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### **Comment on the National Alcohol Strategy 2018-2026 Consultation Draft**

The McCusker Centre for Action on Alcohol and Youth welcomes the opportunity to comment on the National Alcohol Strategy 2018-2026 consultation draft. We congratulate the Ministerial Drug and Alcohol Forum for taking steps to develop a National Alcohol Strategy to ensure strategic direction in alcohol policy across all levels of government.

The McCusker Centre for Action on Alcohol and Youth is an independent organisation based at Curtin University committed to reducing harms from alcohol among young people. The work of the McCusker Centre is directed towards raising awareness of the magnitude of alcohol-related harms among young people, the evidence-based approaches we know can work to reduce harm, and the need to act without delay.

Progress in preventing and reducing harm from alcohol in Australia will be greatly enhanced with a strong and comprehensive National Alcohol Strategy that provides concrete actions and a clear process for implementation. Alternatively, an insufficient strategy will impede progress and continue unacceptable levels of preventable harms from alcohol. We welcome the intent of the National Alcohol Strategy 2018-2026 to provide “a framework for directing national and local action to prevent and minimise these harms” (page 3). Our submission seeks to recognise the positive features of the draft National Alcohol Strategy and provide constructive suggestions to strengthen the Strategy so that it fulfils its intent of directing action to prevent and minimise alcohol harms.

We acknowledge the positive features of the draft National Alcohol Strategy. The draft Strategy:

- Recognises the extent of the problem and the broad range of harms associated with alcohol;
- Includes consideration of relevant research literature;
- Includes evidence-based approaches to preventing and reducing harm from alcohol;
- Recognises the urgent need for comprehensive action to prevent FASD;
- Outlines the clear and reasonable position that “Australia does not support any ongoing role for industry in setting or developing national alcohol policy” (page 24);
- Commits to establishing an Alcohol Reference Group to oversee the Strategy, with representation from relevant government, non-government, health, policing, and research areas; and
- Commits to a mid-point review.

We welcome these features and seek to provide practical feedback to further strengthen the National Alcohol Strategy.

**The McCusker Centre endorses the joint submission of the National Alliance for Action on Alcohol (NAAA) and the Foundation for Alcohol Research and Education (FARE)**

As a member organisation of the National Alliance for Action on Alcohol (NAAA), we confirm our support for the NAAA and FARE submission regarding the National Alcohol Strategy 2018-2026 consultation draft. We will not repeat the detail of the NAAA and FARE submission here and instead will briefly reflect on some of the key points of the submission.

We share the concerns of the NAAA and FARE regarding the lack of clear recommendations for action, detail about implementation, and accountability mechanisms in the draft National Alcohol Strategy.

The NAAA and FARE submission outlines important recommendations to strengthen the National Alcohol Strategy, including:

- Setting a more ambitious target for reducing alcohol harms, aligned with the Australian Health Policy Collaboration Health Tracker 2025 target of a 20% reduction in the harmful use of alcohol;
- Moving the draft National Alcohol Strategy from a list of options to a clear strategy that outlines specific actions for implementation, who will be responsible for leading the implementation, achievable timeframes, and accountability mechanisms to monitor progress;
- Strengthening data collection and monitoring measures, and committing to reporting on progress by the end of 2021;
- Committing to transitioning to a volumetric tax system for all alcohol products and establishing a minimum floor price;
- Progressing towards legislated controls on all forms of alcohol marketing;
- Committing to minimum principles for liquor licensing legislation across jurisdictions that prevent saturation of liquor licences, restrict trading hours, offset the costs of alcohol-related harm through a risk-based licence fee system, and prioritise harm minimisation as the primary object of legislation;
- Strengthening enforcement of liquor licensing legislation;
- Funding and supporting best-practice alcohol education, including via a national public education campaign and mandatory alcohol education for school students; and
- Introducing a ban on alcohol industry donations across all levels of government.

We refer to the submission of the NAAA and FARE for further detail regarding these and other important recommendations.

In the following sections of our submission, we will expand on two areas: strengthening controls on alcohol marketing and limiting the roles and influence of commercial interests.

**Strengthening controls on alcohol marketing**

We welcome the inclusion of managing alcohol promotion as a priority in the Strategy, as comprehensive action in this area will make an important contribution to reducing harm from alcohol in Australia. We are pleased that the draft National Alcohol Strategy appropriately recognises that “There is a strong association between exposure to alcohol advertising and young

people's drinking" (page 17) and that the existing regulatory codes have been "ineffective" in protecting minors from exposure to alcohol promotion (page 17). We also welcome the acknowledgement that alcohol sponsorship of sport is an issue of concern and is not addressed in the existing codes. We believe the summary of the evidence on page 17 is appropriate; however, we strongly encourage amendments to the objective and actions regarding alcohol promotion to ensure that real progress is made to effectively protect young people from alcohol marketing.

Health groups, researchers and advocates have been calling for action on alcohol marketing for many years, on the basis of the compelling evidence of the high exposure of young people to alcohol promotion and the influence of alcohol marketing on the drinking attitudes and behaviours of young people.<sup>1</sup> Despite strong recommendations from leading health organisations to restrict alcohol advertising during times and in places that have high exposure to children and young people as part of a comprehensive approach to reducing alcohol related harms,<sup>2,3</sup> there appears to have been little movement at a national level to strengthen alcohol marketing regulation.

