

Alcohol Advertising Review Board Annual Report 2013 - 14



**ALCOHOL
ADVERTISING
REVIEW
BOARD**

Alcohol Advertising Review Board Annual Report 2014

McCusker Centre for Action on Alcohol and Youth and Cancer Council Western Australia

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Alcohol...

...is one of the
most heavily
promoted
products in
the world.⁸

A dark blue silhouette of a person's head and shoulders in profile, facing left. The person is holding a glass to their lips and drinking. The background is a lighter shade of blue.

Alcohol Advertising Review Board

The Alcohol Advertising Review Board (AARB) considers and reviews complaints from the Australian community about alcohol advertising. The AARB was developed by the McCusker Centre for Action on Alcohol and Youth and Cancer Council Western Australia (WA), supported by other health organisations, in response to the numerous weaknesses of the current self-regulatory alcohol advertising system.

The AARB reviews complaints on the basis of the Alcohol Advertising Review Board Code (the Code), which sets criteria for acceptable alcohol advertising in Australia. The Code aims to ensure alcohol advertising (i) is socially responsible, (ii) neither conflicts nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and (iii) does not encourage young people to drink. The Code, which is primarily constructed using provisions from existing codes established by alcohol industry bodies from around the world, can be found at www.alcoholadreview.com.au

Our mission

To administer an independent alcohol advertising complaint review service to help protect the community from inappropriate alcohol advertising and encourage effective regulation of alcohol advertising.

Our aims

- » Provide an independent system of alcohol advertising review;
- » Support the community to respond to inappropriate alcohol advertising;
- » Ensure the complaint process is easy for community members to engage in; and
- » Address the content and placement of all forms of alcohol advertising.

Our concerns

Alcohol and young people

There is substantial concern among health organisations and the community about Australia's drinking patterns, with particular concern about alcohol and young people. Over three-quarters of Australians believe that Australia has a problem with excess drinking or alcohol abuse.¹ Independent market research shows that 94% of Australian adults are concerned about alcohol use among young people and 94% are concerned about alcohol-related violence.²

There is especial cause for concern regarding young people's drinking. Eighty per cent of alcohol consumed by young people aged 14 to 24 years is consumed in ways that put the drinker's (and others') health at risk of acute harm, including from falls, assault injuries, road crashes and burns.³ One in three Australians aged 14 to 19 years drinks alcohol in a way that places them at risk of an alcohol-related injury from a single drinking occasion at least once a month.⁴ Many young people drink to get drunk; 45% of current drinkers aged 16 to 17 years report intending to get drunk on most or every occasion when they drink alcohol.⁵ Rates of alcohol-related harm in young people are unacceptable and have increased significantly over recent years, particularly in those aged 16 to 24 years.⁶ The brain continues to develop into the early 20s, and risky drinking can irreparably damage the developing brain.⁷

Alcohol advertising and young people

Alcohol is one of the most heavily promoted products in the world.⁸ Australian children and adolescents are exposed to unacceptably high levels of alcohol advertising in many different forms. Over 94% of Australian students aged 12 to 17 years report having seen alcohol advertising on television and the majority report having seen alcohol ads in magazines, newspapers, on the internet, on billboards/posters and promotional materials, and in bottleshops, bars and pubs.⁹



Half of all alcohol advertising aired on Australian television appears during children's popular viewing times, and one in ten beverage advertisements is for alcohol.¹⁰ Children and young people are regularly exposed to advertising depicting alcohol consumption as fun, social and inexpensive.¹⁰

There is growing concern around exposure to alcohol advertising through online media, including

social media. In 2012, the top 20 alcohol brands in Australia had more than 2.5 million followers on their Facebook pages, with followers interacting with content more than 2.3 million times.¹¹

Sponsorship of sporting events, music festivals, and other cultural events by alcohol companies is a powerful form of alcohol promotion. Children absorb sports sponsorship messages, with 76% of Australian children aged 5 to 12 years able to correctly match at least one sport with its relevant sponsor.¹² Nearly half of all alcohol ads broadcast on television are aired during sport, despite sport only making up 29% of all programming.¹³

It is well established that alcohol advertising has an impact on young people. Exposure to alcohol advertising influences young people's beliefs and attitudes about drinking, and increases the likelihood that adolescents will start to use alcohol and will drink more if they are already using alcohol.¹⁴⁻¹⁶ Exposure to alcohol advertising contributes to the normalisation of alcohol use and works to reinforce the harmful drinking culture that exists in Australia.¹⁷



Children absorb sports sponsorship messages, with 76% of Australian children aged 5 to 12 years able to correctly match at least one sport with its relevant sponsor.¹²



Self-regulatory alcohol advertising system

In theory, alcohol advertising in Australia is self-regulated by the alcohol and advertising industries. The Alcohol Beverages Advertising Code (ABAC) Scheme is the alcohol-specific code of practice in the current self-regulatory system. In practice, there are numerous deficiencies in the ABAC Scheme and the way it is implemented, including:

- » The ABAC Scheme is voluntary, which means non-signatories have no obligation to comply with decisions and therefore go unregulated;
- » ABAC is not empowered to penalise advertisers who breach the code;
- » ABAC does not define the term 'advertisement';
- » ABAC only covers certain forms of direct advertising. For example, it does not cover sponsorship, gift with purchase, or product placement;
- » ABAC only deals with the content, not the placement, of advertisements. Placement is handled in an incomplete and inconsistent manner under a number of other codes;
- » ABAC does not adequately regulate alcohol advertising on social media and is failing to keep pace with the rapidly developing technologies available to alcohol advertisers; and
- » Making a complaint is difficult and confusing, and the process moves slowly in comparison with the fast-moving world of advertising campaigns.

In the AARB's view, the self-regulatory system has consistently failed to ensure that alcohol is promoted responsibly and that young people's exposure to alcohol advertising is minimised.

Introduction



A recent World Health Organisation report tells us that around the world alcohol kills one person every ten seconds. There is enormous and justified community concern about the impacts of alcohol, from violence in the streets and binge drinking to the lasting and distressing consequences of Fetal Alcohol Spectrum Disorders (FASD). Yet alcohol advertising is as pervasive as ever and alcohol marketers are finding new and inventive ways to promote their products.

This second annual report of the Alcohol Advertising Review Board (AARB) confirms that community concern around alcohol advertising and promotion is growing. The AARB continues to receive high numbers of complaints – more than in the first year – and consistently more than the industry’s self-regulatory system.

Complaints about inappropriate and irresponsible alcohol advertising have come in from all around Australia, from Wollongong to Perth to Far North Queensland. Given that 78% of alcohol in Australia is now sold as packaged liquor, and the very cheap prices at which large supermarket chains sell alcohol, it is not surprising that there have been increased concerns about marketing by liquor retailers. Price-based promotions by Woolworths and Wesfarmers made this year’s “Top Ten Alcohol Advertising Shockers” (page 9).

Once again, we have received many complaints about alcohol promotion through sports sponsorship. TV advertisements, including alcohol sponsorship during televised sports, were the most common forms of advertisement likely to have received complaints, followed by alcohol sponsorship of sport and music events. The association between sport and alcohol in Australia must end. The use of sports people as mobile billboards for alcohol is detrimental to the thousands of Australian children who spend their weekends watching cricket, AFL, rugby, and motor racing. Alcohol sponsorship of sports and children’s sporting heroes also deprives health groups of supporters, advocates, and role models.

It is encouraging that some advertisers have acted to remove or modify advertisements based on the complaints received by the AARB. It is, however, regrettable that major multinational companies with large market shares in Australia continue to flout the concerns of the AARB and to rely on the feeble and demonstrably ineffective industry-controlled self-regulatory codes.

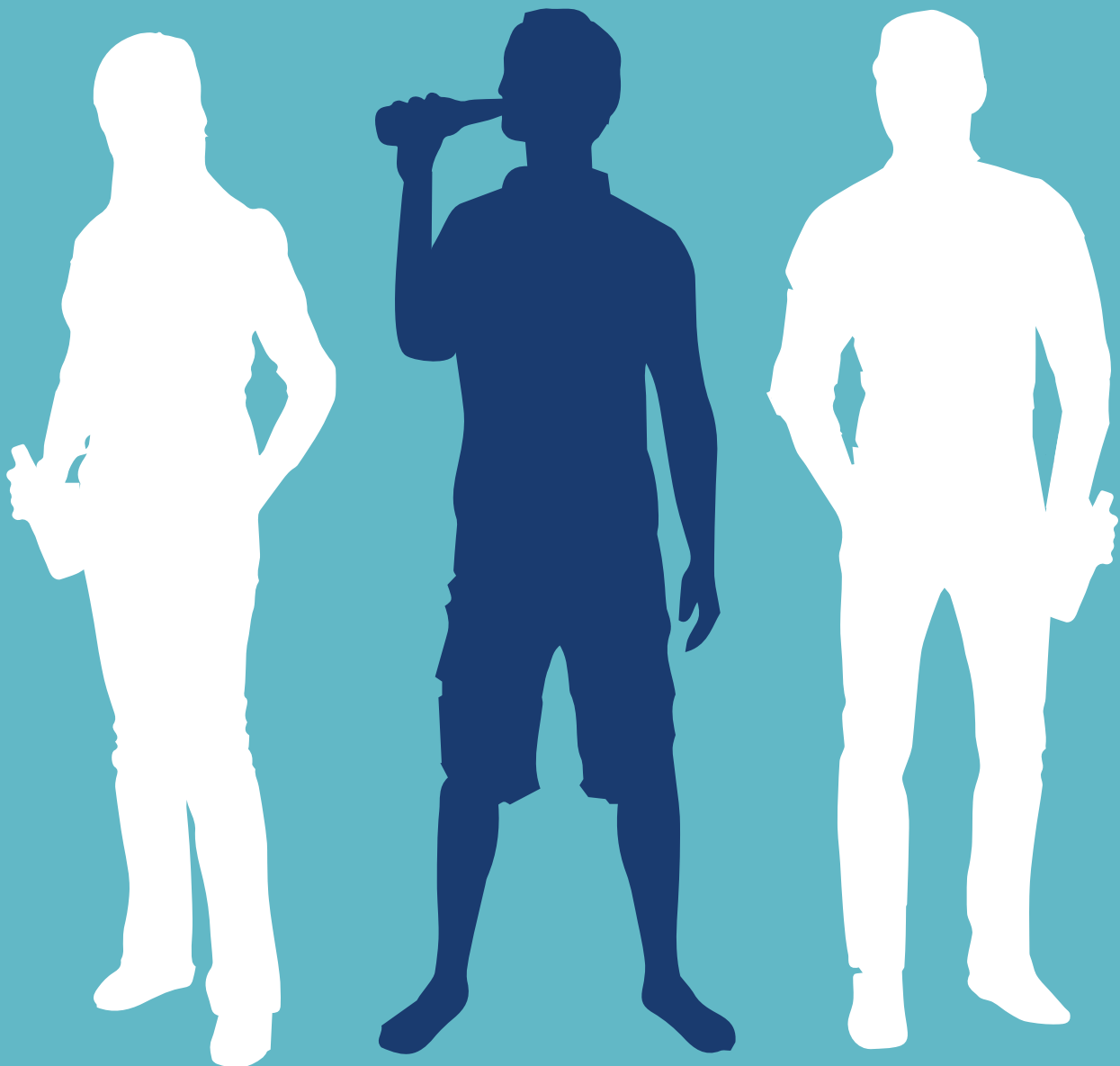
The first two years of the AARB show that urgent action is needed to curb alcohol marketing in Australia. I would like to thank all those involved, particularly the many independent panel members who have willingly contributed their time to this important endeavour. The AARB will continue to draw attention to irresponsible alcohol advertising and promotion and to keep pressing for strong, independent, legislated controls. It is small wonder that only 17% of Australians think governments are doing enough to prevent alcohol-related harms. We need firm governmental action to curb alcohol promotion so that we can protect Australia’s children and young people.

