



ALCOHOL POLICY COALITION

Submission to the Inquiry into the regulation of billboard and outdoor advertising

I. INTRODUCTION

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

Matters for review

The House of Representatives Standing Committee on Social Policy and Legal Affairs is reviewing the extent to which the current arrangements for the regulation of billboard advertising continues to be an effective method for managing this form of advertising in Australia in line with Australian community expectations.

The terms of reference for this review include consideration of:

- community concerns about large-scale public advertising;
- trade practices and fair trading legislation in all jurisdictions that contain consumer protection provisions that prohibit false, misleading and deceptive advertising;
- relevant industry codes including the Australian Association of National Advertisers' Advertiser Code of Ethics; and
- the role of the Advertising Standards Bureau.

The Committee has listed a number of additional and specific factors that will be taken into account in the course of this review.

The APC supports a comprehensive approach to the minimisation of alcohol-related harm and considers the introduction of independent regulation of alcohol advertising a fundamental aspect of this approach.

Accordingly, the content of this submission focuses on those matters listed for consideration so far as they relate to the regulation of outdoor alcohol advertising. These are:

1. the existing self-regulatory scheme for advertising;
2. whether the current arrangements, including the Industry Codes administered by the Advertising Standards Bureau, meet community concerns about billboard advertising;
3. any improvements that may be made to current arrangements.

Children and young people

The APC is committed to reducing harmful drinking across the Australian population. However, we also acknowledge that the risk of harm for children and young people who drink alcohol is greater. For example, childhood and adolescence are critical times for brain development, and the brain is more sensitive to alcohol-induced damage at this time.¹ Additionally, research into lifelong alcohol consumption demonstrates that early initiation of alcohol drinking and heavy drinking in adolescence and young adulthood can have long-term adverse health impacts, including increased risks for a range of diseases.²

Accordingly, the APC supports the National Health Preventative Taskforce's recommendation that advertising should be phased out from places and times that have high exposure to young people aged up to 25 years. Therefore, where this submission makes reference to 'children and young people' the intention is that this term refers to all people up to the age of 25 years.

SUMMARY OF RECOMMENDATIONS

The APC recommends:

1. Alcohol advertising, including outdoor advertising, should be regulated by an independent statutory body, rather than self-regulated through voluntary industry codes. This body should restrict the volume of advertising in addition to policing content, and should have the power to impose and enforce meaningful sanctions for non-compliance with advertising regulations or codes of practice.
2. Introducing limits on the amount of outdoor alcohol advertising in places where children and young people are routinely present.

II. ALCOHOL ADVERTISING

The impact of alcohol advertising

Much of the current research around the effects of alcohol marketing illustrates the impact on children and young people. This is because in general, marketing is particularly important for recruiting new consumers, and, in relation to alcohol, the harm experienced by young people is more acute.

There are conflicting claims on the link between advertising and harmful alcohol consumption patterns. The alcohol industry takes the position that advertising leaves total alcohol consumption unchanged, affecting only the market shares of various brands.³ Their contention may be supported by some econometric studies, which analyse the relationship between overall levels of alcohol consumption from sales data and overall levels of advertising from advertising expenditure. These studies often demonstrate little or no effect of advertising on aggregate alcohol consumption,⁴ though some studies find an effect.⁵

However, most econometric studies examine total alcohol sales, which are primarily to adults. They cannot measure the effects of alcohol advertising on young people, who are unable to purchase alcohol directly. By contrast, studies that examine how drinking behaviour, attitudes and knowledge vary with exposure to alcohol advertising, consistently show a strong association between exposure to alcohol advertising in magazines, television, in-store displays and sports venues, and young people's early initiation to alcohol use and/or increased alcohol consumption.⁶

Although the alcohol industry argues that it does not deliberately set out to target the youth market, the youth market is highly susceptible to advertising messages, which are frequently effective.⁷ Exposure to alcohol advertising shapes young people's beliefs, attitudes and drinking behaviours; indeed, several studies show that youth, even 10 – 12 year olds, interpret the messages, images and targeting of alcohol advertisements in the same way as adults.⁸

Of concern, there can be significant negative consequences that may flow from early initiation to alcohol consumption. Studies of the long-term impacts of adolescent alcohol use consistently show that early and frequent use of alcohol approximately doubles the risk of alcohol related problems later in life.⁹ Research into lifelong alcohol consumption demonstrates that early

initiation of alcohol drinking and heavy drinking in adolescence and young adulthood can have long-term adverse health impacts, including increased risks for a range of diseases.¹⁰

In 2003 alcohol use was responsible for 3.3 per cent of the burden of disease and injury in Australia, second only to the damage caused to society by tobacco use.¹¹ Alcohol is associated with violence, injury, car accidents, chronic diseases, crime and harm to developing foetus and breastfeeding babies. Excessive alcohol consumption is a major risk factor for a variety of health problems such as stroke, coronary heart disease and high blood pressure. Alcohol is a risk factor for cancer of the mouth, pharynx, larynx, oesophagus, bowel and breast. The burden of illness associated with drinking alcohol underpins the APC concerns about the marketing and promotion of alcoholic beverages.