The McCusker Centre has been actively involved in work over a number of years to draw attention to the need for effective alcohol marketing regulation. With strong concerns about the ineffectiveness of alcohol marketing regulation under the current self-regulatory system, and frustrated by the lack of commitment from governments to address the issue, we established the Alcohol Advertising Review Board (AARB) in 2012, in partnership with Cancer Council WA. The AARB accepts and reviews complaints from the Australian community, free of industry influence, and aims to provide the community with an avenue to express their views about alcohol marketing. Through our experience of monitoring the industry-led processes and administering the AARB, we have developed a detailed understanding of the serious weaknesses of industry self-regulation and the need for national leadership in developing an independent, legislated approach to regulating alcohol marketing to protect children and young people.

#### *Impacts of alcohol advertising on young people*

The evidence shows Australian children and adolescents are regularly exposed to unacceptably high levels of alcohol advertising in a wide range of forms including television, cinema, radio, print, outdoor, online, sponsorship of sport and music events, branded merchandise and product placement. In addition to the evidence presented in the draft Strategy on page 17, there is a substantial body of Australian literature that indicates the extent to which young people are exposed to alcohol promotion. For example:

- Australian teenagers aged 13 to 17 years are exposed to alcohol advertising on television at approximately the same level as young adults aged 18 to 24 years.<sup>4</sup>
- Over 94% of students aged 12 to 17 report having seen alcohol advertising on television, and the majority report having seen alcohol advertisements in magazines, newspapers, on the internet, on billboards and promotional materials and in bottle shops, bars and pubs.<sup>5</sup>

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<sup>1</sup> Jernigan D, Noel J, Landon J, et al. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction*. 2016; 112(Suppl. 1):7-20.

<sup>2</sup> Australian Medical Association. *Alcohol Marketing and Young People: Time for a new policy agenda*. Canberra (Australia): Australian Medical Association; 2012.

<sup>3</sup> National Preventative Health Taskforce. *Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*. Canberra: Commonwealth of Australia; 2009.

<sup>4</sup> Winter VM, Donovan RJ, Fielder LJ. Exposure of children and adolescents to alcohol advertising on television in Australia. *J Stud Alcohol Drugs*. 2008; 69(5):676-683.

<sup>5</sup> Jones SC, Magee CA. Exposure to Alcohol Advertising and Alcohol Consumption among Australian Adolescents. *Alcohol and Alcoholism*. 2011; 46(5):630-637.

- Almost a quarter of music videos shown on Australian television on Saturday mornings, a time that is considered suitable for viewing by children, were found to contain legal drug references; alcohol featured in almost all of these.<sup>6</sup>
- One in five young people aged 16 to 24 years reported that they had visited an alcohol brand page on Facebook, including 10% of those aged under 18 years.<sup>7</sup>

There are concerns that many alcohol promotions to which young people are exposed contain features that would be expected to appeal to young people.<sup>8,9</sup> Children and young people are regularly exposed to advertisements depicting alcohol consumption as fun, social and inexpensive.<sup>10</sup> Research has found that young people perceive messages in alcohol advertisements regarding social benefits of consuming alcohol, including that the advertised products would make them more sociable and outgoing, help them have a good time and fit in, and be more confident.<sup>11</sup>

The draft Strategy accurately acknowledges the impact of alcohol advertising on children and young people. The evidence is consistent and comprehensive: 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.<sup>12,13</sup> Research shows strong associations between exposure to alcohol advertising and young people's early initiation to alcohol use and/or increased alcohol consumption.<sup>14,15</sup>

#### *Alcohol advertising regulation in Australia*

As noted in the draft Strategy, alcohol advertising in Australia is largely self-regulated by the alcohol and advertising industries under several different codes. Alcohol advertising complaints are assessed by the Alcohol Beverages Advertising Code (ABAC) Scheme against an alcohol-specific code of practice. The Advertising Standards Bureau (ASB) also assesses complaints against the Australian Association of National Advertisers (AANA) Code of Ethics and the Code for Advertising and Marketing Communications to Children.

As the draft Strategy acknowledges on page 17, the self-regulatory system has proved to be ineffective in preventing young people's exposure to alcohol marketing. Other weaknesses include

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<sup>6</sup> Johnson R, Croager E, Pratt IS, et al. Legal drug content in music video programs shown on Australian television on Saturday mornings. *Alcohol and Alcoholism*. 2013; 48(1):119-25.

<sup>7</sup> McClure AC, Tanski SE, Li Z, et al. Internet alcohol marketing and underage alcohol use. *Pediatrics*. 2016; 137(2).

<sup>8</sup> Carter O, Phan T, Donovan R. Three-quarters of Australian children recognise Bundy R. Bear: alcohol advertising restrictions are not working. *Aust NZ J Public Health [Letter]*. 2010; 34(6):635-36.

<sup>9</sup> Chen M, Grube JW, Bersamin M, Waiters E, Keefe DB. Alcohol Advertising: What Makes It Attractive to Youth? *Journal of Health Communication: International Perspectives*. 2005; 10(6):553-565.

<sup>10</sup> Pettigrew S, Roberts M, Pescud M, Chapman K, Quester P, Miller C. The extent and nature of alcohol advertising on Australian television. *Drug and Alcohol Review*. 2012; 31(6):797-802.

<sup>11</sup> Jones S, Gregory, P, & Munro, G. Adolescent and young adult perceptions of Australian alcohol advertisements *Journal of Substance Use*. 2009; 14(6):335-352.

