



**Australian Communication and Media Authority  
Contemporary Community Safeguards Inquiry**

**Submission from the National Alliance for Action on Alcohol**

The National Alliance for Action on Alcohol (NAAA) is a national coalition of health and community organisations from across Australia. It has been formed with the goal of reducing alcohol-related harm and currently has 75 member organisations with a focus on public health and alcohol.

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**AUSTRALIAN COMMUNICATION AND MEDIA AUTHORITY:**  
**CONTEMPORARY COMMUNITY SAFEGUARDS INQUIRY**

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**Executive summary**

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In relation to alcohol advertising, there are systemic issues with the broadcasting codes of practice, which fail to fully address the exposure of children and young people to alcohol advertising.

The following recommendations reflect NAAA's belief that the harmful effects of alcohol advertising can be reduced by limiting the exposure of children and young people. There is high public support for intervention to achieve this.

1. Protection of children and young people should be included as a core principle in contemporary broadcasting codes of practice;
  2. The Commercial Television Industry Code of Practice exception permitting alcohol advertising during live sport should be removed.
  3. The current alcohol advertising watershed of 8:30pm should be extended until 9:30 or 10pm to further reduce exposure of children and young people.
  4. A shift to the use of disabling devices and parental lock-outs does not absolve the communications and advertising industry from its responsibility to protect children and young people from the harmful effects of alcohol advertising. ACMA has an important role in encouraging and supporting the uptake of content and access management technologies.
  5. Ethical standards in advertising should be included as a core principle in broadcasting codes of practice, directly complementing the 'protection of children young people' principle.
  6. Children and young people should not be exposed to alcohol branded content and embedded alcohol advertising, regardless of whether or not it is identified as such.
  7. There needs to be improved options for redress to ensure effective regulation of alcohol advertising.
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**Introduction**

The rationale for protecting children and young people from the harmful effects of alcohol marketing exposure is well accepted in research literature,<sup>1</sup> in legislation, and by the broadcasting and alcohol

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<sup>1</sup> In 2006, the National Alcohol Strategy reported that 'advertising in mainstream media, especially print and television advertising is particularly influential, especially upon young and impressionable groups in the community. Ministerial Council on Drug Strategy, 'National Alcohol Strategy 2006-2011. Towards Safer Drinking Cultures' (Commonwealth of Australia) 26

industry. On this basis, Australia's National Preventative Health Taskforce made a series of recommendations in relation to alcohol advertising:

- (i). In a staged approach phase out alcohol promotions from times and placements which have high exposure to young people aged up to 25 years.
- (ii). Introduce enforceable codes of conduct requiring national sporting codes to take greater responsibility for individuals' alcohol-related player behaviour.
- (iii). Require health advisory information labelling on containers and packaging of all alcohol products to communicate key information that promotes safer consumption of alcohol.
- (iv). Require counter-advertising (health advisory information) that is prescribed content by an independent body within all alcohol advertising at a minimum level of 25% of the advertisement broadcast time or physical space.

The NAAA supports the comprehensive reform of the alcohol advertising regulatory arrangements in Australia in line with these recommendations.

### Submission outline

This submission will address certain questions raised in the ACMA's Issues Paper that relate to the role of broadcasting codes in the regulation of alcohol advertising.

Accordingly, our comments are directed to the following sections of the Issues Paper:

1. Section 2: Protection of Children – Time Zones;
2. Section 3B: Ethical standards – Advertising; and
3. Section 7: Redress.