Alcohol marketing and promotion

The marketing and promotion of alcoholic beverages is a global industry dominated by large, trans-national companies with immense resources and budgets. Marketing is crucial for alcohol beverage producers to achieve their key objectives - to gain the greatest possible market share and maximise alcohol consumption.¹²

Traditionally, alcohol beverages have been marketed and promoted through a mix of television, radio and print advertisements and point of sale marketing. However, in recent years, marketing strategies have become increasingly complex and innovative, involving campaigns that combine multiple technologies, for example, personalised emails or texts that promote specific alcohol related incentives and viral marketing campaigns associated with social networking sites, in which young people share marketing material.¹³ It is not uncommon for advertising campaigns to utilise a number of media, including billboards and outdoor advertising; and to combine technologies in one advertising medium. For example, we are beginning to see the use of augmented reality in poster advertising,¹⁴ and the use of Quick Response (QR) codes on billboards, train station and other outdoor advertisements. QR codes are barcodes (of sorts) that, when scanned by a mobile phone or scanner, take users to a website with information about the product.¹⁵ QR codes are used in advertising to communicate special offers, discounts and information to customers.

As discussed below, exposure to outdoor alcohol advertising is almost unlimited. Meanwhile, there are also few restrictions on access to alcohol advertising on the internet. For example, when the Centre on Alcohol Marketing and Youth analysed underage traffic to alcohol websites,

they found that nearly 700,000, or 13.1%, of the total in-depth visits to 55 alcohol sites during six months in 2003, were initiated by persons under age 21.¹⁶

The practice of combining traditional media with emerging technologies (especially associated with portable devices such as iPhones) raises particular issues around the exposure of children and young people to alcohol advertising. Practically speaking, there is little or no effective regulation of online, viral, experiential or emerging media. Where regulation does exist, (for example, the applicable Alcohol Beverages Advertising Code standards, discussed below) it is limited in scope and, as is typical of voluntary codes on alcohol advertising, addresses the content but not placement of alcohol advertising.

The APC recommends that the Committee considers the context in which the regulation of advertising operates – the reality is that advertising encompasses and uses all media, and this must be taken into account when examining the efficacy of a regulatory scheme that focuses on one medium to the exclusion of other outlets.

Outdoor advertising

In 2008, Australian alcohol advertisers spent over \$109 million on advertising in all traditional main media.¹⁷ Furthermore, the top ten advertisers accounted for 70% of that figure, spread across TV, press, radio, cinema and outdoor advertisements.¹⁸

Outdoor advertising is all print and multi-media advertising that is placed in areas where the general public can view it,¹⁹ including advertising outside, and associated with liquor stores. The amount spent on outdoor advertising is growing significantly as a proportion of all spend on alcohol advertising.²⁰ For example, the amount spent on outdoor advertising grew from 15% of expenditure on advertising for all beverages in 2005 to 22% in 2007.²¹ For alcoholic beverages specifically, outdoor advertising grew in significance from 21% of all spend in 2005 to 32% in 2007.²²

The rise in outdoor advertising for alcoholic beverages has occurred at the expense of metropolitan free-to-air television, estimated spend on which dropped year-on-year as a proportion of all advertising spend on alcoholic beverages.²³ In 2005 outdoor advertising accounted for 21% of total estimated alcoholic advertising spend, against 44% for metropolitan free-to-air television.²⁴ By 2007 outdoor advertising accounted for 32% of total alcoholic advertising spend, compared with 34% for metropolitan free-to-air television.²⁵

As yet, there is limited evidence about the effect of outdoor alcohol advertising on consumption levels. However, a US study found that exposure to outdoor alcohol advertising around schools is associated with subsequent youth intentions to use alcohol.²⁶

III. SELF-REGULATION OF ALCOHOL ADVERTISING IN AUSTRALIA

Alcohol advertising is largely self-regulated, predominantly through voluntary industry codes of practice. As a result, there are few legislative restrictions upon the content or placement of alcohol advertising and promotion in commercial or subscription media.