<sup>12</sup> Jernigan D, Noel J, Landon J, et al. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction*. 2016; 112(Suppl. 1):7-20.

<sup>13</sup> Anderson P, de Bruijn A, Angus K, Gordon R, Hastings G. Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. *Alcohol & Alcoholism*. 2009; 44(3):229-243.

<sup>14</sup> Snyder LB, Fleming-Milici F, Slater M, Sun H, Strizhakova Y. Effects of Alcohol Advertising Exposure on Drinking Among Youth. *Archives of Pediatrics & Adolescent Medicine*. 2006; 160:18-24.

<sup>15</sup> Smith L, & Foxcroft, D. The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. *BMC Public Health*. 2009; 9(51).

that code provisions are narrowly worded<sup>16</sup> and important forms of marketing are not covered, including sponsorship.<sup>17</sup> The system is voluntary (non-signatories go unregulated), there appear to be no sanctions for advertisers breaching codes, decisions by the ABAC Scheme and ASB are not directly enforceable, and there is no monitoring function. There is also a lack of independence in the ABAC Scheme; the three ABAC Scheme Directors represent the Brewers Association of Australia and New Zealand, the Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia.<sup>18</sup> These groups jointly fund the ABAC Scheme and form the majority of its Management Committee.<sup>19</sup>

In 2017, the ABAC Scheme introduced provisions relating to the placement of alcohol ads.<sup>20</sup> The self-regulatory system's failure to adequately address placement has been a major criticism by health groups; however, groups seeking to reduce harms from alcohol (including the McCusker Centre) have publicly criticised the new "Placement Rules", as they are unlikely to reduce young people's exposure to alcohol promotion.<sup>21</sup> We are not aware of any information or rationale about how these provisions can be expected to protect young people, or if any data modelling was conducted to provide an evidence base. We are also not aware of any consultation outside the ABAC Scheme in the development of the provisions.

There are significant weaknesses in the placement provisions that limit their effectiveness. The provisions provide that an alcohol ad must not be placed with programs or content "primarily aimed at young people". This provision is applied very narrowly; the ABAC Panel has indicated in a recent determination that "a program could be strongly or evidently appealing to minors but not be regarded as 'primarily aimed' at minors".<sup>22</sup> Many programs and content viewed by young people are therefore likely to be considered acceptable for the placement of alcohol advertising.

The placement provisions also rely on an audience threshold restriction that limits alcohol ads to places where the audience is "reasonably expected to comprise at least 75% adults". International research has suggested this type of restriction is ineffective in minimising young people's exposure<sup>23,24</sup>; it is too lenient, difficult and expensive to monitor, and breaches occur. Even a seemingly modest proportion of the television audience can represent hundreds of thousands of

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<sup>16</sup> Australian National Preventive Health Agency. Alcohol advertising: the effectiveness of current regulatory codes in addressing community concern. Canberra: Commonwealth of Australia; 2014. Available from: [www.fare.org.au/wp-content/uploads/Alcohol-Advertising-Final-Report-30-April-2014.pdf](http://www.fare.org.au/wp-content/uploads/Alcohol-Advertising-Final-Report-30-April-2014.pdf)

<sup>17</sup> Alcohol Beverages Advertising Code. ABAC Responsible Marketing Code. 2017. Available from: [http://www.abac.org.au/wp-content/uploads/2017/07/ABAC\\_CodeofConduct\\_2017\\_web.pdf](http://www.abac.org.au/wp-content/uploads/2017/07/ABAC_CodeofConduct_2017_web.pdf)

<sup>18</sup> Australian Securities & Investments Commission. Current and historical company extract: The ABAC Scheme Limited. Received 2015 Dec 17.

<sup>19</sup> The ABAC Scheme Limited. Adelaide: The ABAC Scheme Limited. About the ABAC Scheme; 2016 [cited 2017 Nov 1]. Available from: <http://www.abac.org.au/about/management-committee/>

<sup>20</sup> Alcohol Beverages Advertising Code. New restrictions on placement of alcohol marketing [media release]. 2017 Jul 19. Available from: <http://www.abac.org.au/wp-content/uploads/2017/07/Final-ABAC-media-release-19-July-2017.pdf>

<sup>21</sup> Alcohol Advertising Review Board and National Alliance for Action on Alcohol. New alcohol industry ad rules dismissed as window dressing [media release]. 2017 Jul 20. Available from: <https://www.alcoholadreview.com.au/resources/New-alcoholindustry-ad-rules-dismissed-as-window-dressing---NAAA-and-AARB-200717.pdf>.

<sup>22</sup> Alcohol Beverages Advertising Code Scheme. ABAC Adjudication Panel Determination No. 121/17. 21 Dec 2017.

<sup>23</sup> de Bruijn A, van den Wildenberg E, van den Broeck A. Commercial promotion of drinking in Europe - Key findings of independent monitoring of alcohol marketing in five European countries. Utrecht (Netherlands): Dutch Institute for Alcohol Policy (STAP); 2012. Available from: [http://eucam.info/wp-content/uploads/2014/04/ammie-eu-rapport\\_final.pdf](http://eucam.info/wp-content/uploads/2014/04/ammie-eu-rapport_final.pdf)

<sup>24</sup> Jernigan D et al. Youth Exposure to Alcohol Advertising on Television — 25 Markets, United States, 2010. Atlanta (USA): Centers for Disease Control and Prevention; 2013. Available from: <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6244a3.htm>

young viewers. For example, OzTam TV viewing data from 2016-17 indicates that 428,231 young people aged 0 – 17 years watched the 2016 AFL Grand Final, which represented 13.9% of the audience.<sup>25</sup>

As of 6 February 2018, the ABAC Scheme has reviewed 11 complaints about the placement of alcohol ads where young people would be exposed; 10 have been dismissed and one found a ‘no fault’ breach. There is a clear need for comprehensive controls on the placement of alcohol marketing, but the alcohol industry should not be the ones developing those controls. The weak ABAC placement provisions clearly reflect the commercial interests of ABAC’s Directors, rather than the public interest, and further demonstrate the inappropriateness of allowing the alcohol industry to develop and manage Australia’s alcohol advertising regulatory process.