Professor Fiona Stanley AC

Chair, Alcohol Advertising Review Board

One in three Australians aged **14 to 19 years**

drinks alcohol in a way that places them at risk of an alcohol-related injury from a single drinking occasion at least once a month.⁴



Complaints in 2013 – 14

The following information relates to the second year of the AARB's operation, from 18 March 2013 to 14 March 2014.

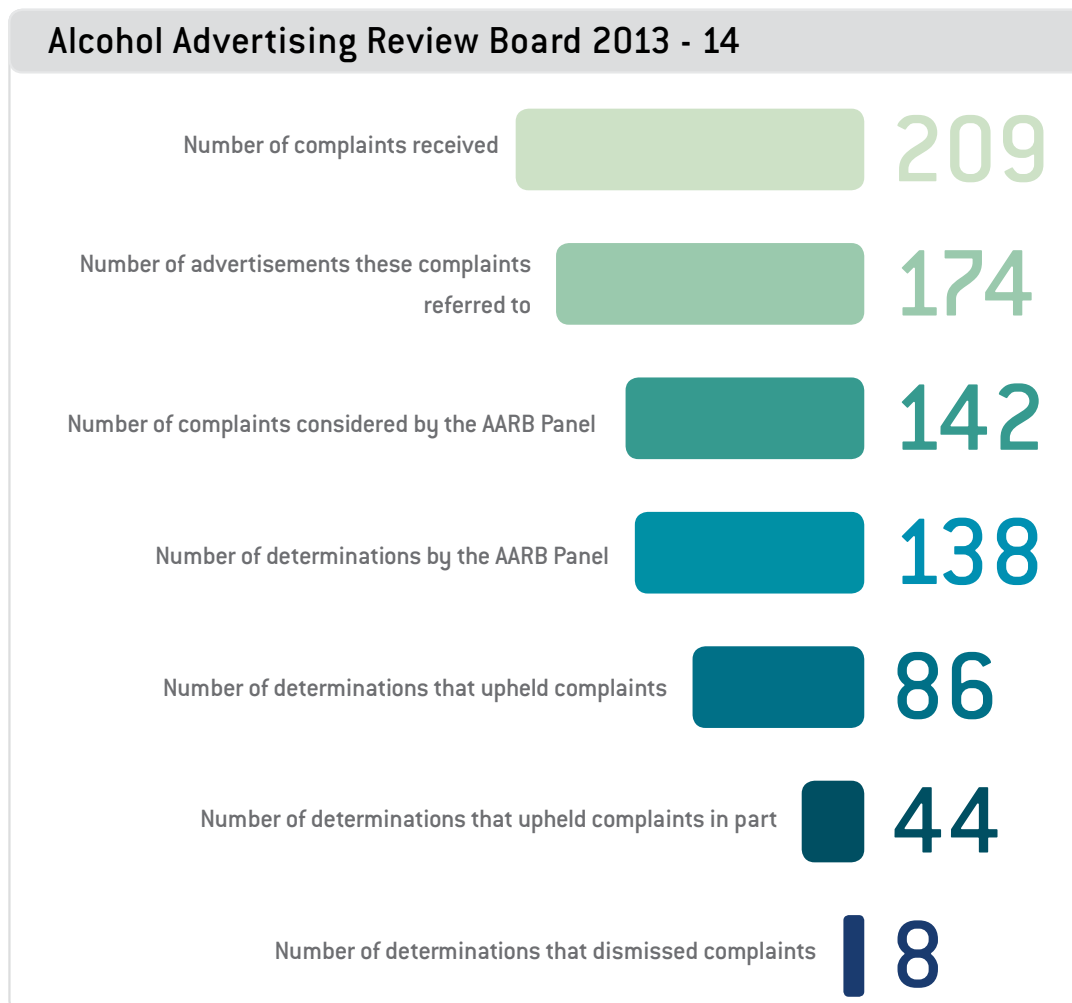
Procedures

The AARB aims to make submitting complaints as easy as possible. We accept complaints via an online form, email, phone, fax, or post. Once a complaint is received, where a copy of the advertisement is accessible, the Advertiser is notified and given seven working days to respond to the complaint. The complaint, along with any response received from the Advertiser, is then passed on to three Panel members for review. Panel members have seven working days to make a determination. Further details on the AARB processes can be found at www.alcoholadreview.com.au

Complaints

Table 1 summarises the status of complaints received by the AARB in the second year of operation from 18 March 2013 to 14 March 2014.

Table 1: Status of complaints received in the second year of operation



Complaints related to:

- » Television advertisement content
- » Placement of television advertisements during times children are likely to be watching, including during live sport broadcasts
- » Placement of outdoor advertisements where young people may be exposed (e.g. near schools and youth centres)
- » Placement of advertisements on or around public transport (e.g. buses, bus shelters, train stations)
- » Placement of cinema advertisements
- » Print advertisement content
- » Internet advertisements, including website content, email promotions, smartphone applications, and advertisements on Facebook and YouTube
- » Sports and music event sponsorship
- » Naming and packaging of alcohol products
- » Competitions run by alcohol companies
- » Price based promotions
- » Supermarket docket deals
- » On-premise advertisements

Some complaints were not progressed to the review stage as:

- » According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe;
- » The complainant was not able to provide enough information about the advertisement to enable it to be identified;
- » It was not possible to access a copy of the advertisement which was the subject of the complaint; or
- » The subject of the complaint was outside the scope of the AARB Code.

Review Panel

A total of 122 Panel members participated in a review during the second year of operation. Panel members were drawn from a range of professions including public health, research, medicine, alcohol and other drug treatment services, law, education, social services, and marketing.

Timeline for handling complaints

The AARB is committed to processing and responding to complaints as speedily as possible, with a target average of 20 working days for the handling of complaints.

Within the 2013 – 14 year, complaints took an average of 18 (18.1) working days for a determination to be reached.

Advertisers

It is AARB procedure to notify alcohol advertisers of complaints and invite advertisers to respond within seven working days.

Advertisers who chose to participate in the AARB process over the second year of operation and provide written responses to complaints regarding the advertising of their products were:

- » ALDI Australia
- » ALH Group
- » Asahi Premium Beverages
- » ASM Liquor
- » Bar Piccolo
- » Brown Brothers
- » Galati Group
- » Liquor Marketing Group
- » Merivale
- » Thirsty Camel Bottleshops NSW
- » Thirsty Camel Bottleshops SA
- » Thirsty Camel Bottleshops Vic
- » Thirsty Camel Bottleshops WA

The AARB commends these advertisers for participating in the AARB process.

Advertisers who declined to participate in the AARB process during the second year of operation were:

- » Accolade Wines
- » Asahi Premium Beverages*
- » Australian Liquor Marketers
- » Beam Global
- » Brown Brothers*
- » Brown-Forman Australia
- » Campari Australia
- » Coopers Brewery
- » CUB
- » Diageo Australia
- » Drinkworks
- » Lion
- » Liquor Marketing Group*
- » Moet Hennessy Australia
- » Pernod Ricard Australia
- » Premix King Holdings
- » Suntory Australia
- » Toucan Club
- » Varsity Bar
- » Thirsty Camel Bottleshops WA*
- » Wesfarmers Limited
- » Woolworths Limited

*Advertisers that feature on both lists responded to only some of the complaints regarding the advertising of their products.

Action taken by advertisers

When a complaint is upheld, AARB notifies the advertiser and requests they modify or remove the advertisement.

Below we have summarised five examples of advertisements that were removed or modified by their advertisers. The full determination report for each example can be viewed at <http://www.alcoholadreview.com.au/articles/determination-reports/>.

The AARB commends these advertisers for removing or modifying the advertisements. It is encouraging to see alcohol advertisers participating in the AARB process and taking action in response to complaints against their advertisements. The AARB encourages all advertisers to respond to AARB requests and take the AARB Code into consideration in the development of advertising materials.

Removal of Facebook images – ref 279/14

Advertisement: Content uploaded by Thirsty Camel SA on the Thirsty Camel SA Facebook page. Two images included the statements “I enjoy a glass of wine a night for its health benefits ... The other glasses are for my flawless dance moves and witty comebacks” and “If at first you don’t succeed, try drinking a beer while you do it. You’ll be surprised at how much less you care”, and a status update stated “Did you see the New Year in with a bang last night ... What’s your best hangover cure?”

Complaint: The Facebook content encouraged immoderate drinking, referred to the feeling and effects of alcohol consumption, and was not prepared with a sense of responsibility to society.

Determination: Upheld.

Contravened three sections of the Content Code: (3)(a)(i) as the Facebook postings did not reflect the spirit of the Code; (4)(b)(ii) as they featured and indirectly encouraged irresponsible and immoderate drinking; and (4)(c)(ii)(3) as they implied that alcohol will change mood or abilities.

Action: On receipt of the complaint, the Advertiser, Thirsty Camel Bottleshops SA, telephoned to notify the AARB that the images had been removed. They also provided a written statement confirming this action:

“As stated over the phone, our organization is steadfast on the ‘responsible service of alcohol’ criteria/policy but occasionally we get misguided with some of our prescriptive to our quirky images. I have instructed our Social Media officer to remove all images and references ASAP to the two matters in question.”

The AARB commends the action taken by Thirsty Camel Bottleshops SA. This action has particular significance given that the Facebook pages for Thirsty Camel Bottleshops NSW and Vic have been the subject of several complaints and these groups have not removed any of the content found to have breached the AARB Code.

Removal of an online article – ref 260/14

Advertisement: An article titled “TheVine’s appropriate drink guide for social situations”, sponsored by ASM Liquor, found on The Vine website. The article’s content outlined various social situations and suggested alcohol beverages to drink in each situation.