The Alcohol Beverages Advertising Code (ABAC) is an alcohol-specific advertising code of practice. The Advertising Standards Bureau and the ABAC Management Committee—made up of representatives from the alcohol and advertising industries and government—oversee compliance with the ABAC. In addition to the ABAC, which covers the content of alcohol advertising in most media, there are a number of media industry codes with alcohol advertising provisions, including the Outdoor Media Association Code of Ethics.

The Alcohol Beverages Advertising Code

The ABAC is a voluntary code. Members of Brewers Association of Australia and New Zealand, the Distilled Spirits Industry Council of Australia and the Winemakers' Federation of Australia are signatories to the scheme.²⁷ Accordingly, the vast majority of Australia's alcohol advertisers are committed to abide by the ABAC Code and rules, including any decision by the independent Adjudication Panel. The ABAC scheme applies to print media, billboard, internet, cinema, television and radio advertising; it covers the content of alcohol advertising in these media and not its placement. The ABAC refers specifically to billboard advertising, rather than outdoor advertising, and accordingly, does not cover, for example, advertising in bus and tram shelters, train stations and shopping centre shopalites.

A review commissioned by the Ministerial Council on Drug Strategy in 2003 concluded that the ABAC system was 'dysfunctional'.²⁸ It found that advertisements routinely violated the ABAC; that many complaints were not investigated; and when they were investigated the process was excessively lengthy and decisions were not reported accurately.²⁹ Changes were implemented in 2004, including adding a public health expert to the ABAC complaints panel and extending ABAC to include internet advertising and the sponsorship of events.

Jones et al reviewed the revised regulatory code in 2004 and found that decisions made by the Advertising Standards Board in relation to alcohol advertisements, were not in harmony with the judgement of independent experts. Despite changes to the ABAC, the review found that the code remained an ineffective regulatory tool, and failed to reduce the problems associated with alcohol advertising in Australia.

The ABAC is a voluntary code, it cannot be enforced, and there are no penalties for breaches. As a code of practice, the ABAC falls short of covering all media, and so marketing techniques such as point-of-sale and in-store promotions, viral and emerging media are not addressed by ABAC provisions. The ABAC relies on complaints to identify and address breaches of rules and has no facilities for proactive investigation of potential breaches.

Regulation of alcohol advertising in the Outdoor Media Association's Code of Ethics

Outdoor alcohol advertising is regulated in the Outdoor Media Association's Code of Ethics. The Outdoor Media Association Code incorporates the ABAC.³⁰ The Outdoor Media Association has a policy of only accepting alcohol advertisements that have been approved for display through the ABAC's Alcohol Pre-vetting System.³¹

However, decisions made by pre-vetters are confidential to the producer, the pre-vetter and the representative of the respective industry association.³² The APC believes it is important for the public to have confidence in the institutions charged with administering the advertising regulatory framework, including confidence that decisions are made in a fair, impartial and independent context. The APC does not consider that a closed pre-vetting system instils that confidence in the public.

In evidence to the Senate Community Affairs Committee Inquiry into the Alcohol Toll Reduction Bill 2007, Professor Jones noted that '... the current industry prevetting system is ineffective in protecting young people from inappropriate messages about alcohol...'³³

In 2009, the Outdoor Media Association introduced an additional policy requiring all members to limit the advertising of alcohol products on fixed signs that are located within a 150-metre sight line of a primary or secondary school.³⁴ However, the policy does not apply where the school is in the vicinity of a club, pub or bottle shop or any other venue that sells alcohol products. The policy also does not apply to transit advertising on buses and taxis.³⁵ These curious exceptions render the policy almost meaningless.

Improvements to self-regulation

The APC supports a comprehensive approach to the minimisation of alcohol-related harm, and the introduction of independent regulation of alcohol advertising as a fundamental aspect of this approach.

Self-regulation does not adequately control the content or limit the exposure of outdoor alcohol advertising. Neither the ABAC pre-vetting system, nor the Outdoor Media Association's policy in relation to alcohol advertising near schools, are adequate to reduce the amount and impact of alcohol advertising particularly in relation to children and young people. Moreover, the ban on signage near schools is expressly overridden in favour of alcohol advertising where a licensed premise is near a school. In our opinion, this policy position is inexcusable. There is no defensible rationale for allowing advertising near a school precisely because a licensed premise is nearby.