Other existing controls on the placement of alcohol ads are weak and do not adequately protect young people. The Commercial Television Industry Code of Practice (CTICP), developed by Free TV (the industry body representing the commercial free-to-air networks in Australia) and registered by the Australian Communications and Media Authority (ACMA), restricts alcohol advertisements to 8.30 pm–5 am and 12 pm–3 pm on weekdays, and 8.30 pm–5 am on weekends and school holidays on free-to-air channels. An exemption allows alcohol advertisements during sports programs on weekends and public holidays.<sup>26</sup>

This loophole for sports broadcasts has been heavily criticised by health and community groups over many years as it prioritises commercial interests over the wellbeing of children and young people. In 2015, a review of the CTICP was undertaken by Free TV (with involvement from ACMA). Despite clear evidence to support greater restrictions on alcohol advertising on television, substantial representation from groups supporting stronger regulation, and clear community concern about children and young people’s exposure to alcohol advertising on television, the review process allowed the CTICP alcohol advertising provisions to be weakened. The CTICP originally permitted alcohol advertising during live sports programs on a weekend or public holiday; alcohol advertising is now permitted in any sports programs on those days. The definition of ‘weekend’ was also expanded to include Friday nights, allowing more hours of alcohol advertising in sport when young people will be watching television.

Even though the CTICP results from a co-regulatory process between Free TV and ACMA (as per Section 130M of the *Broadcasting Services Act 1992*), there was no requirement for the CTICP review process to be transparent, independent, or, it would appear, to be based on evidence. This allowed commercial interests to be prioritised over the protection of children and young people.

The only other specific control on the placement of alcohol ads is an Outdoor Media Association (OMA) guideline that limits outdoor alcohol advertising to outside a 150m sight line of a school gate, except in the vicinity of a licensed venue.<sup>27</sup> Despite the inadequacy of this voluntary guideline for

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<sup>25</sup> Alcohol Advertising Review Board. *It’s not fair play: Why alcohol must leave sport*. McCusker Centre for Action on Alcohol and Youth and Cancer Council WA; 2017. Available from: <https://www.alcoholadreview.com.au/news/reports/>

<sup>26</sup> Free TV Australia. Commercial Television Industry Code of Practice. 2015. Available from: [http://www.freetv.com.au/content\\_common/pg-code-of-practice.seo](http://www.freetv.com.au/content_common/pg-code-of-practice.seo)

<sup>27</sup> Outdoor Media Association. OMA Alcohol Advertising Guidelines. 2016. Available from: [http://www.oma.org.au/\\_data/assets/pdf\\_file/0003/13449/OMA\\_Alcohol\\_Guidelines\\_2016\\_Update.pdf](http://www.oma.org.au/_data/assets/pdf_file/0003/13449/OMA_Alcohol_Guidelines_2016_Update.pdf).

minimising young people's exposure to outdoor alcohol advertising, we are aware of numerous instances where the OMA guideline has been breached.<sup>28</sup>

The current regulatory system has clearly failed to protect young people from exposure to alcohol promotion. The National Alcohol Strategy provides a timely and appropriate opportunity for a strong action plan to replace the current alcohol advertising self-regulatory system with independent, legislated controls on alcohol marketing.

#### *Community concern about young people's exposure to alcohol marketing*

There is strong community concern about children's exposure to alcohol promotion and public support for effective regulation to protect young people from alcohol promotion. In our first five years of operation, the AARB received close to 950 complaints from the community about alcohol marketing.<sup>29</sup> Independent market research shows:

- 90% of Australian adults believe children and young people are at least sometimes exposed to alcohol promotion; 50% believe they are heavily or very heavily exposed.
- 80% of Australian adults are concerned about children's current level of exposure to alcohol promotion.
- 71% of Australian adults support using legal controls to reduce children's exposure to alcohol promotion, with only 6% opposed.<sup>30</sup>

#### *Build on action by state and territory governments to control alcohol marketing*

State and territory governments are increasingly recognising the need to take action on alcohol marketing to protect children and young people. A recent independent review of South Australia's *Liquor Licensing Act* recommended considering a ban on advertising on public transport, while the final report of the Alcohol Policies and Legislation Review in the Northern Territory recommended the Northern Territory Government advocate at a national level for independent, legislated control on alcohol advertising and promotion. Both reviews recommended the issue of alcohol advertising during sporting broadcasts on TV be considered at a national level.

There is precedent for state and territory governments in Australia taking action on alcohol advertising, particularly related to public transport:

- The ACT removed alcohol advertising from public buses in 2015;
- Following the review of the Liquor Act in 2016, the South Australian Government announced that it would remove alcohol advertising from public transport vehicles;
- The Western Australian Government, elected in early 2017, has committed to removing alcohol advertising from all public buses, bus stops, and train stations.

