

ALCOHOL POLICY COALITION

SUBMISSION TO
THE ASTRA CODES OF
PRACTICE REVIEW

27 April 2012

INTRODUCTION

The Alcohol Policy Coalition (APC) is a coalition of health agencies with a shared concern about the level of alcohol misuse and health consequences in the community. The APC supports policy responses that are evidence-based and known to be effective in preventing and reducing alcohol-related problems.

The APC believes that finding a solution to the problem of alcohol misuse requires a comprehensive approach by a variety of groups and organisations, including governments and the community, and the alcohol, advertising and broadcasting industries.

The APC makes the following submission in relation to the regulation of alcohol advertising in the Australian Subscription Television and Radio Association (ASTRA) Codes of Practice for subscription television and radio. The APC is concerned about the level and frequency of alcohol advertising on subscription television, particularly at times and during programs that are viewed by children and young people.

Summary of recommendations

Based on research in Australia and overseas that shows alcohol marketing influences young people's decisions about drinking and their expectations related to alcohol use the APC supports increased restrictions on where, when and how alcohol can be advertised, to greatly reduce the harmful effects of alcohol marketing on the population and in particular, to protect children and young people.

In relation to this review, the APC recommends the ASTRA Code of Practice should:

1. Address advertising explicitly, rather than relying on reference to the Alcohol Beverages Advertising Code (ABAC) due to the flawed nature of the ABAC.
2. Introduce limitations on the time and placement of alcohol advertising on subscription television to protect children and young people from exposure.

ASTRA CODE REVIEW

This submission to the ASTRA Code review makes recommendations on the regulation of alcohol advertising on subscription broadcast television, and is not intended to address other issues in relation to subscription broadcast television, nor does this submission raise any issues in relation to the subscription narrowcast television and radio codes of practice.

In brief, our recommendations relate to:

1. the reliance on the ABAC (by incorporation) to regulate alcohol advertising on subscription television; and
2. whether the current arrangements, which do not include any limitations on the time and amount of alcohol advertising, meet community concerns about subscription television advertising; and
3. improvements that may be made to current arrangements.

Compliance with the ABAC Code

The ASTRA Code requires all alcohol advertisements on subscription television and radio to comply with relevant Australian Association of National Advertisers codes and the ABAC.

The ABAC, which is a voluntary code, is a component of Australia's largely self-regulatory approach to advertising. Self-regulation of advertising is not effective to control the content nor limit the exposure of alcohol advertising, particularly in relation to children and young people.

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.¹

Australia's experience with an ineffective self-regulatory advertising system is consistent with international research that indicates that attempts to restrict alcohol marketing primarily through voluntary codes are inadequate.² Experiences in other countries show that advertising codes work best where the media, advertising and alcohol industries are all involved and an independent body has powers to approve or veto advertisements, rule on complaints and impose sanctions. Few countries currently have all these components.³

The APC supports measures to effectively and independently regulate all alcohol advertising and promotion. It is the APC's view that improved regulation should be overseen by an independent statutory body, rather than self-regulated through voluntary industry codes.

This review of the ASTRA Code is an opportunity for ASTRA to consider whether it is in the best interests of its audience and the channels to rely on a flawed ABAC for alcohol beverage advertising regulation, or alternatively, to impose additional requirements for alcohol advertising on subscription television. As discussed below, it is the level of exposure to alcohol advertising—rather than the content of alcohol advertising—that is related to the uptake and use of alcohol in young people. In the following section, the APC makes recommendations as to the placement of alcohol advertising on subscription television channels; we suggest that in addition to incorporating the ABAC by reference, ASTRA should introduce additional requirements for alcohol advertisers—such as limiting alcohol advertising to adult viewing times, or prohibiting alcohol advertising from channels that are popular with children and young people—in order to limit the exposure of children and young people to alcohol advertising.

Recommendation

The ASTRA Code of Practice should address advertising explicitly, rather than relying on reference to the Alcohol Beverages Advertising Code (ABAC) due to the flawed nature of the ABAC.

¹ Thomas Babor, et al. *Alcohol – No Ordinary Commodity – research and public policy*. (2nd ed. 2010), 191

² Ibid 343.

³ Ibid 183.

Advertising placement

The *Broadcasting Services Act* 1992 has as one of its objects the protection of children (section 1(j)). This object is a matter for all Australian television and radio codes of practice to take into account.