Complaint: The article implied that every social situation requires an alcohol beverage; implied that alcohol makes you more attractive; implied levels of consumption resulting in intoxication; and implied consumption of alcohol will result in social approval. The article did not feature a sponsorship disclosure statement until the end.

Determination: Upheld.

Contravened four sections of the Content Code: (3)(c) as the advertisement was presented in a way which concealed its commercial intent; (4)(c)(i) and (4)(c)(ii)(1) as the advertisement suggested that alcohol is essential to the success of a social occasion and associated with social acceptance and status; and (4)(e) as the advertisement attempted to establish the product as a status symbol.

Action: Following receipt of the complaint, the Advertiser, ASM Liquor, provided a detailed written response to the concerns raised by the complainant. They noted that the editorial team of the website had full control over the topic and was responsible for writing the content. In response to the complaint, ASM Liquor requested The Vine website remove the article. The article was removed.

Removal of on-premise advertisement – ref 237/13

Advertisement: Chalkboard sign placed outside Bar Piccolo in Eltham, Victoria, that read “Sorry! No free wi-fi. Talk to each other and get drunk ☺ Happy hr 5 – 7.”

Complaint: The suggestion to “get drunk” irresponsibly promotes excessive levels of alcohol consumption.

Determination: Upheld.

Contravened three sections of the Content Code: (4)(b)(i) and (4)(b)(ii), as the advertisement encouraged irresponsible and immoderate consumption, inconsistent with the NHMRC alcohol guidelines; and (4)(c)(ii)(3) as the phrase “get drunk” suggests that the consumption of alcohol contributes to a change in mood and refers to the feeling and effect caused by alcohol consumption.

Action: Following receipt of the complaint, the Advertiser provided a written response stating they had removed the sign the following day, and in future will endeavour to feature signs that advertised hours and/or suitable specials only.

Modification of sports bar advertisement – ref 148/13

Advertisement: Promotion for a “Cheers to Adam Scott” event at York 75 Sports Bar in Sydney, NSW. The advertisement was received by email by the complainant, and featured text stating “CELEBRATE ADAM SCOTT’S US MASTERS WIN WITH HEINEKEN & CANAPES ON US!”.

Complaint: Advertisement promoted free alcohol for an unspecified amount of time. The complainant stated, *“No apparent restrictions on free drink time, no message regarding drinking responsibly.”*

Determination: Dismissed.

The AARB Panel did not believe the advertisement breached the AARB Code.

Action: On receipt of the complaint, the Advertiser, Merivale, provided a detailed response to the concerns raised by the complainant. The Advertiser noted that they only ever intended to provide a single complimentary Heineken for each guest on arrival at the event. The Advertiser provided corrected artwork that was revised and re-published prior to the event, which noted that there was a limit of one Heineken per person. The AARB commended the Advertiser for modifying the advertisement in line with the complainant’s concerns.

Modification of vodka advertisement – ref 147/13

Advertisement: Vodka O SchOlarship initiative. ‘Up-and-coming filmmakers’ were given the opportunity to have their short film on Vodka O screened at the 2013 Sydney Film Festival, along with a private party with ten friends, and \$5,000 in cash to put towards their creative career. To enter the Vodka O SchOlarship, entrants had to make a 20, 45 or 60 second film that follows a creative brief provided by Vodka O. The winning film would be placed on Vodka O’s website and heavily promoted on social media including YouTube and Vodka O’s Facebook page. The complainant provided a copy of a media release and an image from the Vodka O- The “O”fficial Site Facebook page.

Complaint: The initiative appeared to disguise its commercial intent via the form of a scholarship for budding filmmakers; was aimed at “up-and-coming filmmakers”, many of whom were likely to be under the age of 25; offered “Vodka O for a private bash with ten friends” which would have strong appeal to young people; and implied that the presence of Vodka O is essential to the success of a social occasion and linked Vodka O with personal, business and social success.

Determination: Upheld.

Contravened four sections of the Content Code: (3)(c) as the Vodka O SchOlarship initiative was presented in the format of a competition for short film makers and concealed its commercial intent; (4)(a)(i)(1) as the advertisement was directed at and would have strong appeal to young people as the advertisement clearly targets young people aspiring to become filmmakers; and (4)(c)(i) and (4)(c)(ii)(1) as the advertisement

clearly linked the product with success, and depicted the consumption or presence of alcohol beverages as a cause of, or contributing to, social success.

Action:

On receipt of the complaint, the Advertiser, ASM Liquor, provided a detailed response to the concerns raised by the complainant. The Advertiser noted that they "subsequently and arbitrarily decided to remove the words 'winning Vodka O to celebrate their success with 10 friends' from Facebook to alleviate any possible ambiguity". The AARB commended the Advertiser for modifying the advertisement following receipt of the complaint, however expressed concern over the Vodka O Scholarship initiative and requested that the advertisement be withdrawn or modified, in line with the Panel's decision. As of 2 May 2014, the AARB had not received any correspondence from ASM Liquor regarding this request.

94%

of Australian
adults are
concerned
about alcohol
use among
young
people.²

Top 10 alcohol advertising shockers of 2013-14

The following list of advertisements illustrates by way of example some types of alcohol advertising that cause concern in the community.

Exposure to young people

VB sponsorship of Australian cricket
Alcohol sponsorship of NRL
Bundaberg Rum billboard outside a youth centre
Corona bus stop advertisement outside a school
Carlton Draught AFL Tipping email sent to children

Liquor retailer advertisement

Woolworths Limited and Wesfarmers Limited cask wine price promotions
Supermarket docket deals

Disguised alcohol advertising

Captain Morgan "Designate a Driver" advertisement

Inappropriate use of social media

Premix King Facebook pages

Repeat offender

Thirsty Camel NSW and Victoria Facebook pages

The advertisements detailed below were the subject of complaints received by the AARB in the second year of operation.

Exposure to young people

VB sponsorship of Australian cricket (ref 159/13, 160/13, 170/13, 208/13, 232/13, 239/13, 240/13)

In the second year of operation, the AARB received 10 complaints regarding VB sponsorship of cricket. Below we have summarised one determination as an example of a determination report published by the AARB regarding the VB sponsorship.

Advertisement: Members of the Australian Test Cricket team wearing white shirts with VB logos on the sleeve and the right side of the front of the shirt. The white vests worn by several members also featured a VB logo on the front (ref 170/13).

Complaint: Two complaints received. The first complainant stated:

"In television coverage of The Ashes, all Australian cricketers were wearing VB logos – very prominent and clearly designed for TV coverage. Players included 19 year-old West Australian cricketer Ashton Agar – coverage of Agar during play, also being presented with his test cap.

The VB promotions during the game were consistent and unavoidable, as all Australian players were wearing at least two VB logos very prominently. This would often ensure coverage for several seconds at a time."

The second complainant stated:

"Children watching this coverage are constantly exposed to this and the normalising of alcohol promotion by sports people."

Determination: Upheld.

Contravened five sections of the Content Code: (4)(a)(i)(3) as the placement of the VB logo in the context of a prime sporting event portrayed the product in relation to an activity attractive primarily to young people; (4)(a)(i)(4) as the Australian cricket team is likely to be followed by young people and have strong appeal to young people; (4)(a)(ii) on the basis that several members of the Australian cricket team who played in the First Test, including Steve Smith and Ashton Agar, were under the age of 25 years; and (4)(c)(i)(1) and (4)(h) as the VB sponsorship associates the product with sport and sporting success. Contravened sections (1), (2) and (9) of the Placement Code as the advertisement was placed where young people were likely to be exposed and in connection with a sport that would appeal to young people.

Action: The AARB requested the Advertiser, CUB, cease their sponsorship of Cricket Australia due to the appeal of cricket to young people and the likely exposure of young people to alcohol advertising.

The AARB also reviewed complaints regarding VB sponsorship of Cricket Australia (ref 159/13); VB sponsorship of the Aussie Cricket Crew (ref 160/13); VB sponsorship of the Australian One Day International Cricket team (ref 208/14); the VB Scoreboard at the 2013/14 Ashes Series (ref 232/13); VB hoardings at the third Ashes Test cricket match in Perth (ref 239/13); and a VB logo on a player's uniform during an interview at the third Ashes Test cricket match (ref 240/13). In each instance, the AARB requested CUB cease the sponsorship of Cricket Australia due to the appeal of cricket to young people and the likely exposure of young people to alcohol advertising. As of 2 May 2014, the AARB had not received any notification from CUB regarding these requests.

Exposure to young people

Alcohol sponsorship of NRL (ref 156/13, 177/13, 178/13, 189/13, 191/13, 194/13, 216 - 219/13)

In the second year of operation, the AARB received 14 complaints regarding alcohol sponsorship of NRL. Below are two examples of determination reports published by the AARB regarding the sponsorship.

VB advertisements in NRL State of Origin change room – ref 156/13

Advertisement: Channel 9's broadcast of the 2013 NRL State of Origin Game on 5 June 2013 featured players holding VB products and VB signage around the room after the game.

Complaint: The complainant stated:

"After approx. 15 to 20mins after the game, the winning (NSW) team were gathered in their dressing shed. All players were seated and each was holding a stubby of beer. This image was displayed for about 10 seconds.

It was obvious that this was a staged event and was part of the duties of the players. It was designed to promote an image of drinking alcohol after "a hard day's work", which is encouraging regular, routine drinking."

The full complaint is available in the AARB determination report (ref 156/13).

Determination: Upheld in part.

Contravened section (3)(c) of the Content Code as the advertisement was presented in a format which concealed its commercial intent; section (4)(a)(i)(4) of the Content Code as top level rugby league players are role models for children and young people, and the NRL State of Origin games would have high appeal and relevance to young people; section (4)(e) of the Content Code as alcohol was associated with the daring and toughness required to be an A-grade rugby player; and sections (1) and (9) of the Placement Code as the NRL State of Origin has appeal to young people who would have been exposed to the advertisements.

Action: The AARB requested the Advertiser, CUB, reconsider their sponsorship of the NRL State of Origin NSW team due to the likely exposure of children and young people to alcohol advertising related to the sponsorship. As of 2 May 2014, the AARB had not received any correspondence from CUB regarding this request.

XXXX "Queenslander" NRL television advertisement – ref 194/13

Advertisement: XXXX television advertisement featuring ex-NRL player Bill Moore. Set in a XXXX beer factory, Bill Moore is seen 'blessing' XXXX by yelling "Queenslander" in different situations throughout the factory. A shot of cans of XXXX states "Proudly QLD Origin Edition" and "Every drop blessed by Billy Moore". The closing scene features the text "Official beer of XXXX State of Origin QLD Maroons".

Complaint: The complainant stated:

"I can't believe that the NRL advertises alcohol! Children love NRL and will look up to the stars of the game. They see them advertising alcohol and think that's what you do to be a part of it all!"

Determination: Upheld.

