funding from the Community Sponsorship Fund, what undertakings or requirements should the department seek to ensure alcohol is served in a responsible manner?

The intent of the fund is to provide an alternative to sponsorship by alcohol companies for community sporting and cultural organisations. For all organisations receiving funding, we recommend a contract be drafted clearly setting out the expectations of the Department and the obligations on the organisations.

Conditions (such as not concurrently receiving money from the fund and the alcohol industry) must be essential terms in the agreement, so that any breach of these conditions may be regarded by the Department as fundamental and grounds for termination.

In relation to those organisations that either hold or will obtain a liquor licence concurrently with funding, we recommend that these organisations have an additional condition in their funding agreement relating to the display and promotion of alcohol, as noted above.

For matters relating to an organisation's liquor licence and responsible service of alcohol, we recommend the Department seek warranties (secondary obligations, not going to the root of the contract) from organisations, with a breach of these warranties giving rise to an option to terminate the funding agreement (but not an action in damages).

In relation to serving alcohol in a responsible manner, we recommend that each organisation provide warranties under the funding agreement, relating to the maintenance of their liquor licence and the responsible service of alcohol. For example, a Victorian organisation should warrant not to breach any of the obligations of their liquor licence under the *Liquor Control Reform Act 1998* (Vic). Warranties should also be provided in relation to responsible advertising and promotion of liquor (as per section 115A of the *Liquor Control Reform Act 1998* (Vic)) or for any matter that results in action being taken by the Director of Liquor Licensing against the licensee. Loss of a liquor licence should only result in termination of funding, where that loss relates to a compliance matter or breach of responsible service of alcohol obligations.

It may also be open to the Department to seek other commitments from organisations in return for support from the fund—such as only serving low or mid strength products, or not making ready-to-drink products or energy drinks available for purchase. We support the Department having scope to negotiate special commitments for individual organisations, where those commitments support the broad objectives of the fund.

It should be a term of the Community Sponsorship funding agreement that licensed organisations abide by the conditions of their liquor licence and responsible service of alcohol obligations. Non-compliance with relevant liquor licensing legislation should be grounds for the Department to withdraw funding.

Any other issues?

If we wish to prevent the exposure of children and young people to the promotion of alcohol through sponsorship, then a timeline for action must be established to end all alcohol sponsorship.³⁵ A plan to phase out all alcohol-related sponsorship should be developed at the same time as the fund is administered.

While the APC support this fund, we suggest more can, and should, be done. As noted above, the \$25 million committed to the fund, over four years, is an exceptionally small sum in comparison to the annual spends by the alcohol industry. Additionally, if the intention is to replace alcohol industry sponsorship permanently, then provision needs to be made for this fund to continue beyond the current term of four years. Otherwise, it is not difficult to imagine organisations drawing from the fund while it is available and then reverting to alcohol sponsorship once the funding period has ended—and this would be a disappointing outcome.

For the fund to be truly effective at removing the links between alcohol, and the sporting and cultural activities that young people are often directly involved in, then the fund must be sufficient to provide a viable alternative to alcohol industry sponsorship, and it must also operate to encourage organisations to develop other forms of (non-alcohol related) sponsorship.

We therefore recommend that priority be given to increasing the financial commitment to the fund, and to extending the time period beyond the current four-year commitment. We do not expect the fund to operate in perpetuity—rather, once organisations have agreed ongoing replacement sponsorship from non-alcohol industry supporters, reliance on the fund could be phased out by way of a sunset clause. However, it would be crucial to have formal restrictions on alcohol industry sponsorship in place for when the fund is no longer required.

The APC also believes that meaningful reductions in exposure of young people and children to alcohol imagery and branding, and de-normalizing the association between alcohol consumption and sporting or cultural events, can only be achieved by legislation. Voluntary codes (whether adopted by the industry or organisations) will not be sufficient.

Research shows that attempts to restrict alcohol advertising and promotion primarily through voluntary codes are inadequate.³⁶ Voluntary codes seldom have any effect on the appeal and nature of alcohol advertising content, and are:

- subject to under-interpretation and under-enforcement;
- biased in favour of the signatory corporations; and
- unable to respond to changing markets.³⁷

The APC supports the regulation of alcohol promotion by an independent alcohol-advertising watchdog with strong enforcement powers, rather than self-regulated through voluntary industry codes.

For questions about this submission please contact Sondra Davoren, Legal Policy Advisor, Cancer Council Victoria on (03) 9635 5062 or email Sondra.Davoren@cancervic.org.au.

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