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### Protection of Children—Time Zones

In response to this section, we will discuss:

1. the importance of and public interest in protecting children and young people from the harmful effects of alcohol advertising;
2. public opinion relating to alcohol advertising exposure;

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[http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/B83AD1F91AA632ADCA25718E0081F1C3/\\$File/nas-06-09.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/B83AD1F91AA632ADCA25718E0081F1C3/$File/nas-06-09.pdf). In 2009, the National Preventative Health Taskforce concluded that 'in summary, the Taskforce has reviewed the arguments regarding the links between advertising and alcohol consumption and alcohol-related harm, and has also taken into account submissions which disagree with this association. Having considered all the evidence to hand, the Taskforce is of the strong view that reducing the exposure of young people to alcohol promotions is an essential element in reducing alcohol-related harm in Australia. This is further reinforced by evidence that young people are highly vulnerable to the effects of alcohol up to the age of 25. The Taskforce is particularly concerned about the high levels of alcohol advertising and promotion to which adolescents and young Australians are exposed during live sport broadcasts, during other high adolescent/child viewing times, through sponsorship of sport and cultural events, such as sponsorship of professional sporting codes, and through youth-oriented print media and internet-based promotions. See National Preventative Health Taskforce, *Australia: The Healthiest Country by 2020* (2009) 251

3. the relevance of time zones to protect children and young people from alcohol advertising broadcasts;
4. the inadequacy of parental lock out systems

**Public interest case for protecting children from harmful effects of alcohol advertising: examining the principles underpinning contemporary broadcasting codes of practice**

Addressing:

**Question 18:** Should the concept of ‘protection of children’ be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

**Question 19:** The ACMA has drawn a connection between ‘protection of children’ and time zone interventions. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

Protection of children and young people should be a core principle in contemporary broadcasting codes of practice, to give effect to the statutory purpose of the *Broadcasting Services Act 1992* (the Act); and as a matter of public policy.

The Act has as one of its objects the protection of children (section 1(j)). All Australian television and radio codes of practice are obliged to take this into account. Section 123 of the Act requires radio and television industry groups to develop, in consultation with the ACMA and mindful of any relevant ACMA research, codes of practice applicable to the broadcasting operations of each industry sector. Codes made under the statutory framework established by the Act are accordingly obliged to give effect to the intent of the Act, and thus should explicitly include protection of children and young people as a core principle.

Children and young people are high users of broadcast services. For example in 2007, 99 per cent of Australian homes with children had access to television.<sup>2</sup> In 2009, 94 per cent of 8-7 year olds reported watching either free-to-air or subscription television, compared with the proportion of time spent using the internet, which was 61 per cent for 8-11 year olds, 83 per cent for 12-14 year olds and 88 per cent for 15-17 year olds.<sup>3</sup>

The ACMA study found of young people’s television viewing that:

- 8-11 year olds spent on average 1 hour, 54 minutes a day watching television;
- 12-14 year olds watched 1 hour, 55 minutes of television a day; and

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<sup>2</sup> Australian Communications and Media Authority, ‘Trends in media use by children and young people Insights from the Kaiser Family Foundation’s Generation M2 2009 (USA), and results from the ACMA’s Media and communications in Australian families 2007’ (Commonwealth of Australia, June 2010) 21

<sup>3</sup> Australian Communications and Media Authority ‘Use of electronic media and communications: Early childhood to teenage years’ (Commonwealth of Australia 2009) 8 <[http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311824](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311824)>

- 15-17 year olds age group also watched 1 hour, 55 minutes of television a day.<sup>4</sup>

By comparison with internet usage:

- 8-11 year olds spent on average 30 minutes a day using the internet;
- 12-14 year olds spent 1 hour, 32 minutes using the internet; and
- 15-17 year olds spent 2 hour, 24 minutes using the internet.<sup>5</sup>

### *Broadcast alcohol advertising—television*

Pettigrew et al found that over two months, 1 in 10 beverage advertisements aired in Australia’s major cities were for alcohol; and around half of the 2810 alcohol advertisements shown during this period appeared during children’s popular viewing times.<sup>6</sup> Fielder et al examined target audience rating points for alcohol advertisements over a 12-month period and found that teenagers under the legal drinking age were exposed to the same number of advertisements as adults.

