

Alcohol Advertising Review Board Content and Placement Code

Preamble

Alcohol is no ordinary commodity. It is associated with harm to health, violence, crime, social disruption and economic cost. Per capita alcohol consumption in Australia has been rising over the past two decades and alcohol-related harm has reached critical levels, with especial concerns about drinking patterns among young people.^{1,2} Alcohol companies spend hundreds of millions of dollars promoting their products, and their advertising is highly effective. Alcohol and advertising industry involvement in the regulation of their advertising is seen as both biased and ineffective.³ Current definitions of advertising used in Australia exclude major forms of advertising, including sports sponsorship. Current definitions of advertising used in Australia exclude major forms of advertising, including sports sponsorship. Recognising the compelling need for responsible regulation of alcohol advertising and promotion in Australia, the Alcohol Advertising Review Board reviews complaints from the community about alcohol advertising.

Alcohol and harm:

There is an urgent need for action to challenge Australia's harmful drinking culture. The social costs of alcohol-related harm to Australians are high. One in five Australians aged 14 years and above drinks at short-term risky/high-risk levels at least once a month.⁴ This equates to more than 42 million occasions of binge drinking in Australia each year. The cost to the Australian community from alcohol-related harm is estimated to be more than \$36 billion a year.⁵ An estimated 40% of all people detained by police attribute their offence to alcohol consumption.⁶ Alcohol is associated with violence, injury, crime and car crashes.

Alcohol also causes considerable harm to health. Heavy drinking at a young age can adversely affect brain development and is linked to alcohol-related problems in later life.⁷ On average, one in four hospitalisations of young people aged 15-24 years occurs because of alcohol.⁴ Alcohol ingested by the mother is associated with harm to unborn babies and breastfeeding infants.⁴ Excessive alcohol consumption is a major risk factor for a variety of health problems such as stroke, coronary heart disease and high blood pressure.⁸ Alcohol is a risk factor for cancer of the mouth, pharynx, larynx, oesophagus, bowel and breast, with 5% of all cancers in Australia linked to long-term alcohol consumption.⁹

¹ Chikritzhs T, Allsop S, Moodie R, Hall W. Per capita alcohol consumption in Australia: will the real trend please step forward? *Medical Journal of Australia*. 2010; 193(10):1-4.

² Chikritzhs T, Catalano P, Stockwell T, Donath S, Ngo H, Young D et al. Australian alcohol indicators, 1990-2001: Patterns of alcohol use and related harms for Australian states and territories. Perth, National Drug Research Institute and Turning Point Alcohol and Drug Centre Inc. 2003.

³ Jones S, Hall D, Munro G. How effective is the revised regulatory code for alcohol advertising in Australia? *Drug and Alcohol Review*. 2008; 27:29-38.

⁴ Australian Institute of Health and Welfare (AIHW) 2007 National Drug Strategy Household Survey: Detailed findings. *Drugs Statistics Series 22*. Canberra: AIHW, 2008.

⁵ Lastlett A, Catalano P, Chikritzhs T, Dale C, Doran C, Ferris J, et al. The Range and Magnitude of Alcohol's Harm to Others. AER Centre for Alcohol Policy Research, Eastern Health, Fitzroy, Victoria; 2010.

⁶ Australia New Zealand Policing Advisory Agency (ANZPAA). Operation Unit. Alcohol Misuse Statistics. ANZPAA: Melbourne. 2010. Located at <https://www.anzpa.org.au/current-initiatives/operation-unite/alcohol-misuse-statistics>

⁷ National Health and Medical Research Council (NHMRC). Australian guidelines to reduce health risks from drinking alcohol. Canberra: NHMRC, 2009.

⁸ National Health and Medical Research Council, Alcohol and Health in Australia: <http://www.nhmrc.gov.au/your-health/alcohol-guidelines/alcohol-and-health-australia> (August 2011)

⁹ Winstanley M, Pratt I, Chapman K, Griffin H, Croager E, Oliver I, et al. Alcohol and cancer: a position statement from Cancer Council Australia. *Medical Journal of Australia*. 2011; 194(9):479-482.