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<sup>28</sup> Alcohol Advertising Review Board. *No way to ignore it: The case for removing alcohol ads from public transport*. McCusker Centre for Action on Alcohol and Youth, Cancer Council WA; 2016. Available from: <https://www.alcoholadreview.com.au/news/reports/>

<sup>29</sup> Alcohol Advertising Review Board. *It's not fair play: Why alcohol must leave sport*. McCusker Centre for Action on Alcohol and Youth, Cancer Council WA; 2017. Available from: <https://www.alcoholadreview.com.au/news/reports/>

<sup>30</sup> Independent market research commissioned by the McCusker Centre for Action on Alcohol and Youth, July 2017. Available from: [www.mcaay.org.au](http://www.mcaay.org.au)

State and territory governments should be supported to take steps to address alcohol marketing within their jurisdictions. To build on this progress, it is essential that there is national leadership to provide a clear way forward towards independent, legislated controls on all forms of alcohol marketing.

#### *Areas of the Strategy to be strengthened regarding controls on alcohol promotion*

As the draft Strategy acknowledges, the World Health Organization has identified bans on alcohol advertising as a “best buy” intervention for reducing the harmful use of alcohol.<sup>31</sup> This is in line with recommendations from other expert health groups, including the Australian Medical Association and the National Preventative Health Taskforce, which recommend restricting alcohol advertising during times and in places which have high exposure to children and young people as part of a comprehensive approach to reducing alcohol related harms.<sup>32,33</sup> Despite these recommendations, the Australian Government has continued to rely on self-regulation and to date has taken little action to strengthen controls.

While the draft Strategy recognises the impact of alcohol advertising on young people and that current controls have been ineffective in protecting young people, we are concerned that there is no clear intention expressed in the draft Strategy to replace the current system of self-regulation. We acknowledge that the opportunities for action include implementing “regulatory measures to reduce alcohol advertising exposure to young people” and “effective controls on alcohol promotion to protect at-risk groups” (page 18). However, the Strategy does not state what these effective controls and regulatory measures will be, how they will be implemented, or who will implement them. It is important that the objective and opportunities for action are strengthened by including a specific commitment to replace the current system of self-regulation with independent, legislated controls on alcohol advertising and promotion.

To reflect the need for independent, legislated controls, the Strategy should include a clearer, stronger objective in regard to alcohol promotion. The phrasing of the objective is very important to support appropriate action. The current objective to “Minimise promotion of risky drinking behaviours and other inappropriate marketing” is too narrow and does not reflect the evidence base discussed on page 17 of the Strategy. The key issue is not the ‘promotion of risky drinking behaviours’, it is children and young people’s exposure to all forms of alcohol promotion. The objective should clearly focus on minimising young people’s exposure to all forms of alcohol marketing.

The current phrasing of the objective is also vague, with no direct action or mention of increased regulation; unlike the availability and pricing objectives, it does not refer to ‘strengthening controls’ or ‘reforms’. To ensure a strong Strategy with focused objectives that reflect the evidence base, the objective should include implementing independent, legislated controls on alcohol promotion to minimise young people’s exposure.

We are also concerned by the content on page 16 which suggests that controls on alcohol promotion “present challenges for Governments to implement due to the conflicting needs of disparate

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<sup>31</sup> World Health Organization and World Economic Forum. (2011). From burden to “best buys”: Reducing the economic impact of non-communicable diseases in low- and middle-income countries.

<sup>32</sup> Australian Medical Association. Alcohol Marketing and Young People: Time for a new policy agenda. Canberra (Australia): Australian Medical Association; 2012

<sup>33</sup> National Preventative Health Taskforce. Australia; The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action. Canberra: Commonwealth of Australia; 2009.

stakeholders” and that there is a need to balance these conflicts. We believe that clear priority should be given to the public interest over commercial interests. Any regulatory controls that aim to reduce exposure to children and young people must be independent of the alcohol and advertising industries, and developed on the basis of the best available evidence.

### *Recommendations*

- The National Alcohol Strategy should include a commitment to replace the self-regulatory system with strong, independent, legislated controls that address the content and placement of all forms of alcohol advertising and promotion.
- The objective to “Minimise promotion of risky drinking behaviours and other inappropriate marketing” should be amended to more clearly reflect a commitment to implementing legislated controls to minimise young people’s exposure to all forms of alcohol marketing.

### *Alcohol and sport*

The draft Strategy notes “The relationship between alcohol advertising and sponsorship of sporting events is another issue of concern in considering exposure of young people to alcohol advertising, and one that the current arrangements do not address” (page 17). Alcohol promotion is prominent in sport in Australia. Research has shown:

- There were significantly more alcohol ads per hour in daytime sports programs on Australian TV than in non-sport TV later in the day in 2012.<sup>34</sup>
- In-game alcohol advertising (e.g. ground and uniform signage) can be substantially higher than in-break advertising (e.g. TV ads). For every minute of ‘in-break’ alcohol advertising, there was about 4.5 minutes of ‘in-game’ alcohol advertising in Victorian AFL games broadcast in July 2010<sup>35</sup> and only 5% of marketing in an NRL grand final match was in commercial breaks.<sup>36</sup>
- 15 of the 18 AFL teams were sponsored by alcohol companies in 2017.<sup>37</sup>
- Cricket fans were exposed to nearly 9 hours of alcohol advertising, totalling 4,600 alcohol promotions, in just 3 one-day matches during the 2013/14 season. During another Twenty20 game, 1 in 4 ads was for an alcohol product or retailer.<sup>38</sup>
- The Formula 1 Monaco Grand Prix final featured 3 alcohol-sponsored teams and had an average of 11 promotional references to alcohol per minute, including on uniforms and team cars.<sup>39</sup>

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<sup>34</sup> O’Brien KS, Carr S, Ferris J, et al. Alcohol Advertising in Sport and Non-Sport TV in Australia, during Children’s Viewing Times. PLoS ONE. 2015; 10(10):e0139530.

