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**RACP submission: NSW Inquiry into
Alcoholic Beverages Advertising
Prohibition Bill**

November 2017

Executive Summary

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to comment on this NSW inquiry into the *Alcoholic Beverages Advertising Prohibition Bill 2015* (the Bill). Physicians working in addiction clinics, emergency departments, orthopaedic wards, rehabilitation centres, liver clinics and cancer wards know first-hand the harm alcohol can cause, including that caused by alcohol-related violence. Therefore, the matters being considered in this inquiry and by the Bill are of great importance to the RACP and its members. In March 2016, the RACP released its revised Alcohol Policy¹, co-developed with the Royal Australasian College of Psychiatrists, which included a number of recommendations drawn from an in-depth review of the evidence of policies to reduce alcohol-related harms and from the front-line clinical expertise and experience of our members.

It is outside the remit or expertise of the RACP to provide comment on the provisions within this Bill that would allow for the declaration of local option areas within which the purchase, sale or delivery, or the consumption in a public place, of alcoholic beverages will be an offence. We note however that the evidence suggests that while community-based alcohol restriction plans can be effective in reducing alcohol-related harms, this is subject to there being broad-based community support for such restrictions. In terms of the process outlined in the Bill, such that the Minister can consider a request for such a declaration if it is signed by at least 10% of the people who reside in the area, it is unclear to us whether this appropriately indicates there is adequate community support for this declaration. It was not clear on what basis the process, and nominated 10% support, was made.

Our submission instead focuses on the aspects of the Bill that proposes prohibiting all advertising and other promotional activities aimed at assisting the sale of alcoholic beverages.

There is clear evidence that young people in Australia are exposed to large amounts of alcohol advertising across a range of media. There is also strong evidence that exposure to alcohol advertising is linked with people starting drinking at an earlier age, puts young people at greater risk of engaging in harmful and risky levels of alcohol consumption, and to them developing long term alcohol use disorders. It must be remembered that alcohol affects the development of the brain, which continues to form and mature during adolescence. The evidence on a broader ban is unclear.

There is therefore a compelling case for statutory restrictions on alcohol advertising when or where this is directed at young people or where the exposure of young people to such advertising cannot be feasibly minimised or avoided. This could encompass a ban on outdoor advertising of alcohol, including at sporting events, and a ban on alcohol industry sponsorship of sporting events, competitions and teams.

The evidence of harms associated with inappropriate advertising of alcohol to children is clear and concerning, and we believe that a Bill focusing on reducing the harms to young people would be highly effective, welcomed by the community, and more achievable than a proposal to ban all alcohol advertising.

We note the evidence both from Australia and the rest of the world that industry self-regulation of alcohol advertising is ineffective and does not appropriately curb the exposure of young people to alcohol advertising. We strongly support the proposal to establish an Alcohol Advertising Prohibition Committee and recommend that the Bill explicitly prohibits any representative with links to any commercial interest in alcohol.

¹ <https://www.racp.edu.au/docs/default-source/advocacy-library/pa-racp-ranzcp-alcohol-policy.pdf>

1. The health and social costs of excessive alcohol consumption are substantial and the public is demanding an appropriate response

The many harms of alcohol and their costs to individuals and society are both undisputed and substantial, with alcohol consumption being a causal factor in more than 200 disease and injury conditions.² Current average levels of alcohol consumption have been found to increase the risk of liver cirrhosis, cancer, injuries and cardiovascular diseases.³ Recent research has found that alcohol consumption per capita was significantly and positively associated with changes in both male and female head and neck cancer mortality, particularly among males and females aged 50 and above.⁴ In NSW alone, the NSW Auditor General has estimated the cost of alcohol abuse at \$3.87 billion per year, or \$1,565 per household. Of this amount, \$1.029 billion a year or \$416 per household is incurred in the form of spending on additional government services to redress the negative 'spillover effects' of alcohol consumption such as increased crime and morbidity.⁵ In Australia, the total social costs of alcohol have been estimated to be as high as between \$15 billion and \$36 billion per year.⁶

The general public is aware of the significant costs associated with alcohol, with recent polling by the Foundation for Alcohol Research and Education (FARE) finding that roughly one third of Australians (35%) think that alcohol is the most harmful drug, behind illegal drugs (44%) and ahead of tobacco (11%) and pharmaceuticals and prescription drugs (6%).⁷

More than three quarters (78%) of people believe that Australia has a problem with excess drinking or alcohol abuse.