Australian research is substantiated by similar findings in the US, where the bulk of youth exposure to alcohol beverage advertising on television was found to occur during cable television programming, with youth aged 12 to 20 more likely to be watching than adults 21 and above.<sup>7</sup>

The rationale for protecting children and young people and ensuring that alcohol advertising targets adults is based on the potential adverse effects alcohol may have on the growing brain;<sup>8</sup> and research which shows that children and young people’s exposure to alcohol advertising can significantly influence subsequent decisions about drinking and their expectations related to alcohol use.<sup>9</sup> Young people are also considered to be more susceptible to advertising messages and more likely to experience harm as a result of risky drinking behaviour.<sup>10</sup>

Studies on the long-term impact of adolescent alcohol use consistently show that early and frequent use of alcohol approximately doubles the risk of alcohol related problems later in life.<sup>11</sup> Research into lifelong

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid. 11

<sup>6</sup> Defined as times during which the percentage of children viewing television was greater than 25% of the total possible child audience: 7-9am and 3.30-10.30pm on weekdays, and 7.30-10.30am and 3.30-10.30pm on weekends. See Simone Pettigrew et al ‘The extent and nature of alcohol advertising on Australian television’ (2012) 31 *Drug and Alcohol Review* 797, 798

<sup>7</sup> Centre on Alcohol Marketing and Youth ‘Youth exposure to alcohol advertising on television, 2001-2009’ (Report, 15 December 2010) 2 <

[http://www.camy.org/research/Youth Exposure to Alcohol Ads on TV Growing Faster Than Adults/ includes/CAMY\\_Report2001\\_2009\\_ExecSum.pdf](http://www.camy.org/research/Youth%20Exposure%20to%20Alcohol%20Ads%20on%20TV%20Growing%20Faster%20Than%20Adults/includes/CAMY_Report2001_2009_ExecSum.pdf)>

<sup>8</sup> National Health and Medical Research Council, *Australian Guidelines to reduce health risks from drinking alcohol*, (2009) 57

<sup>9</sup> This includes not only their initiation to drinking, what they drink, how much they drink, where and with whom they drink but also the way they think and feel about alcohol. For more information, see Ann M. Roche, et al. *Young People and Alcohol: The Role of Cultural Influences*. (2007) National Centre for Education and Training on Addiction, 133.

<sup>10</sup> Alcohol Concern, *Not in front of the Children – Child Protection and Advertising* (July 2007) Alcohol Research UK 4 <

[http://alcoholresearchuk.org/downloads/finalReports/AERC\\_FinalReport\\_0057.pdf](http://alcoholresearchuk.org/downloads/finalReports/AERC_FinalReport_0057.pdf) ≥

<sup>11</sup> Wendy Loxley, et al. *The prevention of substance use, risk and harm in Australia: a review of the evidence*, (2004) Commonwealth Department of Health and Ageing.

alcohol consumption demonstrates that early initiation of drinking and heavy drinking in adolescence and young adulthood can have long-term adverse impacts, including increased risk of a range of diseases.<sup>12</sup>

As such, there is public interest in protecting children and young people—some of the main consumers of broadcast material—from the effects of alcohol advertising.

### *Public opinion relating to alcohol advertising exposure*

Public opinion would appear to strongly support a reduction in the exposure of young people to alcohol advertising, including its restriction from times and in places where it is likely to reach a significant number of children and young people.

The Foundation for Alcohol Research and Education's (FARE) 2012 Alcohol Poll found that 68 per cent of Australians believe alcohol advertising and promotion influences the behaviour of people under the age of 18 years; 64 per cent of Australians support a ban on alcohol advertising on television before 8.30pm.<sup>13</sup>

The 2010 National Drug Strategy Household Survey found that 71.2 per cent of people aged 14 or older supported a ban on alcohol advertisements before 9.30 p.m. and that 48.3 per cent supported banning alcohol sponsorship of sporting events.<sup>14</sup>

A VicHealth survey *Community Attitudes to Alcohol Policy* found 82 per cent of respondents agreed that alcohol advertisements should be restricted so that they are less likely to be seen by people under 18.<sup>15</sup>

### **The relevance of time zones to protect children from broadcast alcohol advertising**

Addressing:

**Question 20:** Are broadcast time zones still necessary as a community safeguard?

If so, what form should they take?