Contravened four sections of the Content Code: (4)(a)(i)(1) as the advertisement would have strong appeal to young people due to the association of XXXX with State of Origin; (4)(a)(i)(4) as it features Billy Moore, a well-known footballer who is depicted as a 'Queenslander' wearing the maroon State of Origin NRL colours; (4)(e) as the alcohol was linked with daring, toughness, and aggression; and (4)(h) as the use of an ex-NRL player to promote the product links alcohol with sport.

Action: The AARB requested the Advertiser, Lion, withdraw the advertisement immediately. As of 2 May 2014, the AARB had not received any correspondence from Lion regarding this request.

The AARB also received complaints regarding Tooheys New signage at the NRL State of Origin Game 3 (ref 177/13); Tooheys Extra Dry advertisement on the NRL website (ref 178/13); XXXX Gold advertisement during a Channel 9 news player interview (ref 189/13); VB sponsored half-time entertainment at the NRL State of Origin Game 3 (ref 191/13); Tooheys New, Wild Turkey, Bottlemart, and VB signage at the NRL Grand Final (ref 216 – 219).

Exposure to young people

Bundaberg Rum billboard outside a youth centre (ref 210/13)

Advertisement: A Bundaberg Brewed & Crafted 'Smooth & Shifty' billboard was seen on a pedestrian bridge opposite the Wollongong Youth Centre in Wollongong, NSW.

Complaint: The complainant stated:

"I object to the location of this advertisement, which is obviously targeted to young people. I believe that this is directly located to encourage underage drinking."

Determination: Upheld.

Contravened section (1)(i) of the Placement Code, as the advertisement was placed outside a youth centre that runs programs for young people aged 12 to 24 years.

Action: The AARB requested the Advertiser, Diageo Australia, remove the advertisement immediately due to the likely exposure to young people. The AARB did not receive notification from the Advertiser regarding any action in response to this request.

Exposure to young people

Corona bus stop advertisement outside a school (ref 253/14)

Advertisement: A Corona advertisement was seen on a bus stop outside St Jerome's Primary School in Spearwood, Western Australia.

Complaint: The complainant stated:

"The advertisement is located within 114m of a primary school. Despite the fact that it is school holidays, it clearly contradicts the Code. The bus shelter frequently contains alcohol advertising."

Determination: Upheld.

Contravened section (6) and (7) of the Placement Code, as the advertisement was located next to a school on a bus stop.

Action: The AARB requested the Advertiser, Lion, remove the advertisement immediately, and cease the use of public transport-related locations to advertise their alcohol products due to the likely exposure of young people. The AARB did not receive notification from the Advertiser regarding any action in response to this request.

Exposure to young people

Carlton Draught AFL Tipping email sent to children (ref 192/13)

Advertisement: Email from the Carlton Draught AFL Tipping website containing tipping results, featuring a banner across the top with the AFL Tipping logo on the left, the Carlton Draught 'Draught Pick' logo on the right, and a glass of Carlton Draught between the two.

Complaint: The complainant stated:

"The AFL footy tipping is sponsored by Carlton Draught, and each week sends my 9 and 7 year old an email promotion the Carlton Draught AFL Tipping, even though the website knows their age."

The complainant provided a copy of an email received by his son, and noted his son is 9 years old and his age was registered when he subscribed to the tipping website.

Determination: Upheld.

Contravened section (4)(a)(i)(1) of the Content Code as AFL strongly appeals to many young people, some of whom would participate in footy tipping; section (4)(h) of the

Content Code as Carlton Draught is portrayed in a way that associates the alcohol product with AFL; section (1) and (8) of the Placement Code on the basis that the alcohol advertisement was emailed to children, clearly exposing them to the advertisement.

Action: The AARB requested the Advertiser, CUB, cease placing alcohol advertisements on the AFL Tipping website and in AFL Tipping emails due to the likely exposure to young people, and requested CUB cease their sponsorship of AFL due to its appeal to young people. As of 2 May 2014, the AARB had not received notification from the Advertiser regarding these requests.

The AARB received four other complaints regarding Carlton Draught sponsorship of AFL: the Carlton Draught 'Footy's Back' TV advertisement (ref 146/13); Carlton Draught sponsorship agreement with the WAFL (ref 165/13); Carlton Draught signage at 2013 Round 16 AFL game (ref 176/13); and Carlton Draught 'Draught Pick' iPhone app (ref 284/14).

Liquor retailer advertisement

Woolworths Limited and Wesfarmers Limited cask wine price promotions (ref 173/13, 225/13)

In 2012, the AARB received a complaint regarding a Woolworths Limited promotion for Berri Estates 5 Litre wine casks at 3 for \$30 (ref 14/12). This promotion was featured in the AARB's Annual Report 2012-13 as one of the "Top 10 alcohol advertising shockers of 2012 – 13".

In the second year of operation, the AARB received two further complaints about promotions for Berri Estates 5 Litre wine casks by Woolworths Limited and Wesfarmers Limited.

Advertisement:

1. Promotion for Berri Estates 5 Litre wine casks by Woolworths Limited, offering two casks for \$20 (ref 173/13).
2. Promotion for Berri Estates 5 Litre wine casks by Wesfarmers Limited, offering three casks for \$33 (ref 225/13).

Complaint: Both complainants believed the advertisements were not prepared with a sense of responsibility to society, as it is irresponsible to sell alcohol for around \$2 a litre; and the cheap price encouraged irresponsible and immoderate drinking, and consumption inconsistent with the NHMRC guidelines.

Determination: Promotion by Woolworths Limited: Upheld in part.

Promotion by Wesfarmers Limited: Upheld.

Both advertisements contravened section (3)(a)(i) of the Content Code, as the advertisements were not prepared with a sense of responsibility to society due to the large quantity of alcohol at low prices; and sections (4)(b)(i) and (4)(b)(ii) of the Content Code as the advertisement did not depict responsible and moderate consumption of alcohol.

Action: The AARB requested the Advertisers, Woolworths Limited and Wesfarmers Limited, cease promoting large quantities of alcohol at very low prices. As of 2 May 2014, the AARB had not received any notification from the Advertisers regarding this request.

Liquor retailer advertisement

Supermarket docket deals (ref 185/13, 186/13)

The AARB received nine complaints regarding supermarket docket deals in the second year of operation. Two complaints regarding supermarket docket deals are summarised below.

- Advertisement:**
1. "Liquorland Docket Deal" seen on the bottom of a Coles supermarket docket (ref 185/13). The docket offered a 'buy one get one free' offer on bottles of white wine.
 2. BWS "Receipt Awards" seen on the bottom of a Woolworths supermarket docket (ref 186/13). The docket offered a 'Get two for the price of one' deal on bottles of white wine.

Complaint: The complainant expressed concern that the advertisements were not prepared with a sense of responsibility, as the dockets were provided to anyone who shopped at the supermarkets; and the docket deals promoted cheap alcohol which was 50 per cent off the original price and where the consumer didn't need to spend any more money than intended in order to get a larger volume of alcohol.

Determination: Liquorland Docket Deal: Upheld.

BWS Receipt Awards: Upheld.

Both advertisements contravened sections: (3)(a)(i) of the Content Code, on the basis that the advertisements did not reflect the spirit of the Code and were not prepared with a sense of responsibility to society; (4)(b)(ii) of the Content Code, as due to the price and the offer of a free bottle of wine, the advertisement encouraged irresponsible or immoderate drinking; and section (1)(i) of the Placement Code, as the advertisement was placed on a supermarket docket that young people could receive if they shopped at the supermarket.

Action: The AARB requested the Advertisers, Wesfarmers Limited and Woolworths Limited, cease advertising alcoholic products on supermarket dockets.

Following receipt of further complaints, follow up letters restating the AARB's request were sent to Wesfarmers Limited in April, September, October, and November 2013, and Woolworths Limited in September and October 2013, and January 2014. As of 2 May 2014 the AARB had not received any notification from the Advertiser regarding this request.

Disguised alcohol advertising

Captain Morgan "Designate a Driver" advertisement (ref 195/13)

Advertisement: The Captain Morgan Original Spiced Gold Rum online advertisement featured a man rowing a boat at night, towing two large boats full of people dancing and partying. The text "DESIGNATE A DRIVER, CAPTAIN'S ORDERS" featured in the advertisement, with a voiceover stating "Captain Morgan. Live like the captain."

Complaint: The complainant's statement included:

"I believe it is totally inappropriate for an alcohol company to produce road safety campaigns, and this is a particularly poor example with very mixed messages. The ad ends with large images of Captain Morgan products (RTD and the 700mL rum, and a mixed drink) and the message "Captain Morgan Live Like The Captain", which is the same message used in other ads for Captain Morgan... The recognisable branding of Captain Morgan is present through the entire ad; it is therefore an alcohol ad disguised as a road safety ad. The ad also conveys the message that as long as you have a designated driver, the rest of you can drink as much as you like..."

Health and safety messages, including road safety campaigns, should be developed by health experts and governments. Evidence from other areas including tobacco control suggests that 'health campaigns' developed by industry are generally ineffective, or worse, counter-productive. If alcohol companies want to contribute to reducing drink driving, they should follow evidence-based strategies including reducing the amount of alcohol promotion present in the community, rather than producing additional alcohol advertising disguised as a road safety message."

The full complaint is available in the AARB determination report (ref 195/13).

Determination: Upheld in part.

Contravened five sections of the Content Code: (3)(a)(i) as the advertisement mocked the designated driver role; (3)(c) as the advertisement was presented in a format which concealed its commercial intent; (3)(e) as the drink-driving message is not clear and a boat full of people drinking alcohol is not safe; (4)(b)(ii) as irresponsible drinking was encouraged by implication; and (4)(e) as alcohol was linked with unruly behaviour.

Action: The AARB requested the Advertiser, Diageo Australia, withdraw the advertisement immediately. As of 2 May 2014, the AARB had not been notified of any action taken by Diageo Australia.

Inappropriate use of social media

Premix King Facebook pages (ref 188/13)

Advertisement: The Facebook pages of Premix King, a liquor retailer in regional Victoria (Facebook pages included Premix King Bendigo, Premix King Echuca, Premix King Warrnambool and Premix King Wodonga). Images of alcohol products, Premix King stores and miscellaneous pictures uploaded to the pages featured captions such as:

"Don't laugh, this stuff was liquid Viagra before the real thing came along! Grab some tonight at 2 for \$11";

"Jimmy's goon trolley, full of Kiss beer, don't pay \$50 a slab at Dans, pay only \$24 at Premix King or if you're feeling like a tight arse, grab some loose stubbies for only \$1 each ... woo hoo!";

"Get your selected Cruisers for \$2 each!!!!";

"Win a double pass to the PMK Superbox to see P!nk live just by buying vodka cruisers!!!";

"Stassen Pear cider from Belgium, 5.4% @ 29, awesome value, blokes! Grab one for the missus and increase your odds tonight".