1. Recent trends in alcohol advertising

Alcohol advertising can be presented through a variety of media, including print media, broadcast (including television and radio), digital media (including SMS text messaging, websites and social media platforms such as Facebook, YouTube and Twitter), merchandising, sponsorship of sporting and cultural events and product placement. **Figure 1** below provides a breakdown, based on data collected from a media monitoring company of the share of expenditure on alcohol advertising across the different media channels. It is estimated that total alcohol advertising expenditure in 2011 (the most recent year for which a comprehensive estimate is available) was approximately \$222 million.⁸

² WHO Global status report on alcohol and health 2014

³ Rehm J., Room R., Graham K., Monteiro M., Gmel G., Sempos C. T. The relationship of average volume of alcohol consumption and patterns of drinking to burden of disease: an overview. *Addiction* 2003; 98: 1209–1228.

⁴ Jiang, H, Livingston M and Room, R (2017) Alcohol consumption and liver, pancreatic, head and neck cancers in Australia: Time-series analyses. Canberra: Foundation for Alcohol Research and Education.

⁵ Audit Office of NSW 2013 Cost of Alcohol Abuse to the NSW Government.

⁶ This estimate combines Collins D, Lapsley H 2008. The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004–2005. Canberra: Commonwealth of Australia; and Laslett A-M et al. 2010. The range and magnitude of alcohol's harm to others. Melbourne: AER Centre for Alcohol Policy Research and Turning Point Alcohol and Drug Centre, Eastern Health.

⁷ FARE Annual alcohol poll 2017: Attitudes and behaviours.

⁸ White, V., Faulkner, A., Coomber, K., et al. How has alcohol advertising in traditional and online media in Australia changed? Trends in advertising expenditure 1997–2011. *Drug Alcohol Rev* 2015 34: 521–530.

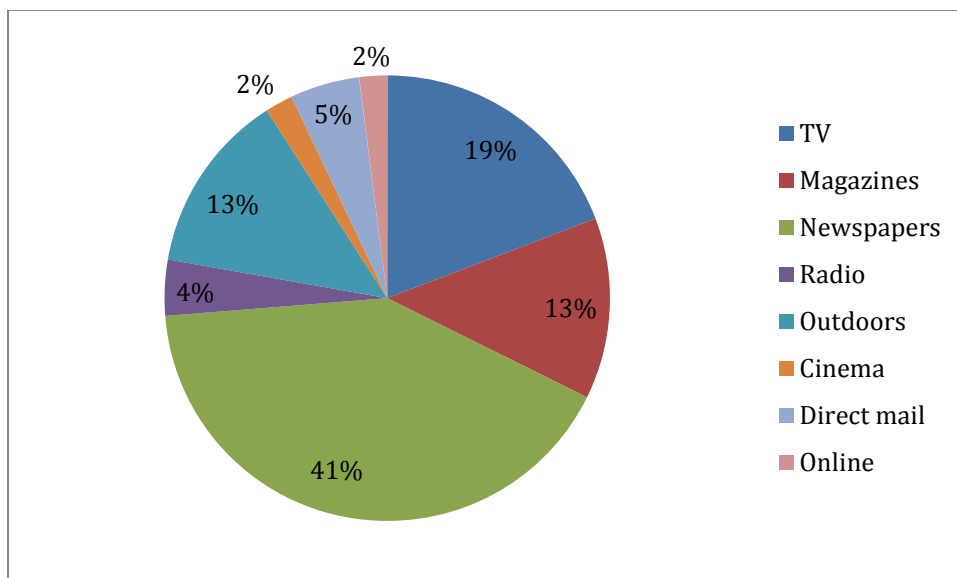


Figure 1: Share of alcohol advertising expenditure across different media channels⁹

Broadcast media's share of alcohol advertising revenue was approximately 50% in 1997 but declined to 19% in 2011. By contrast, newspapers and outdoor advertising have increased their shares of the alcohol advertising spend (newspapers from 28% to 41% over the 1997-2011 period and outdoor advertising from 3% to 13%).