**Question 21:** If the time zones set out in the broadcasting codes of practice were to be gradually phased out over coming years, what pre-conditions would need to be met before that is done?

Time zones are an important component in reducing the exposure of children and young people to alcohol advertising on broadcast television. The key time-zone-based protections are in the Children's Television Standards (CTS) and in the Commercial Television Code of Practice (CTICP). The CTS prohibits alcohol advertising in dedicated children's programming times, while the CTICP states that a

<sup>12</sup> Amy Z. Fan, et al 'Association of Lifetime Alcohol Drinking Trajectories with Cardiometabolic Risk' (2008) 93 (1) *Journal of Clinical Endocrinology and Metabolism*, 154.

<sup>13</sup> Foundation for Alcohol Research and Evaluation 'Annual Alcohol Poll 2012: Community attitudes and behaviours'(2012)

<sup>14</sup> Australian Institute of Health and Welfare '2010 National Drug Strategy Household Survey report' (Drug statistics series no. 25, 2011)

<sup>15</sup> Victorian Health Promotion Foundation, *Community Attitudes to Alcohol Policy – Survey Results 2010* Unpublished

commercial that is a direct advertisement for alcoholic drinks may be broadcast only in M, MA or AV<sup>16</sup> classification periods (i.e. 8.30pm - 5.00am); advertisements during C or Children classification periods must also not be for, or relate in any way to, alcoholic drinks, nor should they draw any association with companies that supply alcoholic drinks.<sup>17</sup>

### *The CTICP exemption*

The efficacy of the CTICP time zone limitation is eroded by the exception in clause 6.8, that permits alcohol advertising during the day as an accompaniment to live sporting event broadcasts on weekends and public holidays—or if the sporting event is broadcast simultaneously across a number of licence areas or time zones.<sup>18</sup> The exception means that the amount of sport broadcast on weekends and across Australian time zones includes alcohol advertising to which large numbers of children and young people are exposed. Research demonstrates the popularity of major sporting events among children<sup>19</sup> and indicates that, despite the Code's purported restrictions, alcohol advertisements are just as likely to be seen by children and young people as they are by adults.<sup>20</sup>

The ASTRA Code for subscription television has no time zone based restrictions on alcohol advertising, and promotes the potential use of the lock out function (discussed below). Licensees are simply required to take into account the intellectual and emotional maturity of intended audience when scheduling advertisements.<sup>21</sup>

Broadcast time zones remain an important indicator of times when a high number of children and young people are likely to be watching television. By prohibiting alcohol advertising in child-friendly viewing times, time-zone based advertising restrictions are an objective measure for advertisers and broadcasters scheduling alcohol advertising.

However, while the current arrangement provides a modicum of protection for children and young people, Australian research has found that alcohol advertising is still shown during children's viewing

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<sup>16</sup> Material classified M is recommended for viewing only by persons aged 15 years or over because of the matter it contains, or of the way this matter is treated; material classified MA is suitable for viewing only by persons aged 15 years or over because of the intensity and/or frequency of sexual depictions, or coarse language, adult themes or drug use; material classified AV is suitable for viewing only by persons aged 15 years or over. It is unsuitable for MA classification because of the intensity and/or frequency of violence, or because violence is central to the theme. In other respects, the classification's requirements are identical to the MA classification. See *Commercial Television Industry Code of Practice*, (January 2010) Free TV [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>17</sup> Sections 2.9 and 6.7 *Commercial Television Industry Code of Practice*, (January 2010) Free TV [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>18</sup> Ibid.

<sup>19</sup> Australian Communications and Media Authority, above n 2.