Complaint: The Facebook pages were not prepared with a sense of responsibility to society; offended the standards of public decency; would appeal to young people due to low prices and the ability to purchase products individually; included promotions for Pink, a commercial pop star admired by many young people; contained images of adults who appeared under 25 years of age; encouraged irresponsible consumption of alcohol through the promotion of very low prices; associated alcohol with sexual success; and the advertisements were placed on Facebook, a site regularly used by young people under 25 years.

Determination: Upheld.

Contravened nine sections of the Content Code: (3)(a)(i) as the Facebook pages lacked a sense of responsibility to society by heavily promoting excessive alcohol consumption, with particular appeal to young people; (3)(f) as the advertisements encouraged conduct or attitudes that would offend the standards of public decency through the use of inappropriate language and revealing images of women; (4)(a)(i)(1) as the advertisements were directed at and would have strong appeal to young people; (4)(a)(i)(4) as the Facebook pages made reference to Pink and AFL players, people who would have especial appeal to young people; (4)(a)(ii) as they featured individuals below the age of 25; (4)(b)(i) and (4)(b)(ii) as the images encouraged bulk purchase of alcohol and the type of sales promotions and the nature of the statements are strongly suggestive of heavy consumption; (4)(c)(ii)(1) as the Facebook pages referenced sporting heroes, celebrities and sexual success; and (4)(d) as the Facebook pages featured revealing pictures of a girl tearing at her clothes. Contravened sections (1) and (8) of the Placement Code as the advertisements were placed online on Facebook, a medium that is very popular with young people.

Action: The AARB requested the Advertiser, Premix King Holdings, modify their Facebook pages immediately to reflect the concerns of the Panel. As of 2 May 2014, the pages had not been modified.

Repeat offender

Thirsty Camel NSW and Victoria Facebook pages

In August 2012, the AARB received a complaint regarding the Thirsty Camel Bottleshops Victoria Facebook page (ref 62/12). The images uploaded by Thirsty Camel included statements such as "I wish I could trade in my heart for another liver. Then I could drink more and care less", "Someone slipped a hangover into my drink last night" and "Alcohol doesn't answer any problems, it just helps you forget the question". The complaint was upheld and the AARB requested Thirsty Camel Bottleshops remove the images from the Facebook page.

The AARB has since received three further complaints regarding Thirsty Camel Bottleshops Victoria and NSW Facebook pages.

Thirsty Camel NSW Facebook page (ref 153/13, 278/14)

Two complaints were received regarding the Thirsty Camel NSW Facebook page (May 2013 and March 2014).

- Advertisement:**
1. Images uploaded by Thirsty Camel onto the Thirsty Camel NSW Facebook page featuring statements such as "I don't have a drinking problem, if anything I'm too good at it!", "I'm factoring a hangover into tomorrow's workload", and "I don't get drunk. I get classy and more fun." Complaint received in May 2013 (ref 153/13).
 2. Images uploaded on the Thirsty Camel NSW Facebook page featuring statements such as "In wine there is wisdom, in beer there is freedom, in water there is bacteria", "If only there was an Olympic medal for beer drinking ...", "It's Friday. The only two who aren't excited are my bank account ... And my liver", and "Some days there comes a time when no matter what the question is ... The answer is beer." Complaint received in March 2014 (ref 278/14).

Complaint: Both complainants expressed concern over the content of the images, including: the images encourage excessive and irresponsible consumption of alcohol; refer to being intoxicated and the effects of alcohol; imply that consumption of alcohol makes a person more fun; and attempts to establish alcohol consumption as an escape from life's problems. The camel cartoon and the use of humour in the images would have strong appeal to young people.

Determination: May 2013 complaint: Upheld.

Contravened five sections of the Content Code: (4)(a)(i)(1) as the images would have strong appeal to young people; (4)(b)(i) and (4)(b)(ii) as the images depicted drinking to excess and encouraged immoderate and irresponsible drinking; and (4)(c)(ii)(1) and (4)(c)(ii)(3) as several images implied that the consumption or presence of alcohol contributed to a change in mood or environment, and depicted that the subject of the images was under the influence of alcohol.

March 2014 complaint: Upheld

Contravened four sections of the Content Code: (3)(a)(i) as the advertisements were not prepared with a sense of responsibility; (3)(e) as one of the images depicted material contrary to prevailing community standards on health and safety; (4)(a)(i)(1) as the irreverent nature and cartoon depiction would have strong appeal to young people; and (4)(b)(ii) as the advertisements imply immoderate drinking.

Thirsty Camel Bottleshops Victoria Facebook image (ref 198/13)

Advertisement: Image uploaded by Thirsty Camel onto the Thirsty Camel Victoria Facebook page with the statement "Rather than posting your problems on Facebook, we suggest you grab a drink instead."

Complaint: The complainant stated:

"This ad is suggesting to "drink away your problems" and implies that it is better to drink alone. Although presented in a light hearted manner with the Facebook reference, implies that your friends and family don't want to know about your problems...Obviously directed to the young Facebook teen drinker."

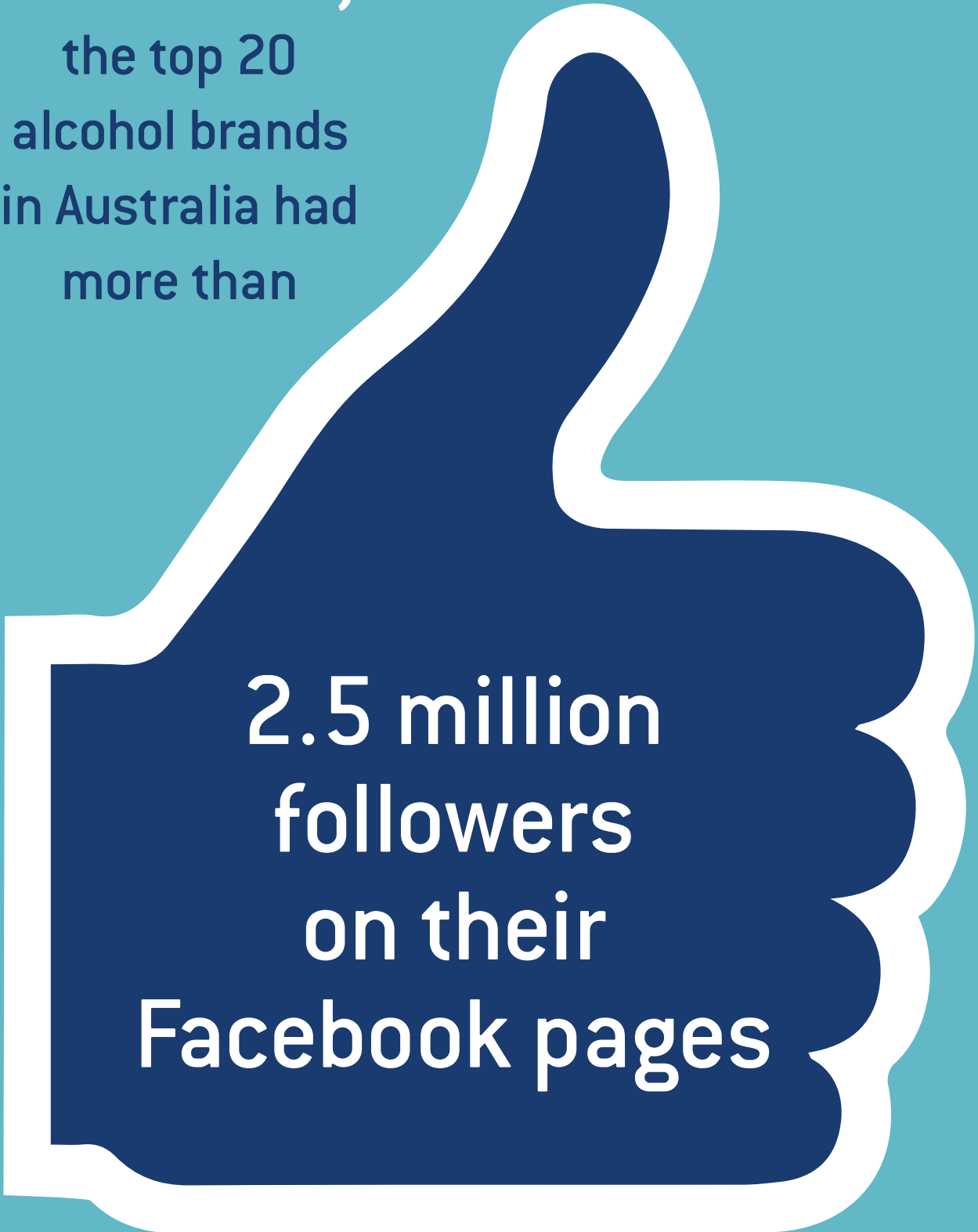
Determination: Upheld.

Contravened four sections of the Content Code: (3)(a)(i) as the advertisement did not reflect the spirit of the Code; (4)(a)(i)(1) as the cartoon camel would have strong appeal to young people; (4)(c)(ii)(2) as the advertisement suggested that consumption of alcohol would offer a therapeutic benefit for someone's problem; and (4)(e) as the advertisement suggests alcohol consumption is a way to escape from life's problems.

After each determination, the AARB requested Thirsty Camel Bottleshops NSW and Victoria remove the content immediately. While some of the content was removed, as of 2 May 2014, some of the images were still visible on the Facebook pages.

The AARB also requested that the determinations be taken into account in relation to future advertising. However, the additional complaints indicate that Thirsty Camel Bottleshops NSW and Victoria appear to have disregarded the concerns of the complainants and the AARB, and they continue to publish material on their Facebook pages that is in breach of the AARB Code.