While the social media share of alcohol advertising is still small at about 2%, the top twenty alcohol brands in Australia have more than 2.5 million followers and post four items of content per week, according to 2014 research.¹⁰ While there are no published estimates on the total expenditure for alcohol industry sponsorship of sport, it is estimated that some sports may receive around 25 per cent of their income from alcohol beverage sponsorship agreements or associated income.¹¹

Of these different media channels, the one that is most directly within the power of State governments to regulate is outdoor advertising. NSW government owned property which can be used for outdoor advertising includes buses, trains, bus shelters, train stations and sports stadiums. This media is regularly and directly exposing alcohol advertising to children and adolescents, particularly when it is displayed on or near public transport and shopping areas.

2. Alcohol advertising clearly makes a difference in increasing alcohol consumption but this impact is more significant and well established for young people

The significant expenditure on advertising in Australia demonstrates that alcohol companies clearly recognise its influence in driving sales. A recent systematic review has found conclusive evidence of positive associations between exposure to alcohol sports sponsorship and self-reported alcohol consumption. More recent indirect evidence of this relationship for older adults can be found in a recent study which examined the association between alcohol advertising restrictions and the prevalence of hazardous drinking (defined based on a measure used by the World Health

⁹ White, V., Faulkner, A., Coomber, K., et al. How has alcohol advertising in traditional and online media in Australia changed? Trends in advertising expenditure 1997–2011. *Drug Alcohol Rev* 2015 34: 521–530.

¹⁰ Carah N. Like, Comment, Share: Alcohol brand activity on Facebook¹. Canberra: FARE; 2014.

¹¹ ASC submission to Senate Inquiry into the Alcohol Toll Reduction Bill 2007.

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2008-10/alcohol_reduction/submissions/sublist.

Organization) among people aged 50-64 in 16 European countries.¹² European countries in this study were divided into three groups – those with ‘no restrictions’ on alcohol advertising, those with some restrictions and those with the greatest restrictions. The study found that the rate of hazardous drinking was 30.6% in countries with no restrictions, 20.3% in countries with some restrictions and 14.4% in those with greatest restrictions. Even after adjusting for confounding factors the study found a positive association between alcohol advertising and hazardous drinking rates among this older age group.

Overall whilst the recent evidence on the relationship between advertising and levels of alcohol consumption among adults is particularly strong for young people, it is more mixed for the general population. For example, a recent Cochrane review was unable to find any solid evidence for (or against) recommending the implementation of alcohol advertising restrictions.¹³ A recent study which reviewed all alcohol control policies in European countries from the 1960s to the 2000s found a significant decrease in consumption following advertisement restrictions in France but not in five other countries where similar restrictions were implemented during the study period.¹⁴ This study concluded that the best means of reducing alcohol related harm was through policies affecting alcohol availability (including by affecting the price of alcohol).

However there is a wealth of evidence that exposure of young people to alcohol advertising encourages early initiation into alcohol use¹⁵. It also puts young people at greater risk of engaging in harmful and risky levels of alcohol consumption¹⁶ and of developing long term alcohol use disorders.¹⁷ The most recent estimate of the impact of alcohol advertising on increasing drinking using Australian data found that for every increase of 1000 Targeted Rating Points (a measure of television advertising exposure) the odds of an adolescent drinking in the past month increased by approximately 10%, while the odds of an adolescent engaging in past-week risky drinking increased by 16%.¹⁸

3. Industry self-regulation is clearly not working

Current Australian regulations at the national level on alcohol advertising rely heavily on self-regulation in respect of both content and placement of advertising, and there is a lack of legally enforceable sanctions for instances when regulation breaches occur.

At the national level, alcohol advertising content is predominantly regulated through the Alcohol Beverages Advertising (and Packaging) Code (ABAC). This code is operated by a management committee that comprises members of the alcohol industry, together with a government

¹² Bosque-Prous M, Espelt A, Guitart AM, et al. Association between stricter alcohol advertising regulations and lower hazardous drinking across European countries. *Addiction*. 2014 Oct;109(10):1634-43.

