



**Alcohol Policy Coalition**  
100 Drummond Street  
Carlton Victoria 3053  
Tel: 03 9635 5062  
Fax: 03 9635 5360

## Alcohol Policy Coalition

### Australian Association of National Advertisers – Review of *Code of Ethics*

The Alcohol Policy Coalition (APC) is a collaboration of health agencies – Australian Drug Foundation, Cancer Council Victoria, Turning Point Alcohol and Drug Centre and the Victorian Health Promotion Foundation (VicHealth) – with shared concern relating to the misuse of alcohol and its health/social impacts on the community. The APC's long-term goal is to reduce harmful drinking.

We welcome the opportunity to comment on the Australian Association of National Advertisers (AANA) *Code of Ethics* (Code) review 2010.

#### Executive Summary

The APC recommends that the Code be updated:

1. to strengthen the **objectives** and **provisions** of the Code in order to achieve meaningful content restrictions that recognise advertisers' obligations to the consumer and society, and to ensure that children are not exposed to alcohol advertisements;
2. to ensure consistency in the **recognition** of the Code, so that it is incorporated in all relevant industry sector-specific codes; and
3. to move away from a wholly complaints-based method of **compliance** and enforcement, and to put in place a system that requires pre-vetting of alcohol advertisements by an independent body.

The APC believes that the regulation of alcohol advertising should be overseen by an independent alcohol-advertising watchdog with strong enforcement powers, rather than self-regulated through voluntary industry codes.

### **The APC's position:**

The need for responsible alcohol advertising aimed at adults is substantiated by research that shows that alcohol advertising can significantly influence young people's decisions about drinking and their expectations related to alcohol use.<sup>1</sup> This includes their initiation to drinking, what they drink, how much they drink, where and with whom they drink, and also the way they think and feel about alcohol.<sup>2</sup> Young people are considered to be more susceptible to advertising messages and more likely to experience harm as a result of risky drinking behaviour.<sup>3</sup>

Additionally, 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>4</sup> Research into lifelong alcohol consumption demonstrates that early initiation of drinking and heavy drinking in adolescence and young adulthood can have long-term adverse health impacts, including increased risks for a range of diseases.<sup>5</sup>

Self-regulation of advertising does not adequately control the content or limit the exposure of alcohol advertising, particularly in relation to children and young people. Research has shown attempts to restrict alcohol advertising and promotion primarily through voluntary codes are inadequate.<sup>6</sup>

Voluntary codes seldom have any effect on the appeal and nature of alcohol advertising content, and are:

- subject to under-interpretation and under-enforcement;
- biased in favour of the signatory corporations; and
- unable to respond to changing markets.<sup>7</sup>

In accordance with the APC's goal to reduce the levels of alcohol misuse in Australia, we make this submission to reiterate our concerns with the self-regulation of alcohol advertising. The APC supports measures to effectively and independently regulate all alcohol advertising and promotion – and it is the APC's view that improved regulation should be overseen by an independent statutory body, rather than self-regulated through voluntary industry codes.

## **Review of the Code 2010**

The Australian Association of National Advertisers (AANA) *Code of Ethics* (Code) is the peak regulatory code for advertising and marketing self-regulation in Australia. It contains standards of conduct that apply to certain advertising and marketing communications.

The Code is relevant to alcohol advertising to the extent that it is incorporated in the following industry sector specific codes:

1. Alcohol Beverages Advertising Code (ABAC) (section f);
2. Commercial Television Industry (CTI) code of practice (at section 6.5.3)
3. Australian Subscription Television and Radio Association (ASTRA) code of practice (at section 6.1(a)); and
4. Outdoor Media Association (OMA) Code of Ethics

## **Matters for review**

The discussion paper for the review states:

The aim of the codes is to enhance standards throughout the advertising and marketing sector to promote ethical and responsible advertising, and thereby ensure consumer confidence and public trust is maintained.<sup>8</sup>

The APC believes that the current Code does not achieve this aim. The majority of advertisers do not adhere to the objectives of the Code; the incorporation of the Code in other regulatory instruments is inconsistent, and the complaints based system fails to effectively regulate advertisements that are found in breach.

## Objectives

The objectives of the code state:

This Code has been adopted by the AANA as part of advertising and marketing self-regulation. The object of this Code is to ensure that advertisements are legal, decent, honest and truthful and that they have been *prepared with a sense of obligation to the consumer and society* and fair sense of responsibility to competitors.<sup>9</sup> [emphasis added]

In practice however, we believe that alcohol advertisers consistently fail to achieve this standard and advertisements are prepared with little sense of obligation to either the consumer or society.