<sup>35</sup> VicHealth. Alcohol and junk food advertising and promotion through sport. Melbourne: The Centre for Sport and Social Impact, La Trobe University; March 2014.

<sup>36</sup> Cancer Council Victoria. New research: AFL/NRL broadcasts one long booze ad with a bit of sport [Media Release]. 2013 [updated 2013 Apr 28; cited 2013 Apr 29]. Available from: <http://www.cancervic.org.au/about/media-releases/2013-media-releases/april-2013/sports-booze-ads.html>

<sup>37</sup> Public Health Advocacy Institute of Western Australia. AFL Sponsorship Ladder 2017. Perth: PHAIWA; 2017.

<sup>38</sup> Cancer Council Victoria. Young cricket fans bombarded with alcohol advertising, as regulators move to relax alcohol advertising restrictions [media release]. 2015 Mar 4. Available from: <http://www.cancervic.org.au/about/media-releases/2015-media-releases/march-2015/young-cricket-fans-bombarded-by-alcohol-advertising.html>

<sup>39</sup> Eurocare, Institute for Alcohol Studies, Monash University. Alcohol advertising and sponsorship in Formula One: A dangerous cocktail. May 2015.

Evidence also shows children absorb sports sponsorship messages. Australian research found 76% of children aged 5 to 12 years were able to correctly match at least one sport with its relevant sponsor.<sup>40</sup>

The Strategy is correct in noting that there is concern about alcohol marketing and sport. In five years of operation, a third of all complaints received by the AARB were related to sport.<sup>41</sup> Around two-thirds of these were about sponsorship, and over 20% were about alcohol ads during sports programming on television.<sup>42</sup> A recent community survey also showed strong public concern about alcohol marketing and sport, as well as support for stronger regulation of alcohol marketing<sup>43</sup>:

- 84% of Australian adults believe children who watch sport on TV are at least sometimes exposed to alcohol promotion; 50% believe they are frequently or very frequently exposed to alcohol promotion.
- 60% of Australian adults think it is not acceptable for alcohol to be promoted in connection with sport; only 20% think it is acceptable.
- Less than 30% of Australian adults think popular sports such as AFL, NRL and cricket are doing enough to promote healthy messages to the community.
- 77% of Australian adults support phasing out TV ads for alcohol during sports broadcasts in children's viewing times, with only 7% opposed.
- 63% of Australian adults support phasing out the promotion of alcohol through sports sponsorship, with only 13% opposed.

It is notable that the ABAC Scheme has chosen to exclude alcohol sponsorship of sport, music or other cultural events from its remit. Leading health organisations including the World Health Organization and the Australian Medical Association have recommended addressing alcohol sponsorship as part of a comprehensive approach to reducing alcohol-related harm.<sup>44,45</sup> Several government committees and inquiries in Australia have previously recommended phasing out alcohol sponsorship.<sup>46,47</sup> There is international precedence for this action; countries including France, Iceland, Mauritius, Norway, and Turkey have legally binding regulations on alcohol sponsorship.<sup>48</sup>

Despite all the evidence, and the Strategy acknowledging concern around alcohol advertising and sport, there is no specific action in the Strategy related to removing alcohol advertising and sponsorship from sport. While the opportunities for action include "Implement regulatory measures

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<sup>40</sup> Pettigrew S, Rosenberg M, Ferguson R, et al. Game on: do children absorb sports sponsorship messages? *Public Health Nutr.* 2013; 16(12): 21972204.

<sup>41</sup> Alcohol Advertising Review Board. *It's not fair play: Why alcohol must leave sport*. McCusker Centre for Action on Alcohol and Youth, Cancer Council WA; 2017. Available from: <https://www.alcoholadreview.com.au/news/reports/>

<sup>42</sup> Ibid.

<sup>43</sup> Independent market research commissioned by the McCusker Centre for Action on Alcohol and Youth, July 2017. Available from: [www.mcaay.org.au](http://www.mcaay.org.au)

<sup>44</sup> World Health Organization. *Global Strategy to Reduce the Harmful Use of Alcohol*. WHO; 2010.

<sup>45</sup> Australian Medical Association. *Alcohol Marketing and Young People: Time for a new policy agenda*. Canberra (Australia): Australian Medical Association; 2012.

<sup>46</sup> National Preventative Health Taskforce. *Australia; The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*. Canberra: Commonwealth of Australia; 2009.

<sup>47</sup> Education and Health Standing Committee. *Alcohol: Reducing the Harm and Curbing the Culture of Excess*. Perth: Legislative Assembly, Parliament of Western Australia; 2011.

<sup>48</sup> World Health Organization. *Global status report on alcohol and health – individual country profiles*. Geneva: World Health Organization; 2014.

to reduce alcohol advertising exposure to young people (including in sport and online)", a more direct statement of removing alcohol sponsorship from sport and ending the alcohol advertising exemption during children's viewing times will strengthen the Strategy and provide direct actions for Australian governments to implement.