¹³ Siegfried N, Pienaar DC, Ataguba JE, et al. Restricting or banning alcohol advertising to reduce alcohol consumption in adults and adolescents. *Cochrane Database Syst Rev*. 2014 Nov 4;(11):CD010704

¹⁴ Baccini M., Carreras G. Analyzing and comparing the association between control policy measures and alcohol consumption in Europe. *Subst Use Misuse* 2014; 49: 1684–1691.

¹⁵ Wyllie A., Zhang J. F., Casswell S. Responses to televised alcohol advertisements associated with drinking behaviour of 10–17-year-olds. *Addiction* 1998; 93: 361–71; Jernigan, D., Noel, J., Landon, J., Thornton, N., and Lobstein, T. (2017) Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction*, 112: 7–20.

¹⁶ Wyllie A., Zhang J. F., Casswell S. Responses to televised alcohol advertisements associated with drinking behaviour of 10–17-year-olds. *Addiction* 1998; 93: 361–71; Jernigan, D., Noel, J., Landon, J., Thornton, N., and Lobstein, T. (2017) Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Addiction*, 112: 7–20.

¹⁷ Grenard JL, Dent CW, Stacy AW. Exposure to Alcohol Advertisements and Teenage Alcohol-Related Problems. *Pediatrics*. 2013;131(2):e369-e379. doi:10.1542/peds.2012-1480.

¹⁸ White, V., Azar, D., Faulkner, A., Coomber, K., Durkin, S., Livingston, M., Chikritzhs, T., Room, R., and Wakefield, M. (2017) Adolescents’ exposure to paid alcohol advertising on television and their alcohol use: exploring associations during a 13-year period. *Addiction*, 112: 1742–1751.

representative, but has no representation from the medical or public health sectors. As it is a voluntary scheme, it is not underpinned by legislation and therefore there are no statutory penalties for infringing the ABAC.

Regulation of the placements of alcohol advertising (i.e. when and where such advertising is placed) on free to air television is done primarily through the Children's Television Standards of the Australian Communications and Media Authority (ACMA) and the Commercial Television Industry Code of Practice (CTICP), a co-regulatory industry code registered by ACMA. The broadcasting of alcohol advertising is restricted at certain times to ensure that children and adolescents are not exposed to alcohol advertising, however, incomprehensibly, there is a loophole that allows alcohol adverts to be broadcast during sports programs in children's viewing hours at the weekends and public holidays. It is a serious concern that the ACMA further relaxed these restrictions recently, widening their scope from sports broadcasts to sports programs.

Given the absence of a statutory 'bite' and despite CTICP having provisions around the timing of alcohol advertising on television, it is not surprising but very concerning that young people, including adolescents, are exposed to almost the same level of alcohol advertising as the rest of the population.¹⁹ For instance, a study of 2,810 alcohol advertisements aired on Australian television over two months found that 50 per cent appeared during viewing times when children were regularly watching.²⁰ While a more recent study of Australian adolescents' exposure to television alcohol advertisements found that their exposure has fallen over between 1999 and 2011, it is theorised that this reduction may simply reflect the greater use of other advertising channels given the reduction in the use of television in alcohol advertising, as discussed previously. For instance, compared with 2016, there is an increase in the proportion of parents and guardians who believed their children under 18 were exposed to alcohol advertising while outside on the street (from 37% to 45%), at a licensed venue (from 35% to 42%) and on social media/internet (from 26% to 34%).²¹

More than three quarters of parents and guardians (77%) believe that their child under 18 years of age has been exposed to alcohol advertising; an increase from 2016 (71%). Given that the other codes of practices regarding placement for other media channels such as pay TV, radio and online media are also industry-based and voluntary, it should be expected that they would suffer from the same shortcomings as the CTICP. Moreover, given this proliferation of codes, it is an issue that there is no single body responsible for the content and placement of alcohol advertising.