Section 123 of the *Broadcasting Services Act* 1992 requires radio and television industry groups—including ASTRA—to develop, in consultation with the Australian Communications and Media Association (ACMA) and taking account of any relevant research conducted by the ACMA, codes of practice that are to be applicable to the broadcasting operations of each of those sections of the industry.

With regards the placement of advertising (including alcohol advertising) on subscription television and radio, the ASTRA Code acknowledges the ability for subscribers to entirely block out a channel or in some instances to block certain levels of classified material (through disabling devices such as the parental lock-out).⁴ The ASTRA Code has no time-based restrictions on the placement of alcohol advertising; licensees are simply required to ‘take into account the intellectual and emotional maturity of its intended audience when scheduling advertisements’.⁵ We are unaware of any alcohol-specific advertising codes for individual subscription television licensees.

The experience of internet filter systems suggests that, as a means of limiting exposure to alcohol advertising, disabling devices and parental lock outs are inadequate to prevent underage exposure.⁶ Firstly, the effectiveness of the parental lock relies on parents to enable the device in the first place; secondly, parental locks are relatively simple to bypass.

In comparison, other television codes of practice have restrictions on the placement of alcohol advertising. For example, the Commercial Television Code of Practice, which governs free-to-air television, states that alcohol advertising is only permitted during periods of M (mature classification), MA (mature audience classification) or AV (adult violence classification) programs—that is, after 8:30pm and before 5:00 am—and anytime during the live broadcast of a sporting event on weekends and public holidays.⁷

Although this provision offers some limitation on the amount of youth exposure to alcohol advertising, in general, the restrictions to M, MA and AV programs precludes only the youngest of children from exposure. Meanwhile, the live sport exemption means that large numbers of children and young people are exposed to alcohol advertising during sport broadcasts. Research demonstrates the popularity of major sporting events among children⁸ and indicates that alcohol advertisements are just as likely to be seen by children as adults.⁹

Nonetheless, and despite the problematic live sport exemption in the Commercial Television Code of Practice, the underlying premise of restricting alcohol advertising to times and places

⁴ Clause 6.5, Australian Subscription Television and Radio Association *Codes of Practice* 2012 12
<<http://www.astra.org.au/ArticleDocuments/215/SBT01%20-%20Draft%20Subscription%20Broadcast%20Television%20Codes%20of%20Practice%202012.pdf.aspx?Embed=Y>>

⁵ Ibid.

⁶ Adam Turner, ‘Bypassing TV’s parental lock is child’s play’, *Sydney Morning Herald* (online), 18 March 2011, <<http://www.smh.com.au/digital-life/computers/blogs/gadgets-on-the-go/bypassing-tvs-parental-lock-is-childs-play-20110317-1byq0.html>>

⁷ Section 6.7, *Commercial Television Industry Code of Practice*, <http://www.freetv.com.au/media/Code_of_Practice/2010_Commercial_Television_Industry_Code_of_Practice.pdf>

⁸ Australian Communications and Media Authority. *Children’s Viewing Patterns on Commercial, Free-to-air and Subscription Television: Reporting analysing audience and ratings data for 2001, 2005 and 2006* (2007)

http://www.acma.gov.au/webwr/assets/main/lib310132/childrens_viewing_patterns.pdf

⁹ Elizabeth King, Jenny Taylor, and Tom Carroll, *Australian Alcohol Beverage Advertising in Mainstream Australian Media 2003 to 2005: Expenditure, Exposure and Related Issues*, (2005) Research and Marketing Group, Commonwealth Department of Health and Ageing [http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/resource-advertising-report/\\$FILE/aust-mainstream.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/resource-advertising-report/$FILE/aust-mainstream.pdf).

where children and young people are less likely to be exposed is a valuable restriction and should be replicated in other media codes of practice.

The Children's Television Standards, another code developed pursuant to the *Broadcasting Services Act* 1992 and administered by Australian Communications and Media Authority, prohibits the broadcast of alcohol advertising or sponsorship announcements during C or P rated programs. These restrictions also extend to prohibiting advertising and sponsorship announcements during ad breaks immediately before and after C and P programs.