For example, despite the objectives in the Code and the Code's incorporation into the ABAC, the APC is of the view that the majority of alcohol advertisements consistently contain content known to appeal to children and young people.

Waiters, Treno and Grube found 'the use of appealing role models (celebrity product endorsements) increases both the recall and likeability of alcohol ads among young people, along with other features including humour, the use of cute, creative and funny animation or animals and the use of youth-oriented music.'<sup>10</sup> A study that looked at the content of alcohol advertisements during free-to-air cricket found that some features known to appeal to young people were present in alcohol advertising, including the use of humour and use of human models (including sporting celebrities).<sup>11</sup>

Chen et al. found that 'children and adolescents respond positively to animals, humour and musical elements featured in television beer advertisements.'<sup>12</sup> Advertisements that feature celebrities rate as significantly more interesting, effective, and important and stronger than those with non-celebrity endorsers.<sup>13</sup> Chen et al. found that, in general, children of all ages enjoy watching humorous commercials for alcoholic beverages.<sup>14</sup>

### Recognition in other codes

The Code is recognised in some industry-specific codes (see above). However, incorporation of the code in other instruments is often accompanied by definitions that are designed to limit the application of the code, or exemptions that directly override the standards of conduct identified in the objectives of the code.

For example, the AANA Code for Advertising and Marketing to Children is incorporated in the Code (at section 2.4), which governs the content of advertising and marketing to children. It states that:

'Advertising and Marketing Communications to Children must not be for, or relate in any way to, Alcohol Products or draw any association with companies that supply Alcohol Products'.<sup>15</sup>

Advertising and marketing communications to children are defined by their themes, visuals and language, and children are defined as under the age of 14. This means that advertisements directed to any age range wider than children under 14 are excluded from the provisions of the Code – for example, adverts directed to just adolescents, or adolescents and children, would also be excluded from the Code.

Thus, because alcohol advertisements are intended primarily for, or directed to adults, the application of this definition means that the Code (as it incorporates the AANA Code for Advertising and Marketing to Children) does not prevent alcohol ads that are appealing to children, nor does it prevent alcohol advertisements from being seen or heard by large numbers of children.

The placement of alcohol advertisements is also governed by the CTI code of practice. As noted above, the CTI code of practice incorporates the Code and states that:

television advertisers are also expected to ensure that their commercials comply with the Advertiser Code of Ethics and the Code for Advertising and Marketing Communications to Children<sup>16</sup>

However there is an exemption in the CTI code of practice that overrides the responsibility in the Code. This exemption permits direct alcohol advertisements outside of the standard adult viewing periods (M, MA and AV classification periods, commonly 8:30pm – 5am) so long as the advertising is an



**Alcohol Policy Coalition**  
100 Drummond Street  
Carlton Victoria 3053  
Tel: 03 9635 5062  
Fax: 03 9635 5360

accompaniment to the live broadcast of a sporting event on weekends and public holidays.<sup>17</sup>

Sports broadcasts are extremely popular in Australia, particularly among children,<sup>18</sup> and a significant proportion of alcohol advertising and sponsorship is associated with major sporting events. Accordingly, the exemption in the CTI code of practice gives alcohol advertisers an opportunity to expose their advertising to an audience (i.e. children and young people) not normally exposed to alcohol advertising. The APC contends that the existence of such an exemption is not consistent with the obligations contained in the objectives of the Code.

The Code is not incorporated in the Commercial Radio code of practice, or the Publishers' Advertising Advisory Bureau's 'Guiding Principle for Alcohol Beverages'. As the peak self-regulatory instrument for advertisers, the Code should be a part of all subordinate advertising codes and initiatives.

The manner in which the Code is incorporated into industry-specific codes, and the fact that the Code is not incorporated in all media codes of practice, leads to inconsistencies in regulation – and in particular, the regulation of alcohol advertising -- and undermines the Code as the peak regulatory instrument for advertising and marketing communications.

### Compliance

Compliance with the Code is enforced by the Advertising Standards Bureau, which responds to complaints from members of the public.

The APC believes that an advertising regulatory scheme cannot be effective if it simply relies on complaints from members of the public. To rely on complaints for enforcement presumes a high level of motivation from consumers and viewers to submit a complaint about the content and placement of advertisements – effectively, the public become charged with the duty to monitor the conduct of advertisers. This arrangement reverses the obligation contained in the objectives of the code – that is, that advertisers should give due consideration to the community and society. A complaints-based regulatory system does not encourage advertisers to be accountable to the community.