In 2012,
the top 20
alcohol brands
in Australia had
more than



**2.5 million
followers
on their
Facebook pages**

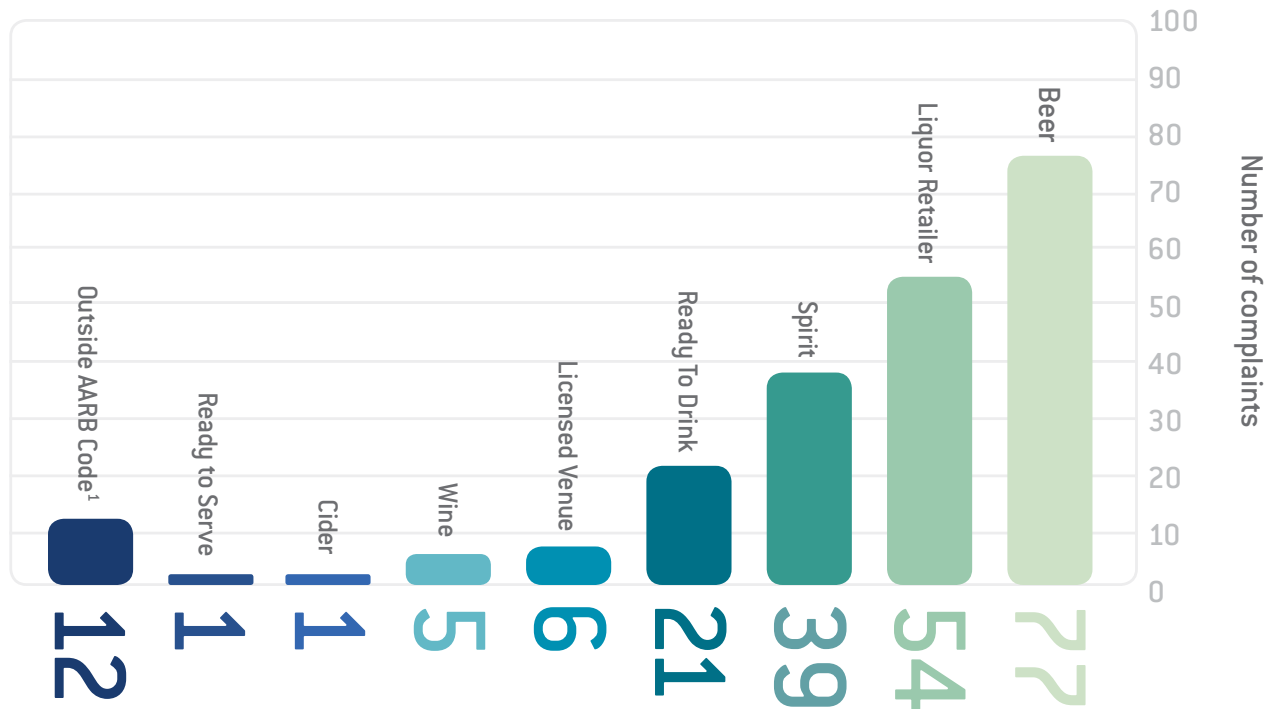
with followers interacting with content
more than 2.3 million times.¹¹

Analysis of complaints

The following figures provide an analysis of the 209 complaints received by the AARB in the second year of operation.

Type of Product

Graph 1: Type of alcohol products to which complaints related



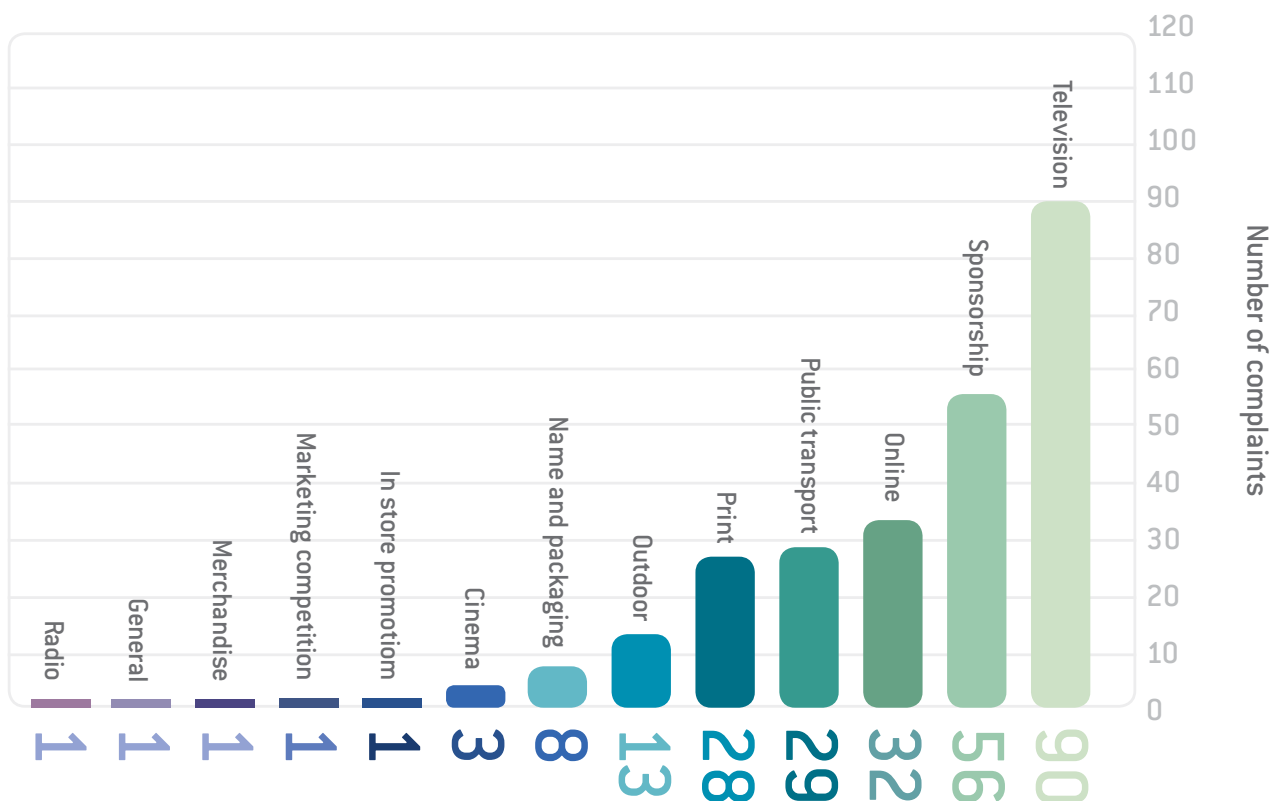
Total = 216²

During the second year of operation, complaints were most likely to relate to advertisements for beer products (77 complaints), followed by liquor retailers (54 complaints), and spirit products (39 complaints).

1. This category includes complaints for which the subject was outside the scope of the AARB Code. For example, a complaint was received regarding the name and packaging of a 'Pink Champagne' ice-cream. As no specific alcohol brand was mentioned, this was outside the scope of the AARB Code.
2. The total is over 209 as four advertisements promoted both a spirit and a ready to drink product; one advertisement promoted two spirit products; and one complaint related to two beer products.

Form of advertisement

Graph 2: Form of advertisement to which complaints related



Total = 264¹

Television advertisements, including alcohol sponsorship seen during televised sports, were the most likely to receive complaints (90 complaints). Other forms of advertisements which received a substantial number of complaints were sponsorship of sport and music events (56 complaints), and online advertisements, including social media (e.g. Facebook and YouTube), email content, and smartphone applications (32 complaints).

1. The total is over 209 as some complaints related to promotions that covered more than one form, e.g. television and sponsorship.

Advertisers

Table 2: Number of complaints received by Advertiser.

Advertiser	Number of complaints
CUB	46
Lion	24
Diageo Australia	20
Woolworths Limited	19
Wesfarmers Limited	13
Brown-Forman Australia	10
Beam Global	9
Australian Liquor Marketers	7
Asahi Premium Beverages	5
Campari Australia	5
Coopers Brewery	5
Liquor Marketing Group	5
Pernod Ricard Australia	3
Thirsty Camel Bottleshops WA	3
Accolade Wines	2
ALH Group	2
ASM Liquor	2
Brown Brothers	2
Galati Group	2
Thirsty Camel Bottleshops NSW	2
ALDI Australia	1
Bar Piccolo	1
Drinkworks	1
Merivale	1
Moet Hennessy Australia	1
Premix King Holdings	1
Suntory Australia	1
Toucan Club	1
Varsity Bar	1
Thirsty Camel Bottleshops SA	1
Thirsty Camel Bottleshops Vic	1
Outside AARB Scope	13
Total	210¹

1. The total is over 209 as one complaint related to promotions that covered products from two separate alcohol advertisers.

Determinations

The 209 complaints received by the AARB in the second year resulted in 138 determinations. Table 3 outlines how many of the determinations made by the AARB Panel upheld, upheld in part or dismissed complaints.

Table 3: Number of determinations that upheld, upheld in part or dismissed complaints

Panel decision	Number of determinations
Upheld	86
Upheld in part	44
Dismissed	8
Total	138

Content and Placement provisions

As demonstrated in Table 4, of the 130 AARB Panel determinations that upheld complaints in full or in part:

- » 57 determinations found the alcohol advertisement in question breached both Content and Placement provisions;
- » 30 determinations found the alcohol advertisement in question breached Content provisions only; and
- » 43 determinations found the alcohol advertisement in question breached Placement provisions only.

Table 4: Number of determinations that found breaches of Content or Placement provisions

Code breached	Number of determinations
Content and Placement	57
Content only	30
Placement only	43
Total	130

Young people content provision – Section (4)(a)

The AARB is committed to providing an independent system of alcohol advertising review to help protect the community, especially young people, from inappropriate alcohol advertising. The AARB Code aims to ensure alcohol advertising does not encourage young people to drink. Section (4)(a) of the Content Code states:

4. Alcohol-specific provisions:

a. Young people

i. Alcohol Advertisements shall not:

1. be directed at, or have a strong or evident appeal to, Young People;
2. associate any Product with youth or youth symbols,
3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.

- ii. Adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults of this age.

Of the 130 determinations that upheld complaints in full or in part, 29% (37 advertisements) were found to have breached at least one section of (4)(a) of the Content Code.

Table 5: Number of upheld (in full or in part) determinations that found the alcohol advertisement in question breached section (4)(a) of the Content Code

Advertisement breached (4)(a)	Number of determinations
Breached (4)(a)	37
Did not breach	93
Total	130

Placement provisions

The AARB Placement Code features provisions that the AARB believes would reasonably reduce young people's exposure to alcohol advertising. Considering the 100 determinations which included at least one breach of the Placement Code, Table 6 outlines the number of times each provision of the Placement Code was breached.

Table 6: Number of Placement provision breaches

Provision	Number of determinations
(1)(i) General Alcohol advertisements should not be placed in places or at broadcast times where Young People are exposed or are likely to be exposed.	56
(1)(ii) General Alcohol advertisements should not be placed in connection with content that appeals to Young People.	23
(2). TV Alcohol Advertisements shall not be broadcast between 5am and 9pm.	32
(3). Radio Alcohol Advertisements shall not be broadcast between 5am and 9pm.	0
(4). Cinema Alcohol Advertisements may only be shown during R18+ films.	1
(5). Publications Alcohol Advertisements are not permitted in publications that appeal or are likely to appeal to Young People.* * This provision does not apply to alcohol industry publications	4
(6). Outdoor Alcohol Advertisements are not permitted within 500m of schools* * This provision does not apply to Alcohol Advertisements that are on premises licensed to sell Alcoholic Beverages.	1
(7). Transport No Alcohol Advertisements shall be placed on any means of public transport. No Alcohol Advertisements shall be placed at any train, tram, bus or ferry stops.	25
(8). Internet Alcohol Advertisements shall not appear online in connection with content that appeals or is likely to appeal to Young People.	14
(9). Sponsorship Alcohol Advertisements shall not appear at cultural or sporting events that appeal or are likely to appeal to Young People.	28

Note: In September 2013, the AARB Steering Committee decided to modify AARB Procedures so advertisements that were reviewed on a specific Placement provision were not reviewed against the General provision, as was the procedure prior to September 2013. This may have impacted on the number of advertisements that were found in breach of Placement Code Provision (1).