<sup>20</sup> Elizabeth King, Jenny Taylor and Tom Carroll 'Australian Alcohol Beverage Advertising in Mainstream Australian Media 2003 to 2005: Expenditure, Exposure and Related Issues', (2005) Canberra: Department of Health and Ageing [http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/content/BD9ED91EDC948718CA2571E30023FAD3/\\$File/aust-mainstream.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/content/BD9ED91EDC948718CA2571E30023FAD3/$File/aust-mainstream.pdf)

<sup>21</sup> Clause 6.5, Australian Subscription Television and Radio Association *Codes of Practice 2012 12*

<<http://www.astra.org.au/ArticleDocuments/215/SBT01%20-%20Draft%20Subscription%20Broadcast%20Television%20Codes%20of%20Practice%202012.pdf.aspx?Embed=Y>>

times, and that the 8:30pm watershed is no longer an effective threshold. Ratings data commissioned for the ACMA's Review of the Children's Television Standards<sup>22</sup> indicate that high numbers of children and young people watch commercial free-to-air television from 6.30am until about midnight. Consideration should be given to extending the time zone prohibition on alcohol advertising until 9:30 or 10pm to further reduce exposure of children and young people. Additionally, the NAAA recommends that children and young people should be protected from exposure to alcohol advertising in all sports programs, regardless of when it is broadcast, given that many children and young people may choose to view a recorded copy of the program at a another time.

Phasing out the time zones in the broadcasting codes of practice could bring about a result similar to guidance contained in the subscription television code of practice, where licensees need only take into account the intellectual and emotional maturity of their audience. This is not an effective way to reduce exposure to alcohol advertising and neither is it an objective or measurable benchmark. It is unhelpful to broadcasters and advertisers alike, and may mean more, rather than less exposure of young people to alcohol advertising. While we acknowledge parents' ability to control children and young people's viewing informally or through the use of disabling devices, as discussed below, these means are not always effective. For this reason, should time zones be phased out, time-based limitations on alcohol advertising should remain.

### The use of parental lock out systems to reduce exposure to alcohol advertising

Addressing:

**Question 22:** What is the community's current use of and understanding of the parental lock technologies available?

**Question 23:** What information would be useful and informative in assisting people to use the parental lock and/or similar technologies?

**Question 24:** Assuming that parental lock and other similar technologies will continue to improve and evolve, what form should associated instructional and educational material take to ensure that it remains flexible, adaptable and up to date?

Currently, only the ATRA Code relies on subscribers' ability to entirely block out a channel or in some instances to block different levels of classified material (through disabling devices like the parental lock).<sup>23</sup>

<sup>22</sup> Australian Communications and Media Authority (2007) 'Children's viewing patterns on commercial, free-to-air and subscription television: report analysing audience and ratings data for 2001, 2005 and 2006.' Canberra: Australian Communications and Media Authority,

[http://www.acma.gov.au/webwr/assets/main/lib310132/childrens\\_viewing\\_patterns.pdf](http://www.acma.gov.au/webwr/assets/main/lib310132/childrens_viewing_patterns.pdf), at 14 September 2009

<sup>23</sup> Clause 6.5, Australian Subscription Television and Radio Association *Codes of Practice 2012* 12

<<http://www.astra.org.au/ArticleDocuments/215/SBT01%20-%20Draft%20Subscription%20Broadcast%20Television%20Codes%20of%20Practice%202012.pdf.aspx?Embed=Y>>

Experience suggests that, as a means of limiting exposure to alcohol advertising, disabling devices and parental lock outs fail to prevent underage exposure.<sup>24</sup> Their effectiveness depends on parents enabling the device, but they are relatively simple to bypass.

The advent of digital and internet television heralds significant changes in how people watch television, and new methods of control, including advertising content. Consumers are increasingly accessing broadcast content through mobile devices. Accordingly, broadcast content and advertising messages are becoming separated from the context in which they appear, and in a non-traditional broadcast television environment, time-zone based advertising restrictions may become redundant.