Alcohol advertising and drinking behaviours:

The content and frequency of alcohol advertising can have an impact on an individual's behaviours and attitudes towards alcohol. Alcohol advertising impacts on drinking behaviours, both immediately in regard to brand preference as well as in the long term through reinforcing pro-drinking messages. In particular, there is growing evidence to support the effect alcohol advertising has on young people.¹⁰ Alcohol marketing contributes to young people's attitudes to drinking, drinking initiation and drinking at harmful levels.¹¹ It effectively reinforces the harmful drinking culture that exists in Australia. Research evidence consistently shows strong associations between exposure to alcohol advertising and young people's early initiation to alcohol use and/or increased alcohol consumption.¹²

Self-regulation of alcohol advertising in Australia:

In Australia, the content of alcohol advertising is self-regulated by the alcohol and advertising industries. The Alcohol Beverages Advertising Code (ABAC) is the alcohol-specific advertising code of practice. The Alcohol Beverages Advertising Code (ABAC) is the alcohol-specific advertising code of practice. ABAC is a voluntary code, and the ABAC Scheme is governed by alcohol industry representatives.

The alcohol-specific advertising code of practice deals with the content of ads only. The ABAC system is voluntary, and not all members of the industry – including powerful players such as retailers – are covered. The ABAC does not envisage the regulation of alcohol advertising content in emerging media. Making a complaint is a protracted process, and often a determination is not effective against advertising campaigns that have limited timeframes. Ultimately, the ABAC Adjudication Panel appears to support industry interests: the determinations consistently show that the Code's tests and provisions are interpreted in favour of advertisers.^{13,14}

The regulation of the placement of alcohol advertising is inconsistent or non-existent. Indeed, some forms of placement, such as the placement of alcohol advertisements on the internet or the showing alcohol advertisements in cinemas, fall through the gaps entirely.

We believe that the current alcohol advertising self-regulation system has consistently failed to ensure that alcohol advertising is socially responsible and, in particular, it fails to protect young people from exposure to alcohol marketing.

The Alcohol Advertising Review Board Code

The Alcohol Advertising Review Board's Code (the Code) sets criteria for acceptable alcohol advertising content in Australia.

The Alcohol Advertising Review Board Content Code *is constructed using only provisions from existing alcohol advertising codes around the world.* Some provisions are drawn from

¹⁰ Babor T, et al. Alcohol: No Ordinary Commodity. Second Edition. New York: Oxford University Press; 2010.

¹¹ Babor T, et al. Alcohol: No Ordinary Commodity. Second Edition. New York: Oxford University Press; 2010.

¹² Snyder L, Milici F, Slater M, Sun H, Strizhakova Y. Effects of alcohol advertising exposure on drinking among youth. Archives of Pediatrics & Adolescent Medicine. 2006; 160:18–24.

Smith L, Foxcroft D. The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies. BMC Public Health [Internet]. 2006; 9(51). Available from: BioMed Central.

¹³ Jones S, Donovan R. Self-regulation of alcohol advertising: it is working for Australia? Journal of Public Affairs. 2002; 2(3):153-165.

¹⁴ Jones S, Hall D, Munro G. How effective is the revised regulatory code for alcohol advertising in Australia? Drug and Alcohol Review. 2008; 27:29-38.

the ABAC, and others are from codes from jurisdictions with self-regulatory or quasi-regulatory systems similar to Australia's, particularly New Zealand, the UK, and Canada. Each of those codes purports to ensure that alcohol advertising is socially responsible, that it neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and that it does not encourage young people to drink. In each case, the alcohol and advertising industries have accepted and supported the application of the codes to their advertising.

The Alcohol Advertising Review Board considers that placement of alcohol advertising should be governed by the Alcohol Advertising Review Board Placement Code.