The approach taken by the Commercial Television Code of Practice and the Children's Television Standards, reflects an expectation that alcohol advertising should be prohibited during times when children are watching. It is also an approach that has high community support. For example, a 2009 survey indicated that 72 per cent of Australians supported limiting television advertising of alcohol until after 9.30pm, indicating strong public support for imposing stronger restrictions on placement of televised alcohol advertisements.¹⁰ Meanwhile, a 2009 VicHealth community attitudes survey asked whether advertisements for alcoholic productions should be restricted so that they are less likely to be seen by people under 18 years of age—82 per cent of respondents either strongly agreed (51 per cent) or agreed (31 per cent) that there should be a restriction.¹¹

Recommendations of the National Preventative Health Taskforce

The 2009 National Preventative Health Strategy noted that a substantial amount of alcohol advertising is communicated to young people and took the view that, in light of the expansion in free-to-air and digital television channels, and the corresponding increase in advertising opportunities, standards for alcohol advertisements should be strengthened.¹² Reducing the exposure of young people to alcohol promotions was viewed by the National Preventative Health Taskforce as an essential element in reducing alcohol-related harm in Australia—a conclusion further reinforced by evidence that young people are highly vulnerable to the effects of alcohol up to the age of 25.¹³

Of particular concern to the Taskforce is the high levels of alcohol advertising and promotion to which adolescents are exposed during live sport broadcasts; during other high adolescent/child viewing times, through sponsorship or sport and cultural events, such as sponsorship of professional sporting codes; and through youth oriented print media and internet-based promotions.¹⁴ For this reason, the Taskforce recommended a stages approach phase out of alcohol promotions from times and placements which have high exposure to young people aged up to 25 years.¹⁵

This review is an opportunity for the ASTRA Code to be strengthened in response to the National Preventative Health Taskforce's call to action, and accordingly, the ASTRA Code should include provisions that would have the effect of restricting or removing alcohol promotions from times and placements which have high exposure to young people under 25 years of age.

Recommendation:

The ASTRA Code of Practice should introduce limitations on the time and placement of alcohol advertising on subscription television, to protect children and young people from exposure.

¹⁰ Australian Institute of Health and Welfare. (2008). *2007 National Drug Strategy Household Survey: State and Territory Supplement*, 11 <<http://www.aihw.gov.au/publications/phe/ndshs07-sats/ndshs07-sats.pdf>>

¹¹ The VicHealth Community Attitude Survey to Alcohol Policy was a state-wide telephone survey to a random sample of 1523 Victorians aged 16 years and over. Respondents were asked a series of questions about their views on alcohol policy. The survey was conducted between February and March 2009.

¹² National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020* (2009) 250

¹³ *Ibid* 251

¹⁴ *Ibid*.

¹⁵ *Ibid*.

HARMS ASSOCIATED WITH UNDER-AGE DRINKING

The APC is committed to reducing harmful drinking across the Australian population. However, we also acknowledge that the risk of harm for children and young people who drink alcohol is greater.

Research has found that a high proportion of adolescents and young people in Australia are regular drinkers and many consume alcohol at risky levels. In 2007, more than a quarter (26.3 per cent) of 14–19-year-olds put themselves at risk of alcohol-related harm in the short term at least once a month in the 12 months leading up to the survey.¹⁶ More females drank at risky levels (28.3 per cent) than males (24.5 per cent).¹⁷

In a 10-year period (1995–96 to 2004–05) 813,072 Australians aged 15 years and older were hospitalised for alcohol-attributable injury and disease;¹⁸ and rates of alcohol-attributable hospitalisations have increased in all states and territories.¹⁹ Alcohol remains a leading cause of Australian road deaths, particularly among young people.²⁰ In 15–34 year olds, alcohol is responsible for the majority of drug related deaths and hospital admissions—more deaths and hospitalisations than all illicit drug use or tobacco, in the same age group.²¹

Children and young people are at particular risk of suffering serious and acute harms as a consequence of drinking because they have less experience with alcohol, are less tolerant to the inebriating effects of alcohol, often use alcohol in a risky manner, trivialise or have little understanding of the potential harms associated with drinking, and lack the knowledge and skills needed to minimise harms associated with alcohol.²² Heavy alcohol consumption may also interfere with crucial brain development that occurs during adolescence, and may affect cognitive development and capacity for learning.²³

Late adolescent patterns of drinking tend to stabilise or escalate during early adult years, and those who start drinking at a young age are more likely to drink heavily, to suffer alcohol-related harm and to develop alcohol dependence in adulthood.²⁴ The prevalence of alcohol dependence among Australians aged 18–34 years is estimated to be as high as 11 per cent.²⁵

In the long-term, excessive alcohol consumption also increases a person's risk of suffering from many serious health problems, including different types of cancer (e.g. cancers of the lips mouth, throat, oesophagus, stomach, pancreas and liver), cardiovascular disease, liver cirrhosis, cognitive problems and dementia.²⁶

¹⁶ Australian Institute of Health and Welfare 2008 '2007 National Drug Strategy Household Survey: first Results' (Drug Statistics Series number 20.Cat. no. PHE 98) 24

<<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6442459872>>

¹⁷ Ibid.