### *Recommendations*

The National Alcohol Strategy should:

- End the alcohol advertising exemption for sports broadcasts on commercial free-to-air television during children's viewing times.
- Phase out alcohol sponsorship and advertising from sporting, cultural and music events in Australia.

### **Limiting the roles and influence of commercial interests**

We agree with the principle that "Australia does not support any ongoing role for industry in setting or developing national alcohol policy" (page 24). We also support the exclusion of the alcohol industry and associated industries from the Reference Group. However, there are a range of other ways in which commercial interests are involved in alcohol policy issues that urgently need to be addressed to encourage greater independence and transparency in alcohol policy development.

We believe that further clarification is required in regard to the statement, "This Strategy does recognise, that industry bodies have a responsibility to contribute to efforts preventing and minimising alcohol-related harm" (page 24). The WHO Global Strategy to Reduce the Harmful Use of Alcohol restricts the actions of "economic operators in alcohol production and trade" to their core roles as "developers, producers, distributors, marketers and sellers of alcoholic beverages".<sup>49</sup> The former WHO Director General also established that "In WHO's view, the alcohol industry has no role in formulating policies, which must be protected from distortion by commercial or vested interests".<sup>50</sup> The National Alcohol Strategy should therefore clarify that the responsibility of industry to contribute to preventing and minimising alcohol-related harm should be limited to their roles as developers, producers, distributors, marketers and sellers of alcohol.

Progress towards effective approaches to reducing harm from alcohol, including in action areas identified in the National Alcohol Strategy, has been hampered by fierce opposition from sections of the alcohol industry and related industries. Commercial interest groups are generally well-resourced and seek to influence alcohol policy using a range of strategies. For example, via lobbying of decision-makers and political donations.

Lobbying is conducted directly by industry groups and by third party lobbyists on behalf of alcohol industry bodies. While we support the intent of the lobbyist registers to ensure that lobbying activity aligns with public expectations of transparency, integrity, and honesty, the significant inadequacies of the existing lobbyist registers mean they do not meet these objectives.<sup>51</sup>

We are concerned about the extent of funding provided to Australian political parties by various alcohol industry bodies and associated groups, based on the publicly disclosed information about

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<sup>49</sup> World Health Organization. Global Strategy to Reduce the Harmful Use of Alcohol. WHO; 2010.

<sup>50</sup> Chan M. WHO's response to article on doctors and the alcohol industry. *BMJ*. 2013; 346:f2647.

<sup>51</sup> Robertson N, Kypri K, Stafford J, Daube M, Avery M, Miller P. Australian lobbyist registers are not serving the purposes they were designed for. *Drug and Alcohol Review*. 2017. Doi: 10.1111/dar.12583.

political donations.<sup>52</sup> We are also concerned that the public do not have a complete picture of the financial and other donations by vested interest groups to political parties. The public may consider political parties that are supported by donations from alcohol interests to bear an expectation of support for the alcohol lobby agenda.

We wish to draw attention to two alcohol policy areas where alcohol industry bodies currently have roles that we believe raise important concerns regarding conflicts of interest, and that are not consistent with the principle that industry should have no role in setting or developing national alcohol policy; these policy areas relate to alcohol marketing and health warning labels on alcohol products.

*The alcohol industry and other commercial interests are heavily involved in alcohol marketing regulation in Australia*

The ABAC Scheme currently has a central role within Australia's approach to alcohol marketing regulation. As noted above, the three ABAC Scheme Directors represent the Brewers Association of Australia and New Zealand, the Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia.<sup>53</sup> These groups jointly fund the ABAC Scheme and form the majority of its Management Committee.<sup>54</sup> A government representative also has a position on the management committee; however, we question whether it is in the public interest that the government continue their involvement in the ABAC Scheme.

It is evident that alcohol marketing controls in Australia continue to be very weak. As the National Alcohol Strategy acknowledges, self-regulation has been ineffective. A substantial factor in this weak approach has been the conflicts of interest present in the ABAC Scheme and the other self-regulatory and co-regulatory processes. These failed approaches cannot be allowed to continue to delay effective strategies to protecting young people from alcohol promotion and preventing alcohol-related harm.

*Alcohol warnings labels are currently developed and implemented by the alcohol industry*

We understand that in 2011, the alcohol industry was afforded the opportunity to develop and implement, on a voluntary basis, warnings on alcohol products about the risks of consuming alcohol while pregnant. Following evaluations of the voluntary initiative in 2014 and 2017, this situation remains in place; however, we understand that policy options will be considered further in 2018.

Development of the voluntary alcohol labels in 2011 was led by DrinkWise. DrinkWise is a social aspects/public relations organisation (SAPRO), established and funded by the alcohol industry. Public health experts have strongly criticised the alcohol industry's use of DrinkWise to create an impression of social responsibility while opposing effective policy measures.<sup>55,56</sup> A study of alcohol

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<sup>52</sup> Foundation for Alcohol Research and Education. FARE Submission to the Senate Select Committee into the Political Influence of Donations. October 2017. Available from: <http://fare.org.au/archives/89791>

<sup>53</sup> Australian Securities & Investments Commission. Current and historical company extract: The ABAC Scheme Limited. Received 2015 Dec 17.