Reducing children and young people’s exposure to alcohol advertising would require codes of practice to contain a combination of broad restrictions to prohibit alcohol advertising associated with children friendly content in any media; there would also need to be enhanced access to content control, anti-targeting and ad-blocking software. This is because content control and access limiting devices are highly dependent on the user—in this case parents—and require an ability to use content control technologies and an appreciation of the ways advertisers or end-users (in this case children) circumvent them.

Critical to the success of user-based controls is the effectiveness and uptake of new technologies; ACMA and the broadcasting industry have a responsibility to encourage and support parents and guardians in the use of such controls.

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### **Ethical standards—advertising**

Addressing:

**Question 61:** Should the concept of ‘ethical standards—advertising’ be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

**Question 62:** The ACMA has drawn a connection between ‘ethical standards—advertising’ and interventions around transparency and the limits on advertising. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

### **Ethical standards**

The concept of ‘ethical standards—advertising’ should be a core principle in broadcasting codes of practice, and a complement to the ‘protection of children’ principle discussed above. In response to these questions, we reiterate the points made in response to questions 18 and 19, in relation to the particular

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<sup>24</sup> Adam Turner, ‘Bypassing TV’s parental lock is child’s play’, *Sydney Morning Herald* (online), 18 March 2011, <<http://www.smh.com.au/digital-life/computers/blogs/gadgets-on-the-go/bypassing-tvs-parental-lock-is-childs-play-20110317-1byq0.html>>

susceptibility of children and young people to alcohol advertising, and the high public support for reducing exposure to it.

Accepting the potential for alcohol to adversely affect the growing brain, evidence that shows a relationship between alcohol advertising exposure and rates of early and harmful drinking in young people, an ethical approach would be to ensure protection for children and young people from that exposure through limits on advertising.

### Branded content and embedded advertising

Addressing:

**Question 63:** What is the extent of concern, if any, about branded content and embedded advertising being transparent?

**Question 64:** To the extent that there is any concern about branded content and embedded advertising failing to be transparent—does that level of concern differ according to the type of content being consumed? For example, are different concerns raised by this content appearing in current affairs programs as opposed to scripted dramas?

**Question 65:** To the extent that there is any concern about branded content and embedded advertising failing to be transparent, would that level of concern be assuaged by adequate identification/disclosure of advertising material?

**Question 66:** To what extent should licensees present advertisements in such a manner that viewers/listeners should be able to distinguish them from other program material?

The prevalence of alcohol branded content and embedded alcohol advertising is an area of increasing concern. A recent analysis of the NRL and AFL finals series revealed the dominance of integrated alcohol marketing, such as fixed stadium signage, electronic banners, live announcements, pop-ups, and logos on players' uniforms.<sup>25</sup> Embedded alcohol marketing in the live broadcast of these events represented 95 per cent of the total marketing mix:<sup>26</sup> over 18 per cent of the entire broadcast of the NRL grand final match featured some form of alcohol marketing, while 17.7 per cent of the total broadcast time of the Sydney Swans/Collingwood Magpies match was devoted to various forms of alcohol marketing.

The 2012 grand finals attracted 3.196 million and 2.424 million viewers respectively. Both broadcasts are extremely popular with children; the AFL grand final for example, is consistently in the top-five most watched television programs for children and the NRL grand final broadcast was the second highest rated program with children under-12 in the period 30 September - 20 October 2013.

<sup>25</sup> Lance Barrie, Sandra Jones, Michael Chapman and Nicholas Corr 'Alcohol Advertising in Televised Broadcasts of Australian Football Finals Series' (Final Research Report, Centre for Health Initiatives, 12 April 2013)

<sup>26</sup> Ibid.

