

ALCOHOL ADVERTISING REVIEW BOARD

Alcohol Advertising Review Board Impact Report 2018 - 2019

The Alcohol Advertising Review Board (AARB) considers and reviews complaints from the Australian community about alcohol advertising. The AARB is run by the Alcohol Programs Team at the Public Health Advocacy Institute of WA and Cancer Council Western Australia, supported by health organisations around Australia. It was developed in response to the numerous weaknesses in the current self-regulatory alcohol advertising system. The AARB aims to draw attention to the need for strong, independent, legislated controls on all forms of alcohol advertising and promotion to help protect children and young people in Australia.

Alcohol advertising complaints in 2018 -19

Table 1 summarises the status of complaints received by the AARB from 10 March 2018 to 8 March 2019.

Table 1: Status of Alcohol Advertising Review Board complaints received in 2018-19.

	2018 -19
Complaints received	87
Number of ads these complaints referred to	83
Complaints considered by the AARB Panel	70
Determinations by the AARB Panel	70
Determinations that upheld complaints	59
Determinations that upheld complaints in part	9
Determinations that dismissed complaints	2

Some complaints were not progressed to the review stage as the ad could not be identified or accessed, the subject of the complaint was outside the scope of the AARB Code, or the subject of the complaint had already been reviewed by the AARB Panel (the original determination applies).

Activity highlights



State governments take action on alcohol marketing

In our 2016-2018 Activity Report, we highlighted that a number of Australian jurisdictions had introduced restrictions on alcohol advertising. Since then, there have been more bold moves by state governments to address alcohol marketing. In Victoria, it is now an offence under the *Liquor Control Reform Act 1998* to display alcohol ads within 150 metres of a school. The Victorian Government has also announced that alcohol ads will be removed from screens at Melbourne CBD train stations.

In April 2019, the Queensland Government announced it will be restricting outdoor advertising for junk food and alcohol on government-owned sites. Minister for Health Steven Miles highlighted that the Government spends millions of dollars promoting a healthy lifestyle, yet allows unhealthy ads on government spaces that aren't consistent with that message.

The advertising restrictions will allow the Queensland Government to lead by example.

These jurisdictions join the ACT, South Australia, and Western Australia, whose governments have all taken action on alcohol advertising.

Alcohol advertising impossible for kids to escape

It is clear from the wide range of complaints received by the AARB that alcohol advertising is pervasive in the community. This was emphasised in the May 2019 report *Impossible to escape: The need for stronger restrictions on the placement of alcohol marketing in Australia*.

The report highlighted that the regulation of alcohol marketing is so weak in Australia that alcohol ads are being seen on school buses, near primary schools, and before children's videos on YouTube. Almost two-thirds of complaints made to the AARB over the past seven years had raised concerns about the placement of alcohol marketing.

The report also included the 'Day in the Life of a Child', an infographic which demonstrated how many times an average 15 year old Australian child could be exposed to alcohol marketing in one day, based on placement-related complaints received by the AARB.

Activity highlights

Consultations, inquiries, and reviews

The AARB team regularly engages in relevant government consultations, inquiries, and reviews. In 2018-19, our engagement included:

- A submission commenting on the preliminary report for the Digital Platforms Inquiry conducted by the Australian Competition & Consumer Commission. Our submission recommended the introduction of statutory regulations that are designed to protect children and young people from alcohol marketing on digital platforms. The Final Report from the Inquiry referred to submissions from several public health organisations, including ours. The report acknowledged that the regulatory disparity between online platforms and other media means consumers may be exposed to advertising that is subject to fewer controls, which is likely to impact children. It recommended that advertising restrictions be included in the development of a new platform-neutral regulatory framework.
- Comment on the Review of the NSW Liquor Promotion Guidelines. We recommended expanding the Guidelines to better protect children and young people from alcohol marketing, and appropriately addressing price-based promotions and harmful price discounting. Phrasing around 'appeal to minors' was strengthened in the final version of the Guidelines, but it was disappointing that the NSW Government did not take the opportunity to expand the Guidelines to the extent that was recommended by a number of health organisations.
- Involvement in consultations on the National Alcohol Strategy, including a roundtable meeting in Canberra in July 2018. A key focus has been encouraging the development of a Strategy that will support more effective regulation of alcohol marketing. Our response to the National Alcohol Strategy Consultation Draft in February 2018 recommended the Strategy include a commitment to replace the current system of self-regulation with legislated controls that address the content and placement of all forms of alcohol advertising and promotion.