<sup>54</sup> The ABAC Scheme Limited. Adelaide: The ABAC Scheme Limited. About the ABAC Scheme; 2016 [cited 2017 Nov 1]. Available from: <http://www.abac.org.au/about/management-committee/>

<sup>55</sup> Miller P, de Groot F, McKenzie S, Droste N. Vested interests in addiction research and policy. Alcohol industry use of social aspect public relations organizations against preventive health measures. *Addiction*. 2011; 106(9): 1560-1567.

<sup>56</sup> Jones SC, Hall, S, Kypri K. Should I drink responsibly, safely or properly? Confusing messages about reducing alcohol-related harm. *PLoS ONE*. 2017; 12(9): e0184705.

industry submissions to an inquiry into FASD found that alcohol industry bodies used the DrinkWise voluntary labelling initiative to suggest that these activities are sufficient in the prevention of FASD, and that there isn't a need for further action.<sup>57</sup> Implementation of a voluntary alcohol labelling scheme by DrinkWise was found to be a tactic by the alcohol industry for delaying mandatory, independent labelling.<sup>58</sup> There is also widespread misunderstanding in the community about the association between DrinkWise and the alcohol industry.<sup>59</sup>

The labels developed by DrinkWise do not appear to be consistent with the evidence base. Health experts have serious concerns about the content of the labels as well as the size and placement on alcohol products. The labels do not appear to have been designed to maximise message clarity and impact. We are also aware of evidence suggesting that the labels have potential for misinterpretation.<sup>60</sup>

Warning labels should be developed by governments with advice from relevant experts free of commercial interests, and should be designed to get through to the target group/s. The alcohol industry, which spends hundreds of millions of dollars each year promoting its products, with much of this promotion having a clear appeal to young people and to women of child-bearing age, should not be responsible for developing health warning labels. The alcohol industry has a vested interest in limiting the impact of warning labels. We recognise that the alcohol industry would have a role in implementing a proper labelling system, but industry involvement should be limited and clearly defined, and should not extend to the development of health warning messages or the design of labels.

DrinkWise is a public relations organisation and its website is a public relations tool. DrinkWise is not an appropriate source of information on risks of alcohol in pregnancy. The message presented on the warning label should be a complete health-warning message in itself, and should not rely on external industry websites and other sources to convey the relevant information. We believe that development of health warning labels on alcohol products is far too important to leave to the alcohol industry, particularly given the significant conflicts of interest.

### *Recommendations*

- The National Alcohol Strategy should clearly limit the involvement of the alcohol industry to their core roles as developers, producers, distributors, marketers, and sellers of alcohol.
- The National Alcohol Strategy should provide clear direction to limit all forms of industry influence on alcohol policy. As an initial action, the National Alcohol Strategy could improve transparency of all the ways in which the alcohol industry and related industries seek to influence alcohol policy, including via lobbying and political donations.
- In line with the National Alcohol Strategy's principle that "Australia does not support any ongoing role for industry in setting or developing national alcohol policy", the National Alcohol Strategy should provide clear direction for phasing out the roles of the alcohol

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<sup>57</sup> Avery MR, Droste N, Giorgi, C, Ferguson A, Martino F, Coomber K, et al. Mechanisms of influence: Alcohol industry submissions to the inquiry into fetal alcohol spectrum disorders. *Drug and Alcohol Review*. 2016; 35(6): 665-672.

<sup>58</sup> Ibid.

<sup>59</sup> Brennan E, Wakefield M, Durkin SJ, Jernigan D, Dixon HG, Pettigrew S. Public awareness and misunderstanding about DrinkWise Australia: a cross-sectional survey of Australian adults. *Australian and New Zealand Journal of Public Health*. 2017; 41(4):352-357.

<sup>60</sup> Rout, J. Hannan, T. (2016). *Consumer awareness and understanding of alcohol pregnancy warning labels*. Wellington, NZ: Health Promotion Agency.

industry in setting alcohol marketing regulations and developing health warnings on alcohol products.

We are grateful for the opportunity to contribute to the National Alcohol Strategy 2018-2026 consultation and hope you will consider our recommendations.

#### **Our recommendations to strengthen the National Alcohol Strategy 2018-2026**

- We support the recommendations outlined in the submission of the National Alliance for Action on Alcohol and the Foundation for Alcohol Research and Education to the consultation on the draft National Alcohol Strategy 2018-2026.
- The National Alcohol Strategy should include a commitment to replace the self-regulatory system with strong, independent, legislated controls that address the content and placement of all forms of alcohol advertising and promotion.
- The objective to “Minimise promotion of risky drinking behaviours and other inappropriate marketing” should be amended to more clearly reflect a commitment to implementing legislated controls to minimise young people’s exposure to all forms of alcohol marketing.
- The National Alcohol Strategy should:
  - End the alcohol advertising exemption for sports broadcasts on commercial free-to-air television during children’s viewing times.
  - Phase out alcohol sponsorship and advertising from sporting, cultural and music events in Australia.
- The National Alcohol Strategy should clearly limit the involvement of the alcohol industry to their core roles as developers, producers, distributors, marketers, and sellers of alcohol.
- The National Alcohol Strategy should provide clear direction to limit all forms of industry influence on alcohol policy. As an initial action, the National Alcohol Strategy could improve transparency of all the ways in which the alcohol industry and related industries seek to influence alcohol policy, including via lobbying and political donations.
- In line with the National Alcohol Strategy’s principle that “Australia does not support any ongoing role for industry in setting or developing national alcohol policy”, the National Alcohol Strategy should provide clear direction for phasing out the roles of the alcohol industry in setting alcohol marketing regulations and developing health warnings on alcohol products.

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