¹⁸ Ministerial Council on Drug Strategy 'National Drug Strategy 2010–2015' (Commonwealth of Australia, 25 February 2011) 4

<[http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/DB4076D49F13309FCA257854007BAE30/\\$File/nds2015.pdf](http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/DB4076D49F13309FCA257854007BAE30/$File/nds2015.pdf)>

¹⁹ Ibid.

²⁰ Ibid.

²¹ National Health and Medical Research Council, *Australian Guidelines to reduce health risks from drinking alcohol*, (2009), 28

²² Nyanda McBride, Fiona Farrington and Richard Midford, 'What harms do young Australians experience in alcohol-use situations?' (2000) 24 (1) *Australian and New Zealand Journal of Public Health* 54.

²³ A.M. White 'Substance abuse and adolescent brain development: an overview with a focus on alcohol' (2003) 22, *Youth Studies Australia*, 1 cited in Geoff Munro & Anne Learmonth 'An unacceptable risk': the problem of alcoholic milk' (2004) 23 *Drug and Alcohol Review* 345.

²⁴ See for example, Bridget Grant and Deborah Dawson 'Age at onset of alcohol abuse and its association with DSM-IV alcohol abuse and dependence' (1997) 9 *Journal of Substance Abuse* 103; Bengt Muthen and Linda Muthen 'The development of heavy drinking and alcohol related problems from ages 18–37 in a US national sample' (2000) 61 *Journal for the Study of Alcohol*, 290; cited in Geoff Munro and Anne Learmonth, 'An unacceptable risk': the problem of alcoholic milk', (2004) 23, *Drug and Alcohol Review*, 345.

²⁵ Yvonne Bonomo, 'Adolescent alcohol problems: whose responsibility is it anyway?' (2005) 183 *Medical Journal of Australia* 43.

²⁶ National Health and Medical Research Council *Australian Alcohol Guidelines: Health Risks and Benefits*, (2001)

THE LINK BETWEEN ALCOHOL HARM AND ALCOHOL ADVERTISING

Much of the current research surrounding alcohol marketing is concerned with how promotion affects the levels and patterns of alcohol consumption. The debate is focused on young people on the basis that they are considered to be more susceptible to advertising messages and more likely to experience harm as a result of risky drinking behaviour.²⁷

Studies on the effect of alcohol marketing have found an association with the uptake of alcohol use and a potentially cumulative impact of exposure, such that, in markets with greater availability of alcohol advertising, young people were more likely to continue to increase their drinking as they moved into their mid-twenties, while drinking declined earlier in those who were less exposed.²⁸

The need for responsible alcohol advertising aimed at adults is substantiated by research that shows that alcohol advertising can significantly influence young people's decisions about drinking and their expectations related to alcohol use.²⁹ This includes their initiation to drinking, what they drink, how much they drink, where and with whom they drink, and also the way they think and feel about alcohol.³⁰

Alcohol advertising has been found to promote and reinforce perceptions of drinking as positive, glamorous and relatively risk-free.³¹ Such advertising also undermines public health strategies that aim to shape the information environment to enable people to make appropriate alcohol consumption choices.³²

While the alcohol industry may argue that they do not deliberately set out to target underage drinkers, this group is nevertheless caught through various forms of marketing exposure.³³ For example, an Australian study found that 25 per cent of 15-16 year olds thought certain advertisements for alcohol were aimed at their age group, whereas 50 per cent of 19-21 year olds believed the same ads were targeting people younger than them.³⁴

SUBSCRIPTION TELEVISION USE BY CHILDREN AND YOUNG PEOPLE

Watching television is the dominant media activity for children and young people in Australia.³⁵ For example, in 2007, 99 per cent of Australian homes with children had access to television; of that proportion, 32 per cent accessed subscription television.³⁶

In 2009, 94 per cent of 8-7 year olds reported watching either free-to-air or subscription television, compared with the proportion of time spent using the internet, which was 61 per cent for 8-11 year olds, 83 per cent for 12-14 year olds and 88 per cent for 15-17 year olds.³⁷

²⁷ Alcohol Concern 'Not in front of the Children – Child Protection and Advertising' (2007), Alcohol Concern, http://www.alcoholconcern.org.uk/files/20070829_113042_Not%20in%20front%20of%20the%20children%20publi shed%20version.pdf at 14 September 2009

²⁸ World Health Organization 'WHO Expert Committee on Problems Related to Alcohol Consumption Second Report' (WHO technical report series, no. 944 2006) 65
<http://www.who.int/substance_abuse/expert_committee_alcohol_trs944.pdf>

²⁹ Ann M. Roche, et al. *Young People and Alcohol: The Role of Cultural Influences*. (2007) National Centre for Education and Training on Addiction, 133.