Industry-backed advertising codes of practice fail to acknowledge that the most effective means for reducing the exposure of children and young people to outdoor advertising is to restrict the medium generally rather than merely focussing on advertising content.³⁶ As a consequence, geographical limitations, such as limiting alcohol advertising on fixed signs near primary or secondary schools, are rendered useless by exceptions for locations that have a licensed venue.

Australia's experience with an ineffective self-regulatory advertising system is consistent with international research that indicates that attempts to restrict alcohol marketing primarily through voluntary codes are inadequate.³⁷

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.³⁸

Experiences in other countries show that these kinds of codes work best where the media, advertising and alcohol industries are all involved and an independent body acting under governmental authority has powers to approve or veto advertisements, rule on complaints and impose sanctions. Few countries currently have all these components.³⁹

In accordance with the APC's goal to reduce the levels of alcohol harm in Australia, this submission reiterates our concerns about 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.

RECOMMENDATION

The APC recommends that alcohol advertising, including outdoor advertising, should be regulated by an independent statutory body, rather than self-regulated through voluntary industry codes. This body should restrict the volume of advertising in addition to policing content, and should have the power to impose and enforce meaningful sanctions for non-compliance with advertising regulations or codes of practice.

IV. COMMUNITY CONCERNS: THE PROBLEM WITH OUTDOOR ALCOHOL ADVERTISING

Outdoor advertising is, by its nature, unavoidable.⁴⁰ Accordingly, one of the major concerns with outdoor advertising is the lack of choice to view.⁴¹ This is compounded by the increasing amount of outdoor advertising; as noted in the Monitoring of Alcohol Advertising Committee report, between 2005 and 2007 the estimated spend on outdoor advertising increased significantly.⁴² The Monitoring of Alcohol Advertising Committee noted this increase as an area of concern,

because there is evidence to suggest that the exposure to outdoor alcohol advertising by young people is linked to consumption. A 2008 systematic review of international evidence found consistent evidence that exposure to outdoor advertising, or advertisements in magazines and newspapers may increase the likelihood of young people starting to drink, the amount they drink, and the amount they drink on any one occasion.⁴³

The lack of restrictions on the volume of outdoor advertising also has the effect of interfering with and undermining public health advertising. For example, the APC has anecdotal reports of instances where the Federal Government's *Don't turn a night out into a nightmare* campaign posters have been installed on bus and tram shelters, while the bus or tram itself is covered in alcohol advertising. In the absence of restrictions on the placement of outdoor alcohol adverts, it is a simple matter for advertisers to countermand the impact of alcohol harm minimisation messages. Without restrictions on the mediums and/or locations where alcohol advertising is permitted, the value of the Federal Government's investment in health promotion messages is diminished.

In 2002, the Portrayal of Women Advisory Committee conducted a review of the portrayal of women in outdoor advertising. The resulting report noted a number of factors in relation to outdoor advertising that are broadly relevant to alcohol advertising. The report noted that, '[u]nlike television or magazines, outdoor is seen as a medium that can't be 'turned off', and cannot be missed whilst travelling.'⁴⁴

The report pointed out that outdoor advertising is in the public domain and that there are characteristics of outdoor advertising that make the medium particularly problematic.⁴⁵ For example, the report noted that the public nature of the medium has the result that outdoor advertising is scrutinised more because,

...there is no filtering of those who see the advertising, and no opportunity for members of the community to exercise choice in not seeing it. This means that children are also exposed to the material. As a form of mass media it was acknowledged that there must be controls in place.⁴⁶

The review conducted market research that found that 67% of female respondents and 56% of male respondents agreed that outdoor advertising is more intrusive because it can't be turned off.⁴⁷

A VicHealth Community Attitudes to Alcohol Policy survey found that 82% of respondents agreed that alcohol advertisements should be restricted so that they are less likely to be seen by people under 18 years of age.⁴⁸ In relation to outdoor advertising, 77% of respondents from the same survey agreed that alcohol advertising on billboards should be banned within one kilometre of schools.⁴⁹

Community attitude surveys like the VicHealth survey consistently show strong support for the restriction of alcohol advertising from times and in places where it is likely to reach a significant number of children and young people. The rationale that children should not be exposed to alcohol advertising is reflected in other self-regulatory codes of practice. For example, the Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children prohibits “televised advertisements to children [that are] for, or relate in any way to, alcoholic drinks or draw any association with companies that supply alcoholic drinks”.⁵⁰ Meanwhile, the Commercial Television Industry Code of Practice permits alcohol advertising only during adult viewing times, that is, between 8:30pm and 5am (unless the ad is an accompaniment to the live broadcast of a sporting event on weekends and public holidays. It should be noted that the APC firmly opposes the exemption in the Commercial Television Industry Code of Practice for alcohol advertising during live sports broadcasts).