Comparison of activity by the Alcohol Advertising Review Board and Alcohol Beverages Advertising Code Scheme

The AARB was developed in response to the numerous weaknesses of the self-regulatory alcohol advertising system, the ABAC Scheme, which is run under the auspices of the alcohol and advertising industries. The AARB provides independent review of alcohol advertising, free of the alcohol and advertising industries.

Table 7 demonstrates a comparison of the number of complaints received, determinations, and decisions made by the AARB and the ABAC over one-year periods for which data are available.*

Table 7: AARB in one year compared to the ABAC Scheme in one year

	AARB 2013 - 14	ABAC 2012 ¹
Number of complaints received	209	98
Number of advertisements these complaints referred to	174	63
Number of complaints considered by the Panel	142	53
Number of determinations by the Panel	138	36
Number of determinations that upheld complaints (at least in part)	130	7
Number of determinations that dismissed complaints	8	29 ²

1. The information in this column is from the ABAC 2012 Annual Report.

2. This category was not specifically stated in the ABAC 2012 Annual Report but was inferred from information within the report.

* As this report went to press, the ABAC 2013 Annual Report was made available on the ABAC Scheme website. The ABAC 2013 Annual Report showed that the ABAC Scheme received 182 complaints in 2013. The complaints referred to 78 advertisements; 69 complaints were considered by the ABAC Panel; 36 determinations were made; 20 determinations upheld complaints (at least in part); and 4 determinations upheld complaints in full. The increased number of complaints received by the ABAC Scheme in 2013 may, in part, relate to a substantial number of complaints about a Tooheys Extra Dry (Lion) ad, which reportedly attracted around 66 complaints on the basis that it was in bad taste (<http://mumbrella.com.au/complained-ads-193120>); the complaints were ultimately dismissed by the ABAC Scheme.

From the Alcohol Advertising Review Board Panel

Below are comments from a variety of AARB Panel members. A total of 122 Panel members, representing all jurisdictions of Australia, participated in reviews in 2013 – 14.

“The two years of AARB processing complaints against alcohol advertisements adequately demonstrates how ineffective the formal advertising regulatory system is, and this should be the focus of ongoing advocacy. Regarding the advertisements that I have seen the most concerning is how powerful the linkage of alcohol with popular sports is and how easily that flies under the radar.”

Non-government organisation CEO

“Addressing problems associated with alcohol use in the Australian community requires a comprehensive approach. Education and prevention initiatives in particular are undermined by the pervasive nature of alcohol advertising. The messages that young people receive in relation to the use of alcohol are contradictory, with marketing messages often overshadowing approaches designed to promote public health. It’s important that regulatory frameworks ensure that government policy and program measures aren’t overtly undermined by industry advertising messages.”

Non-government organisation Executive

“The social and economic cost of the misuse of alcohol in Australia has been estimated in excess of \$15 billion. Yet the ideological fixation of governments on personal responsibility, combined with the lobbying power of alcohol industry – manufacturers, retailers, advertisers – has rendered government incapable of strengthening regulation. In these circumstances, the Alcohol Advertising Review Board serves a vital function, demonstrating the wider concern in the community for the failure of the alcohol industry to protect children and adolescents from exposure to inappropriate alcohol advertising.”

Law Professor

“My membership of the AARB has confirmed beyond doubt that self-regulation of advertising in the alcohol industry is not effective. It seems regulations are viewed by members of the alcohol industry as challenges to be overcome so that they may continue to promote and grow their business in any manner they can. The prevalence of social media in young peoples’ lives has presented the industry with yet another vehicle to circumvent advertising restriction and promote their product specifically to the youth market. The AARB provides a mechanism by which concerned citizens can voice their views about alcohol advertising and the industry has a real sense that their activities are being monitored and held to account.”

Education manager

"An advertisement that really stands out for me was the VB half time entertainment at the NRL State of Origin (Game 3) in 2013. The association between alcohol advertising and sport simply must stop. Evidence shows our young people are influenced by this type of alcohol advertising. This is fuelling our drinking culture in Australia. Our young people rely on our community to send them appropriate messages and associating alcohol advertising with sport or any other activity is not doing this. We talk about role modelling. We talk about changing the culture. This can be done with strong alcohol advertising regulations and encouraging the healthy behaviours associated with sport."

Concerned parent and community advocate

"In the absence of effective public health regulation and political leadership preventing irresponsible liquor promotion, the AARB by default plays a commendable vital role highlighting the same promotions and subjecting the industry and regulators to moral pressure to put the health and safety imperatives of all Australians ahead of the vested interests of the powerful liquor industry."

Public health lawyer

"As a member of the AARB I have been shocked by the blatant targeting of children and youth in the advertising used by the alcohol industry. No space seems to be free from alcohol advertising and it is very worrying that the next generation are growing up in a society where this is considered an acceptable practice."

Non-government organisation officer

"The complaints reviewed by the AARB highlight the sheer volume and variety of marketing that the current regulatory system is failing to capture or contain – ranging from television advertising and embedded content, conspicuous sports sponsorship, billboard advertising, cross promotions with music events and recreational activities, Facebook content and prompts for user-generated content, fashion accessories, and mobile apps. While some of this marketing brazenly targets young people, advertisers are becoming increasingly sophisticated and creative in creating sophisticated campaigns that work across multiple platforms. The implications are clear and compelling: responsibility for regulating alcohol marketing cannot be left to industry, and a strengthened and independent regulatory framework for alcohol marketing is vital as part of an overall approach to reducing the harms from alcohol consumption."

Non-government organisation policy adviser

"As a panel member it is apparent that the industry are quickly adapting their practices to new platforms, such as social media. The AARB highlights the importance for a regulatory system to be able to adapt to these changes to ensure that those most at risk are not continually exposed to alcohol advertisements."

Non-government organisation policy officer

Alcohol advertising regulation: a public health concern

Self-regulation of alcohol advertising in Australia: What's changed?

Since the launch of the AARB, a number of modest changes to the alcohol advertising self-regulation system in Australia have been observed. While no major steps have been taken to ensure alcohol advertising is regulated responsibly and effectively, the changes detailed below could demonstrate that the alcohol industry is responding to increased pressure for action.

Signatories to the Alcohol Beverages Advertising Code Scheme

After not participating in the ABAC Scheme since it came into operation in 1998, Australia's two major liquor retailers recently became signatories to ABAC. On 20 June 2013, Woolworths Liquor Group, which includes Dan Murphy's, BWS and Cellarmasters, became a signatory to the Code.¹⁸ On 5 November 2013, ABAC announced that Coles Liquor Group, which includes Liquorland, Vintage Cellars, and First Choice Liquor, had also become a signatory.¹⁹ Together, the two liquor retailers represent around 60% of the liquor retailing market share in Australia.²⁰

In becoming signatories, both companies committed funding towards the scheme and agreed to meet the pre-vetting requirements for advertisements and naming or packaging of products. However, pre-vetting advertisements against a weak Code that is limited in scope does little to ensure alcohol advertisements will be socially responsible.

Promotion of the Alcohol Beverages Advertising Code Scheme

In March 2014, ABAC launched a television advertisement to "raise awareness of current controls over alcohol advertising and emphasise how anyone can make a complaint".²¹ The media release accompanying the launch of the television advertisement noted:

*"ABAC spokesman, Mrs Denita Wawn, said research showed there was low awareness across Australia about existing regulation including that anyone has the right to complaint about alcohol ads."*²¹

The television advertisement stated that all alcohol ads seen on TV go through a "rigorous process" in the form of pre-vetting.²² However, the ABAC Rules and Procedures specifically state that the promotion of alcohol at events, including sporting events, is not required to be pre-vetted.²³ Alcohol advertisements in the form of sponsorship of major sporting events, including AFL, cricket, NRL and motor racing, are broadcast on television regularly. Further to this, ABAC is a voluntary scheme and advertisements produced by non-signatories may not be pre-vetted.

Although there is a need for greater community awareness of appropriate complaints procedures, complaints to ABAC are still channelled through a process that is slow and confusing, and produces determinations that often appear to favour the alcohol industry.²⁴

Outdoor Media Advertising Association's Alcohol Advertising Guidelines

The updated Alcohol Advertising Guidelines of the Outdoor Media Association (OMA) released in 2013 included definitions of 'alcohol products' and 'alcohol advertising':

"In this Guideline, "alcohol products" includes alcohol beverages and retailers that sell alcohol beverages.

In this Guideline, "alcohol advertising" includes advertisements for alcohol beverages. It does not include alcohol retailer advertisements which contain the name of a retailer or retailers offering alcohol beverages for sale, contain information about the price or prices at which those beverages are offered for sale and which contain no other material relating to or concerning the attributes or virtues of alcohol beverages except –

- i. the brand name or names of alcohol beverages offered for sale;
- ii. the type and/or style of the alcohol beverages offered for sale;
- iii. a photographic or other reproduction of any container or containers (or part thereof, including any label) in which the alcohol beverages offered for sale are packaged;
- iv. the location and/or times at which the alcohol beverages are offered for sale; and
- v. such other matter as is reasonably necessary to enable potential purchasers to identify the retailer or retailers on whose behalf the advertisement is published."²⁵

This is an over-complicated definition, and it is unclear why alcohol retailer advertisements are treated differently to other alcohol product advertisements. With over three-quarters of all alcohol sold in Australia as packaged liquor,²⁶ all advertisements by alcohol retailers should be subject to the same regulation as any other alcohol advertisement or promotion.

The ABAC Scheme is yet to define an 'alcohol advertisement'.

Liquor Barons Responsible Drinking Campaign

A campaign by Liquor Barons which "actively promotes responsible drinking", 'Cheers WA!', was rolled out on TV in Western Australia in late 2012, supported by radio, press and billboards.²⁷ The Liquor Barons General Manager commented:

"Late last year we sat down to discuss how the anti-alcohol movement was embarking on a campaign to reduce irresponsible liquor advertising. Our view was that we should get in on the front foot and take the approach that we can develop a campaign that encompasses responsible liquor advertising."²⁷

The campaign aimed to promote alcohol consumption as an activity to be "responsibly enjoyed with good food and good company". In addition to the campaign, Liquor Barons introduced a 'responsible drink aware retailer' program.

International approaches to alcohol advertising regulation

Approaches to addressing alcohol advertising have increasingly become an issue for debate in many countries. Levels and forms of regulation vary; some countries have complete bans on alcohol promotion, others rely on partial government regulation, and some, including Australia, have a system of industry self-regulation.