³⁰ *Ibid*, 133

³¹ Babor, et al. above note 1, 180.

³² Wendy Loxley et al. 'Alcohol policy and harm reduction in Australia' (2005) 24, *Drug and Alcohol Review* 562.

³³ Roche et. al., above n 27, 133.

³⁴ Sandra Jones and Robert Donovan 'Messages in alcohol advertising targeted to youth' (2001) 25 *Australian and New Zealand Journal of Public Health* 126.

³⁵ Australian Communications and Media Authority, 'Trends in media use by children and young people Insights from the Kaiser Family Foundation's Generation M2 2009 (USA), and results from the ACMA's Media and communications in Australian families 2007' (Commonwealth of Australia, June 2010) 20.

³⁶ *Ibid*. 21

³⁷ Australian Communications and Media Authority 'Use of electronic media and communications: Early childhood to teenage years' (Commonwealth of Australia 2009) 8
<http://www.acma.gov.au/WEB/STANDARD/pc=PC_311824>

An ACMA study reviewed, amongst other things, participation in television viewing by young people and found:

- 8-11 year olds spent on average of 1 hour, 54 minutes a day watching television, 33 per cent of which was subscription television;
- 12-14 year olds watched 1 hour, 55 minutes of television a day, 29 per cent of which was subscription television; and
- 15-17 year olds age group also watched 1 hour, 55 minutes of television a day, 28 per cent of which was subscription television.³⁸

By comparison with internet usage:

- 8-11 year olds spent on average 30 minutes a day using the internet;
- 12-14 year olds spent 1 hour, 32 minutes using the internet; and
- 15-17 year olds spent 2 hour, 24 minutes using the internet.³⁹

Thus, around quarter of television viewing in the under-18 age bracket is subscription television; meanwhile a greater proportion of 8-11 year olds use of electronic media is television watching, including subscription television, compared with older age brackets.

ALCOHOL ADVERTISING ON SUBSCRIPTION TELEVISION

American research has found that the bulk of youth exposure to alcohol beverage advertising on television was occurring during cable television programming that youth ages 12 to 20 were more likely to be watching than adults 21 and above.⁴⁰ In Australia, while we know that advertising revenues for subscription television increased in the six months to December 2011, rising by 3.75 per cent,⁴¹ there is a paucity of data relating to the amount of alcohol advertising on subscription television in Australia. Anecdotally, we know that alcohol advertising features heavily on sports channels, and on youth channels such as MTV, Fuel TV, Channel [V] and Max.

CONCLUSION

Harmful alcohol consumption by young people is a pressing health and safety issue facing our community. A restriction on alcohol advertising has widespread community support as a key measure to reduce the impact of harmful alcohol consumption by young people.

At a time in Australia when governments, community groups, and some sections of the alcohol industry have expressed a heightened concern about alcohol advertising, particularly underage drinking, the ASTRA Code review offers an opportunity to improve the standard of alcohol advertising regulation in subscription television and radio and to impose reasonable limits on the advertising of alcohol.

For questions or further information about this submission, please contact Sondra Davoren, Legal Policy Adviser, Alcohol Policy Coalition on (03) 9635 5062 or sondra.davoren@cancervic.org.au.

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³⁸ Ibid.

³⁹ Ibid. 11

⁴⁰ Centre on Alcohol Marketing and Youth 'Youth exposure to alcohol advertising on television, 2001-2009' (Report, 15 December 2010) 2 <http://www.camy.org/research/Youth_Exposure_to_Alcohol_Ads_on_TV_Growing_Faster_Than_Adults/_includes/CAMYReport2001_2009_ExecSum.pdf>

⁴¹ Simon Canning 'Subscription ad revenue on the rise', *The Australian* (online) 15 February 2012 <<http://www.theaustralian.com.au/media/subscription-ad-revenue-on-the-rise/story-e6fmg996-1226271660884>>