The current alcohol advertising self-regulatory scheme—including an industry specific outdoor advertising code—does not adequately address community concerns about the amount of alcohol advertising that children and young people are currently exposed to. As discussed above, the Outdoor Media Association's policy in relation to alcohol advertising near schools does not apply where the school is in the vicinity of a licensed venue, nor does the policy apply to transit advertising on buses or taxis.⁵¹

There are no limitations on alcohol advertising in all other public areas. As noted in the Victorian report, *Mind the Gap - An assessment of transport needs and issues for young people in Melbourne's urban fringes*, many entertainment venues are off limits to under 18s, or unaffordable; meanwhile, studies have shown that young people (aged 12-25) are major users of public transport.⁵² Accordingly, there are no restrictions on alcohol adverts in places that have a high proportion of children and young people, for example, shopping centres, train stations, and tram stops.

The APC considers that the placement of alcohol advertising outdoors should take into account the level of children and young people who are likely to be exposed to the advertising. For example, some U.S. cities have introduced laws that prohibit alcohol advertising in residential areas.⁵³

A restriction on the location of alcohol advertising to places where children and young people are less likely to congregate, would be consistent with the recommended action (3.1) of the National Preventative Health Taskforce Strategy 2009, which states:

In a staged approach phase out alcohol promotions from times and placements which have high exposure to young people aged up to 25 years, including:

- Advertising during live sport broadcasts
- Advertising during high adolescent/child viewing
- Sponsorship of sport and cultural events (e.g. sponsorship of professional sporting codes; youth oriented print media; internet based promotions)
- Consider whether there is a need for additional measures to address alcohol advertising and promotion across other media sources.⁵⁴

The APC recommends that the regulation of outdoor alcohol advertising should be underpinned by an intention to clearly reduce children and young people's exposure to alcohol advertising. Local authorities, councils and governments already collect information about the use of public spaces (including public transport stops, shopping centres, entertainment precincts) for the purposes of planning. The APC recommend the use of this information in develop targeting outdoor alcohol advertising restrictions that reduce the exposure of children and young people to alcohol advertising.


RECOMMENDATION

Restricting the amount of outdoor alcohol advertising in places where children and young people are routinely present.

For questions about this submission please contact Sondra Davoren, Legal Policy Advisor, Cancer Council Victoria on (03) 9635 5062 or email Sondra.Davoren@cancervic.org.au.



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¹ Alcohol Working Group (for the National Preventative Health Taskforce), *Australia: The Healthiest Country by 2020. Technical Report 3 Preventing alcohol-related harm in Australia* (2009), 16

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³ David Collins and Helen Lapsley, 'The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004 / 05' (2008) Commonwealth Department of Health and Ageing <http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/mono64-1> at 25 November 2009, 18.

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⁶ Ann M. Roche, et al. *Young People and Alcohol: The Role of Cultural Influences* (2007) National Centre for Education and Training on Addiction, 149. See also, Lesley A. Smith and David R. Foxcroft, 'The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies' (2009) 9 *BMC Public Health* 51; Leslie B. Snyder et al 'Effects of Alcohol Advertising Exposure on Drinking Among Youth' (2006) 160 (1) *Archives of Paediatrics and Adolescent Medicine* 18; Gary M Connolly et al, 'Alcohol in the mass media and drinking by adolescents: a longitudinal study', (1994) 89 *Addiction* 1255

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⁸ See Kenneth Fleming, Esther Thorson and Charles K. Atkin 'Alcohol advertising exposure and perceptions: Links with alcohol expectancies and intentions to drink or drinking in undergrad youth and young adults' (2004) 9 *Journal of Health and Communication*, 3 and Alcohol Concern, above note 9.

⁹ 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.

¹⁰ Amy Z. Fan, et al, above note 2.

¹¹ National Health and Medical Research Council, *Alcohol and Health in Australia* (30 November 2009) <http://www.nhmrc.gov.au/your_health/healthy/alcohol/burden.htm#bur>

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- ³⁷ Thomas Babor, et al. *Alcohol – No Ordinary Commodity* (2nd ed. 2010) 343.
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- ⁴⁴ Department of Premier and Cabinet, above note 37.
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- ⁴⁸ Victorian Health Promotion Foundation, *Community Attitudes to Alcohol Policy – Survey Results 2010* Unpublished
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- ⁵⁰ Australian Association of National Advertisers *AANA Code of Ethics* <http://www.aana.com.au/advertiser_ethics_code.html>
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