Review of the ABAC Placement Rules

In 2017, the Alcohol Beverages Advertising Code (ABAC) Scheme introduced placement provisions to its Responsible Alcohol Marketing Code. This provided an opportunity for the AARB team to examine the development and implementation of code provisions by an industry-managed regulatory system. The paper *Regulation of alcohol marketing in Australia: A critical review of the Alcohol Beverages Advertising Code Scheme's new Placement Rules* was published in Drug and Alcohol Review in October 2018. The study reviewed the ABAC placement provisions to evaluate their ability to effectively regulate the placement of alcohol marketing, and assess whether they provide additional safeguards for young people in Australia. The review found that the objectives and key terms of the Placement Rules were narrow in scope, and identified significant weaknesses in the associated regulatory processes. It concluded that the placement rules were unlikely to reduce young people's exposure to alcohol marketing and failed to meet public health objectives.

Debunking the myth about healthy alcohol

Operating the AARB allows our team to regularly monitor alcohol product development and marketing, and draw attention to alcohol industry activities. The paper *Proliferation of 'healthy' alcohol products in Australia: implications for policy*, published in Public Health Research and Practice in August 2018, discussed how alcohol companies are developing and marketing their products to appear as healthier to tap into consumers' increasing health consciousness. It noted that Australia's regulatory environment is failing to stop some alcohol products from being promoted as supposedly healthier, and recommended the introduction of independent regulation on alcohol marketing.

Activity highlights



On the blogs

The AARB team regularly contributes articles about alcohol marketing regulation to Australian blogs. In 2018-19, we discussed key findings from our review of the ABAC placement rules on *The Conversation*, and highlighted 21 times the ABAC Scheme has been labelled a failure on *Drink Tank*. In other *Drink Tank* pieces we *congratulated* the WA Government on removing alcohol ads from public transport vehicles, and raised queries about the ABAC Scheme's *not-so-independent Chair*.

Action taken by advertisers

When a complaint to the AARB is upheld, we notify the advertiser and request they modify or remove the ad. In 2018-19, there were numerous examples of advertisers taking prompt action based on community concerns. These included the removal of an ad promoting 'Beers by the busload' from a school bus (ref 707/18), an in-store wine promotion (ref 723/18), and Jack Daniel's branded chocolate from a Perth supermarket (ref 775/19).

End Alcohol Advertising in Sport campaign

The Public Health Advocacy Institute of WA continued to support the *End Alcohol Advertising in Sport* campaign. An initiative by the Foundation for Alcohol Research and Education, the campaign calls for alcohol advertising to be removed from professional sports. As a supporting organisation, the Public Health Advocacy Institute of WA presented at the 2018 campaign launch alongside a number of sporting greats, including John Inverarity MBE AM. Community members who voice their concerns about alcohol marketing to the AARB are encouraged to take further action by signing up to the campaign.

AARB in the literature

The AARB continues to be cited in academic literature. In a 2018 paper in the QUT Law Review, *Regulation of alcohol advertising in Australia: Does the ABAC Scheme adequately protect young people from marketing of alcoholic beverages?*, Dr Belinda Reeve identified significant weaknesses in the ABAC Scheme. The AARB was highlighted in the paper as an alternative alcohol advertising review system used as a platform for generating regulatory reforms.

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, including the Alcohol Beverages Advertising Code (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 2 compares the number of complaints received, determinations, and decisions made by the AARB and the ABAC over one year periods for which data are available.

	AARB 2018-19	ABAC 2018 Annual Report
Complaints received	87	154
Number of ads these complaints referred to	83	100
Number of complaints considered by the Panel	70	89
Determinations by the Panel	70	61
Determinations that upheld complaints (at least in part)	68	21
Determinations that found a 'no fault breach'	N/A	4
Determinations that dismissed complaints	2	36 ¹

1. This category was inferred from information in the ABAC 2018 Annual Report.

With each passing year, the number of state and territory governments introducing restrictions on alcohol marketing increases. Unfortunately, there has not been the same level of movement from the Federal Government.

Community concern about the level of alcohol marketing in Australia remains high. Several papers published in 2018-19 found significant weaknesses in the self-regulatory alcohol advertising system, adding to the evidence base that shows self-regulation is ineffective at protecting children and young people. It is time for the Federal Government to acknowledge the community concern and the evidence, and introduce strong, independent, legislated controls on all forms of alcohol marketing as part of a comprehensive approach to preventing harm from alcohol.

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