At the State level, the Liquor Promotion Guidelines were written to fulfil the requirement under section 102 of the Liquor Act 2007, detailing the types of promotions or activities that may be restricted or prohibited and subject to notice by the Director General. However in practice the current Liquor Promotion Guidelines are ineffective because of their limited scope. They are predominately focused on promotions that may take place at an on-licence premises (e.g. a bar, pub or hotel) and fail to appropriately regulate promotions through other forms of advertising.

The inadequacy of industry self-regulation of alcohol advertising is not a shortcoming peculiar to Australia. A recent systematic review of international approaches to industry self-regulation of alcohol concluded that violations of the content guidelines within these codes were highly

¹⁹ Winter M, Donovan R, Fielder L. Exposure of children and adolescents to alcohol advertising on television in Australia. *Journal of Studies on Alcohol and Drugs* 2008;69(5):676–683; Fielder L, Donovan RJ, Ouschan R. Exposure of children and adolescents to alcohol advertising on Australian metropolitan free-to-air television. *Addiction* 2009 Jul;104(7):1157–1165; Victorian Department of Human Services. Alcohol beverage advertising in mainstream Australian media 2005 to 2007: expenditure and exposure. Report commissioned by the Commonwealth Department of Health; 2009.

²⁰ Pettigrew S et al. The extent and nature of alcohol advertising on Australian television. *Drug Alcohol Rev.* 2012;31(6):797–802.

²¹ FARE Annual Alcohol Poll 2017

prevalent.²² The credibility and effectiveness of sanctions embedded in these industry codes is also highly questionable. A study of the effectiveness of compliance and complaint procedures in industry self-regulation codes in the UK, Europe, US, Canada and Australia concluded that current alcohol industry marketing complaint processes were ineffective at removing potentially harmful content.²³ For instance, this is reflected by the fact that 939 complaints were received by the Alcohol Advertising Review Board (the only independent advertising review body established in Australia so far, though also one that lacks statutory authority) over the five years of its operation since 2012.²⁴ A third of these complaints related to sport, indicating there is significant community concern around the link between alcohol and sport. There is a clear failure by both industry and parliaments in Australia to regulate alcohol advertising to the extent that would be regarded as satisfactory by the general public.

4. Conclusions and recommendations

Based on the evidence reviewed in the previous section, industry self-regulation of alcohol advertising clearly is not working and a statutory approach is required. Insofar as such an approach is lacking at the national level it may be up to the states and territories to enact their own legislation to reduce the alcohol-related harms promoted by unrestricted alcohol advertising.

We would therefore endorse statutory restrictions that prevent exposure of young people to direct and indirect alcohol advertising, including recognisable symbols of alcohol products (such as logos and products) and extending to content and placement across the range of media commonly accessed by young people. We believe that a Bill that focused on this objective is strongly indicated and supported by the evidence base, is more achievable, and would likely be welcomed by the community.

Key to these restrictions should be a ban on all outdoor advertising of alcohol, including outdoor advertising using NSW government property. This would support the principle of preventing the exposure of young people to direct and indirect alcohol advertising due to its recognised harmful impact. We note that this is one of the few media channels for alcohol advertising which is directly within the control of state governments.

We also support legislative measures to ban alcohol advertising at sporting events and to progress the phasing out of alcohol sponsorship of sporting events, competitions and teams. This is again a form of advertising and one that strongly associates children's sporting heroes and teams with alcohol brands.

Finally we endorse the establishment of an Alcohol Advertising Prohibition Committee to be appointed by the Minister and recommend that the Bill explicitly prohibits industry having representation on the Committee. Currently under the Bill, one of five members of the Committee can be nominated by the CEO of the Outdoor Media Association of Australia. We believe that no one with any commercial interest in alcohol advertising should be represented in the Committee.

²² Noel JK, Babor TF, Robaina K. Industry self-regulation of alcohol marketing: a systematic review of content and exposure research. *Addiction*. 2017 Jan;112 Suppl 1:28-50.

²³ Noel, J. K., and Babor, T. F. (2017) Does industry self-regulation protect young people from exposure to alcohol marketing? A review of compliance and complaint studies. *Addiction*, 112: 51–56.

²⁴ Alcohol Advertising Review Board (2017) It's not fair play: Why alcohol must leave sport.