The concern is that advertising integrated into program content—particularly where it is emotionally engaging—is said to be more influential in forming attitudes and brand connections than stand-alone commercials.<sup>27</sup> Although adults may be able to discern the difference between embedded advertising and program content, we contend that this distinction is often lost on children and young people. We are concerned that embedding alcohol advertising in sport normalises alcohol to young people: it provides constant reinforcement and encouragement of alcohol consumption as an expected behaviour and presents alcohol to children and young people as an ‘ordinary’ commodity. Child and adolescent health experts in Australia and internationally have repeatedly advised that alcohol should not be viewed as an ordinary commodity by children and young as it poses particularly serious risks to their health and safety.

In response to a recent complaint to the ACMA over VB sponsored segments at the conclusion of coverage of a cricket test series, it was determined that an ‘ordinary, reasonable viewer’ as defined in Australian case law, would have been aware that the segment was distinct from the rest of the broadcast, and that the licensee was not in breach of the code.<sup>28</sup> We contend that this approach was incorrect, and the measure of effect should have been assessed taking into account the susceptibility and vulnerability of children and young people. Such consideration of the effect of embedded advertising on the large numbers of children and young people watching the broadcast may have prompted a different determination by ACMA.

The requirement to identify and disclose alcohol advertising material, which may be appropriate for other forms of advertising, inadequately prevents children and young people’s exposure to alcohol advertising. All alcohol advertising and promotional messages, whether external or embedded in program content, should be removed from times and places with high exposure to young people aged up to 25 years (in accordance with the National Preventative Health Taskforce recommendations, above). There should also be restrictions on the sponsorship of sporting and cultural events, organisations or participants (such as sports teams or athletes), by alcohol companies, where those events, organisations or participants have high appeal to people under the age of 25.

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### **Redress—methods of handling and responding to complaints from members of the public**

Addressing:

**Question 107:** Should the concept of ‘Redress’ be relevantly included as a guiding core principle in contemporary broadcasting codes of practice?

**Question 108:** The ACMA has drawn a connection between ‘Redress’ and complaints-handling. Do you agree with this connection? Are there other interventions or safeguards that should be included here?

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<sup>27</sup> Ibid.

<sup>28</sup> Australian Communications and Media Authority, Investigation Report No. 2933 ( ACMA 2012/1806, 3 May 2013)

Redress should be included as a guiding principle in broadcasting codes of practice. One of the critical flaws in the current alcohol advertising regulatory framework—encompassing broadcasting codes of practice and the Alcohol Beverages Advertising Code—is the lack of redress for code breaches.

Our key concerns, which relate to both the relevant broadcasting codes and the ABAC are as follows:

- there are no meaningful sanctions against advertisers, and therefore no incentive for them to comply with guidelines, including restrictions on the placement of alcohol advertising;
- a complaints-based system may dissuade members of the public from making a complaint, and alone, is not an effective mechanism to ensure compliance;
- alcohol advertising is so ubiquitous that the majority of community feel dissuaded from making complaints;
- there is no opportunity to appeal either decisions of the relevant broadcasting codes of practice or the ABAC
- the ABAC in particular does not meet Australian Competition and Consumer Commission guidelines for voluntary industry codes of conduct, as it lacks a mechanism for independent review, and monitoring and accountability mechanisms.<sup>29</sup>

There is significant scope for current and future codes to include stronger compliance and enforcement mechanisms.

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## **Conclusion**

There is evidence and public support for a more effective broadcast regulatory framework, based on the principles of protecting children and young people, applying an ethical approach to advertising, and offering means of redress to ensure compliance with regulatory requirements. It is appropriate for ACMA to take a greater role in protecting children and young people from exposure to alcohol advertising, and ensuring that broadcasting codes of practice adhere to a more principled approach.

**26 July 2013**

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<sup>29</sup> Australian Competition and Consumer Commission, 'Guidelines for developing effective voluntary industry code of conduct' (July 2011) <http://www.accc.gov.au/publications/guidelines-for-developing-effective-voluntary-industry-codes-of-conduct>