Several countries are ahead of Australia in introducing regulatory changes developed because of increasing concern around children and young people's exposure to alcohol advertising. A number of European countries have legal restrictions (beyond content restrictions) on television beer and spirit

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advertisements. Billboards, print media and sport sponsorship are less regulated. There are many examples of countries where legislation restricts advertising in specific media and/or particular beverages. Countries with complete or partial bans on alcohol advertising include Turkey, Norway, Iceland, Faroe Islands, France, and Sweden. A number of European countries also have bans on advertising of alcohol products which contain more than 22% alcohol by volume.

Restrictions on alcohol advertising were recently introduced by the government in Finland to better protect young people. In February 2014, the President of Finland signed off on proposed amendments to Finland's alcohol advertising legislation which include bans on alcohol branded social media communication and advertising campaigns for mild alcoholic beverages (those under 22% alcohol by volume²⁸) in which consumers are asked to participate in games, lotteries, or contests. The proposed amendments will come into force on 1 January 2015, and add to already strict regulations around outdoor and television advertising. Outdoor advertising in public places such as bus stops, public transport, and billboards is banned (excluding sporting and cultural events) and advertising for products with less than 22% alcohol by volume on television and radio is not permitted between 7am and 10pm.²⁹ Marketing of products which contain more than 22% alcohol is prohibited in Finland.³⁰

An example of strict regulation of alcohol is seen in France through the Loi Evin, a law passed in 1991 which enforces a partial ban on alcohol advertising, placing strict controls on where and how alcohol is promoted. Illegal advertisements can be brought before the courts with significant penalties for infringement. Promotions are limited to product facts alone, such as strength, origin, composition and means of production. The law prohibits alcohol advertising targeted at young people, on television or in cinemas, and sponsorship of cultural and sport events.³¹

Other countries are at different stages of regulating alcohol advertising. The examples below focus on three countries with high levels of activity in this area and different outcomes: Ireland, South Africa, and Lithuania.

There is international precedent for strong and effective regulation of alcohol advertising, with numerous countries currently debating further regulation.

In Ireland there is no statutory regulation of alcohol marketing, only voluntary codes that do not cover all forms of marketing. Further, the Codes pertaining to digital media and sponsorship are poorly developed and inadequate.^{32, 33} In 2012, the Steering Group on the National Substance Misuse Strategy made a number of recommendations on the marketing and promotion of alcohol beverages as part of a comprehensive strategy to tackle substance misuse. The Steering Group recommended the development of a statutory framework with respect to the volume, content, and placement of all alcohol advertising in all media in Ireland, and alcohol sponsorship of sport be phased out by 2016.³⁴ Health groups in Ireland are currently campaigning for the recommendations to be implemented by government, however a ban on sports sponsorship is unlikely at this time due to lobbying by the alcohol industry.^{35, 36}

Several countries are ahead of Australia in introducing regulatory changes developed because of increasing concern around children and young people's exposure to alcohol advertising.

A fierce debate about the South African Government's proposed ban on alcohol marketing is currently in progress. The National Annual Conference of the African National Congress in December 2012 resolved to "pass law to abolish marketing of alcohol products by 2013".³⁷ In September 2013, the Cabinet approved the Health Ministry's Control of Marketing of Alcohol Beverages Bill. The Bill seeks to restrict the advertising of alcoholic beverages, prohibit sponsorship associated with alcoholic beverages (excluding donations), and prohibit any promotion of alcoholic beverages.³⁸ This Bill has generated substantial debate in South Africa and is due to be put out for public consultation, after which it will proceed to the Parliament for final vote.

In Lithuania, a proposal for a total alcohol advertising ban was recommended in 2008. The ban was to be introduced by the government on 1 January 2012; however, as a result of intense alcohol industry lobbying, it was revoked.³⁹

There is international precedent for strong and effective regulation of alcohol advertising, with numerous countries currently debating further regulation. However, it is evident that industry opposition has been a key factor in delaying or preventing effective regulation. Strong leadership by government is necessary to prioritise community health and safety, and act to effectively reduce children and young people's exposure to alcohol advertising and promotion.

Weekend in the life of a child

It is inevitable that children and young people will be exposed to alcohol advertising and promotion in their everyday lives given the amount of advertising and promotion present in the community.

The following timeline is a hypothetical example of how many times an average 15 year old Australian child could be exposed to alcohol advertising over one weekend, based on complaints received by the AARB in the second year of operation.

Saturday

- 9am** Visit YouTube to check out your favourite songs. Banner ad for an alcohol product appears on the homepage (ref 226/13 – Smirnoff Double Black Vodka ad on YouTube).
- 9.30am** Log on to Facebook and visit liquor retailer pages with no age filters (ref 188/13 – Premix King Facebook pages).
- 10am** Watch 'The Morning Show' on TV and see a segment advertising an alcohol product (ref 275/14 – Absolut Vodka on the Morning Show).
- 12pm** Catch the bus with friends to the local shopping centre. The same alcohol ad is on the bus stop and the side of the bus (ref 250/14, 221/13 – Bundaberg bus stop ad, Bundaberg bus ad).
- 12.30pm** While at the shops, grab a meal with friends in the food court. See an alcohol ad on a large banner in the food court (ref 233/13 – Canadian Club Whisky ad at Garden City Shopping Centre).
- 2pm** On the way home from the shops, pass a large alcohol ad placed on the side of a building (ref 282/14 – Jameson Irish Whiskey Billboard).
- 3pm** Go to the hairdresser and read a magazine while waiting. See an alcohol ad in the magazine (ref 172/13 – Vodka Cruiser sugar free ad in WHO magazine).
- 5pm** Check the weekend newspaper to find out cinema times and see an alcohol ad on the front page (ref 174/13 – Bottlemart print ad).
- 6.25pm** Watch the news and see an interview with an NRL player in front of a large brand logo of one of the team's alcohol sponsors (ref 189/13 – XXXX Gold logo during NRL interview on Channel 9 News).
- 7.30pm** Go to the cinema to see an M-rated movie and see an alcohol ad during the previews (ref 236/13 – Smirnoff Double Black Vodka Cinema ad prior to screening of The Hunger Games: Catching Fire).

Sunday

9am

Check your emails and see an email from an AFL Tipping website with an alcohol ad (ref 192/13 – Carlton Draught AFL Tipping email).

9.30am

Check out all the latest news and rumours on the news entertainment website TheVine and read an article sponsored by two alcohol products (ref 260/14 – Vodka O and Tequila Blu article).

10am

Go to the local school to meet some friends to play basketball. See an alcohol ad on a bus stop outside the school (ref 253/14 – Corona bus stop ad outside a primary school).

11am

On the way home, walk past a liquor store with a window display featuring children's furniture (ref 276/14 – Vintage Cellars window display).

11.30am

Stop by the supermarket to buy some snacks for today's sports games on TV. See alcohol-branded chocolate in the confectionery aisle (ref 251/14, 252/14 – Jack Daniel's Tennessee Whisky Truffles, Cointreau Truffles). Take the receipt and see a 'Get two for the price of one' wine deal at the bottom of the docket (ref 186/13 – BWS Woolworths docket deal).

12pm

Check on your favourite cricket team on the Cricket Australia Live Cricket Scores website and see an alcohol ad (ref 270/14 – Carlton Mid ad on Cricket Australia website).

12.30pm

Catch the cricket on TV and see a number of alcohol ads during the breaks (ref 263/14, 264/14, 265/13 – Carlton Mid, Crown Lager and BWS ads during ODI cricket match). During the game see alcohol brands on players' uniforms, the scoreboard, and signs around the stadium (ref 240/13 – VB logo on cricket players' uniforms; ref 232/13 – VB scoreboard at 2013 Ashes Test cricket series; ref 239/13 – VB signs at third Ashes Test Series).

2.30pm

Change TV channels to watch your favourite AFL team play. Use the Carlton Draught 'Draught Pick' iPhone app to enter tips and compete against friends during the AFL game (ref 284/14 – Carlton Draught 'Draught Pick' iPhone app).

5pm

Read X-press magazine to see what's on tonight. See an ad for a liquor retailer on the front page (ref 197/13 – Thirsty Camel WA ad in X-press magazine).

6pm

Catch an all-ages music gig at the local youth centre. Walk past the large billboard advertising alcohol across from the youth centre (ref 210/13 – Bundaberg Brewed & Crafted Billboard near youth centre).

Conclusion

Almost every day we see new forms of alcohol marketing and promotion that will appeal to and impact on children and young people. As this publication went to press, there were media reports that Woolworths was about to launch 'Duff' beer, based on The Simpsons television series which has long been a favourite for children. Over and over again we see a need for legislative controls. Voluntary self-regulation as practised by the alcohol and advertising industries serves their interests, but not those of the community. As British health researcher Dr Tim Lobstein said of such approaches, "asking the companies to restrict their own marketing is like asking a burglar to fix the locks on your front door. They will say you are protected, but you are not".

The AARB was attacked by the alcohol and advertising industry bodies when it was established two years ago, but in that time the need for an independent alcohol advertising review system in Australia has become increasingly clear. Even without the massive resources available to the alcohol and advertising industries, the AARB continues to receive many more complaints than their self-regulatory systems.

Over the AARB's first two years, exposure to young people through sports sponsorship has remained an issue of serious concern to the community. The AARB continuously receives complaints about alcohol sponsorship of major sporting codes and advertisements during televised sports. As many health and other groups have recommended, the loophole in the Commercial Television Industry Code of Practice should be closed as part of a comprehensive strategy to reduce young people's exposure to alcohol promotion. This should be accompanied by measures to remove advertising and promotion related to alcohol company sponsorship of sporting associations, teams and events where children and young people may be exposed.

There is also serious concern about inappropriate and irresponsible marketing of alcohol products by liquor retailers, and the exposure of children and young people to alcohol promotion through the internet, including social media. More than one in three young people aged 18-34 report having noticed alcohol advertising or promotions on social media; 42% of those subsequently interact with an alcohol brand online.¹ There is no effective means of ensuring minors cannot access online alcohol promotions or preventing them from being inadvertently exposed to alcohol advertising. Given that alcohol advertisers and retailers apparently have little interest in addressing this issue, there should be increasing pressure on governments to investigate any possible steps to regulate alcohol advertising on the internet, including social media.

The alcohol industry spends hundreds of millions of dollars on alcohol advertising and promotion each year. Information on expenditure on all forms of alcohol advertising and promotion in Australia is not publicly available, but it is fair to assume that the expenditure is close to \$1 billion. The Australian Medical Association has recommended that alcohol companies should be required to publicly disclose all their annual marketing expenditures.

This report provides further evidence that the industry's self-regulation is ineffective. Simply modifying or expanding the current self-regulatory system in Australia will fail, as self-regulation has failed hitherto. Independent market research shows that 72% of Australian adults support legal controls to reduce young people's exposure to alcohol advertising, with only 7% opposed.² It is to be hoped that this report and the focus it places on irresponsible alcohol advertising will assist in bringing regulation closer.

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