It is the APC's experience that a complaint-based system has the potential to benefit the advertiser, because it is common for advertisements that are the subject of a complaint to receive more exposure and

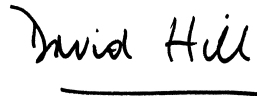
publicity than non-controversial advertisements. Accordingly, the APC recommends that Code be amended to introduce compulsory pre-vetting of alcohol advertisements to ensure that promotions that breach the Code are not broadcast in the first place.

We welcome the opportunity to comment on the AANA Review of the Code of Ethics. If you have any questions or would like to discuss this submission further please do not hesitate to contact Sondra Davoren, Legal Policy Advisor – Alcohol, at the Cancer Council Victoria on (03) 9635 5062 or email [Sondra.Davoren@cancervic.org.au](mailto:Sondra.Davoren@cancervic.org.au).

Yours faithfully



John Rogerson  
Chief Executive Officer  
Australian Drug Foundation



Professor David Hill AO  
Director  
Cancer Council Victoria



Professor Robin Room  
Director, AER Centre for Alcohol Policy,  
Turning Point Alcohol & Drug Centre



Todd Harper  
Chief Executive Officer  
VicHealth

---

<sup>1</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>2</sup> Ibid, 133

<sup>3</sup> Alcohol Concern. *Not in front of the Children – Child Protection and Advertising*. (2007) [http://www.alcoholconcern.org.uk/files/20070829\\_113042\\_Not%20in%20front%20of%20the%20children%20published%20version.pdf](http://www.alcoholconcern.org.uk/files/20070829_113042_Not%20in%20front%20of%20the%20children%20published%20version.pdf) at 25 November 2009, 4.

<sup>4</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.

<sup>5</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.



**Alcohol Policy Coalition**  
100 Drummond Street  
Carlton Victoria 3053  
Tel: 03 9635 5062  
Fax: 03 9635 5360

---

<sup>6</sup> Sally Casswell and Anna. Maxwell, 'Regulation of Alcohol Marketing: A Global View.' (2005) 26 *Journal of Public Health Policy*, 352-353.

<sup>7</sup> Thomas Babor, et al. *Alcohol – No Ordinary Commodity – research and public policy*. (2<sup>nd</sup> ed. 2010), 191

<sup>8</sup> Australian Association of National Advertisers 'Review of *Code of Ethics*' (Discussion Paper for public comment, 2010) 3.

<sup>9</sup> Australian Association of National Advertisers 'Code of Ethics' 1

<http://www.aana.com.au/documents/AANACodeofEthicsAugust2009.pdf> at 29 September 2010

<sup>10</sup> Lyn Phillipson and Sandra C. Jones, 'Awareness of alcohol advertising among children who watch televised sports' (Proceedings of the Australian and New Zealand Marketing Academy Conference, Melbourne, 2007) 2803

<sup>11</sup> Ibid.

<sup>12</sup> Meng-Jinn Chen et al 'Alcohol Advertising: What makes it attractive to youth?' (2005) 10 *Journal of Health Communication* 554

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Section 2.16, Australian Association of National Advertisers, 'Code for Advertising and Marketing to Children' 3

<http://www.aana.com.au/documents/AANACodeforAdvandMktingCommtoChildrenAugust2009.pdf> at 29 September 2010

<sup>16</sup> Section 1.11, *Commercial Television Industry Code of Practice*, Free TV (2009)

[http://www.freetv.com.au/media/Code\\_of\\_Practice/2010\\_Commercial\\_Television\\_Industry\\_Code\\_of\\_Practice.pdf](http://www.freetv.com.au/media/Code_of_Practice/2010_Commercial_Television_Industry_Code_of_Practice.pdf) at 29 September 2010

<sup>17</sup> Section 6.7, *Commercial Television Industry Code of Practice*, Free TV (2009)

[http://www.freetv.com.au/media/Code\\_of\\_Practice/2010\\_Commercial\\_Television\\_Industry\\_Code\\_of\\_Practice.pdf](http://www.freetv.com.au/media/Code_of_Practice/2010_Commercial_Television_Industry_Code_of_Practice.pdf) at 29 September 2010

<sup>18</sup> Australian Communications and Media Authority. *Children's Viewing Patterns on Commercial, Free-to-air and Subscription Television: Reporting analysing audience and ratings data for 2001, 2005 and 2006*. (2007)

[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 29 September 2010