Scope:

The Code covers all forms of advertising in Australia including, but not limited to, television, press, radio, online, digital and billboards, and advertising through promotional activities such as sports sponsorship.

The Alcohol Advertising Review Board will interpret the Code and judge community complaints about alcohol advertising. Applying the rules of the existing self-regulatory systems, the Alcohol Advertising Review Board will endeavour to reach a commonsense outcome. The Panel will especially focus on children's and young people's exposure to alcohol marketing and promotions.

In making its determinations, the Alcohol Advertising Review Board will consider the nature of the product being advertised, the media used, and the exposure of the audience targeted by the advertisement. The Board's determinations will be communicated to the advertiser, and made easily accessible for the general public and the media. The Alcohol Advertising Review Board represents an innovative approach that will deliver rational, considered and consistent alcohol advertising review, free of industry influence.

CONTENT CODE

1. Definitions:

Alcohol Advertisement: An Alcohol Advertisement is defined as any message (the content of which is controlled directly or indirectly by the advertiser) communicated in any medium to Australians with the intent to influence their choice, opinion and behaviour with respect to Product.¹⁵ Packaging, naming and labelling of Alcoholic Beverages are considered Alcohol Advertisements.¹⁶ Content on websites, including advertisers' own websites, non-paid for space under the alcohol advertiser's control such as social networking sites and marketing communications on all Australian websites, is considered Alcohol Advertisements.¹⁷

Alcohol Advertiser: An Alcohol Advertiser markets or sells liquor and uses its name or any identifying feature to promote the sale of liquor in any way.¹⁸

Alcoholic Beverage: An Alcoholic Beverage is defined as containing more than 0.5% alcohol.¹⁹

Claim: A Claim can be implied or direct, written, spoken or visual. The name of a product can constitute a Claim.²⁰

Product: Product encompasses goods, services, ideas, causes, brands, opportunities, prizes or gifts associated with Alcoholic Beverages.

Young person: A Young Person is a person under the age of 25. This definition is guided by the National Preventive Health Taskforce report 'Preventing alcohol-related harm in Australia', which notes that: 'Alcohol affects brain development in young people; thus, drinking, particularly 'binge drinking', at any time before brain development is complete (which is not until around 25 years of age) may adversely affect later brain function'^{21,22}.

2. Application and Scope

The authority of this Code applies to the content and placement of Alcohol Advertisements.

Compliance with the Code is assessed according to certain relevant factors, which include (but are not limited to):

- the Alcohol Advertisement's probable impact when taken as a whole and in context;
- the audience actually, or likely to be, or intended to be, reached by the Alcohol Advertisement; and
- the medium/media used to deliver the communication.²³

¹⁵ Canadian Code of Advertising Standards, Definitions

¹⁶ UK Standard: The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks captures promotion through packaging and labelling as advertising

¹⁷ New UK Advertising Standards Authority online remit, March 11: <http://www.asa.org.uk/Regulation-Explained/Online-remit.aspx>

¹⁸ New Zealand Code for Advertising Liquor, Definitions

¹⁹ UK CAP Code Definitions

²⁰ UK BCAP Introduction (v)

²¹ National Preventive Health Taskforce (2009) 'Preventing Alcohol related harm in Australia: A Window of Opportunity' <http://www.health.gov.au/internet/preventativehealth/publishing.nsf/Content/tech-alcohol>

²² Consistent with ABAC (b)(1) that states adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults

²³ Canadian Code of Advertising Standards, Scope of the Code (modified, NB extended application to apply to placement)

3. General provisions:

a. Compliance

- i. Alcohol Advertisements must be prepared with a sense of responsibility to the audience and to society²⁴ and must reflect the spirit, not merely the letter, of the Code.²⁵
- ii. Alcohol Advertisements shall comply with the Commonwealth law and the law of the relevant State or Territory.²⁶

b. Accuracy and truth:

- i. Alcohol Advertisements must not contain inaccurate Claims, statements, illustrations or representations, either direct or implied, about a Product.²⁷
- ii. The accuracy and/or truth of an Alcohol Advertisement will be determined by the overall general impression it conveys.²⁸

c. Disguised Advertising Techniques

No Alcohol Advertisement shall be presented in a format or style which conceals its commercial intent.²⁹

d. Safety

Alcohol Advertisements must not depict situations that might reasonably be interpreted as encouraging unsafe or dangerous practices or acts.³⁰

e. Health

Alcohol Advertisements must not depict material contrary to Prevailing Community Standards on health and safety.³¹

f. Community Standards

Alcohol Advertisements shall not display obvious indifference to, or encourage, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.³²

²⁴ UK BCAP General Provisions 1.2

²⁵ UK BCAP General Provisions 1.1

²⁶ AANA Code of Ethics 1.1

²⁷ Canadian Code of Advertising Standards 1(a) (modified ie use of defined 'Product' to replace 'products and services')

²⁸ Canadian Code of Advertising Standards 1(a) Note – minor editorial changes, no change to substance of the Canadian provision.

²⁹ Canadian Code of Advertising Standards 2

³⁰ Canadian Code of Advertising Standards 10. Modified – removed 'without reason, justifiable on educational or social grounds; other minor editorial change

³¹ AANA Code of Ethics, 2.6

³² Canadian Code of Advertising Standards 14(d) (modified – minor editorial changes)

4. Alcohol-specific provisions:

a. Young people

- i. Alcohol Advertisements shall not³³:
 1. be directed at, or have a strong or evident appeal to, Young People;
 2. associate any Product with youth or youth symbols,
 3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
 4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.³⁴
- ii. Adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults of this age.³⁵

b. Consumption

- i. Alcohol Advertisements must only depict responsible and moderate consumption of alcohol beverages³⁶ and must not encourage consumption that is inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.³⁷
- ii. Alcohol Advertisements must not feature, condone or encourage, directly or by implication, irresponsible or immoderate drinking. That applies to both the amount of alcohol presented and the way drinking is portrayed.³⁸
- iii. Alcohol Advertisements must not portray persons with any Alcoholic Beverage in situations in which the consumption of alcohol is prohibited.³⁹
- iv. Alcohol Advertisements must not suggest that refusal of alcohol is a sign of weakness.⁴⁰

c. Change in mood and/or success

- i. Alcohol Advertisements must not imply that the presence or consumption of alcohol is in any way essential to the enjoyment of an activity or an event,⁴¹ or that it is essential to the success of a social occasion.⁴²
- ii. Alcohol Advertisements must not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly, must not:
 1. depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of social

³³ (i) to (iii) from Canadian Broadcast Advertising of Alcoholic Beverages Code, 1. NB: (i) modified to insert the 'strong or evident appeal to' from ABAC

³⁴ UK BCAP Code 19.15.2

³⁵ ABAC (b)(i)

³⁶ ABAC (a)(iv)

³⁷ ABAC (g)

³⁸ UK BCAP Code 19.5

³⁹ Canadian Broadcast Advertising of Alcoholic Beverages Code (p)

⁴⁰ UK BCAP Code 11.8.1(a)

⁴¹ Canadian Broadcast Advertising of Alcoholic Beverages Code (g)

⁴² UK BCAP Code 19.4

- acceptance, social status,⁴³ or personal, business, social, sporting, sexual or other success;⁴⁴
2. suggest that the consumption of alcohol beverages offers any therapeutic benefit or is a necessary aid to relaxation; or⁴⁵
 3. refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol.⁴⁶

d. Alcohol and sex

Alcohol Advertisements shall not be sexually provocative or suggestive or suggest any link between liquor and sexual attraction or performance.⁴⁷

e. Alcohol and behaviour

Alcohol Advertisements must not link alcohol with daring, toughness, aggression, or unruly, irresponsible or antisocial behaviour.⁴⁸

Alcohol Advertisements shall not attempt to establish the Product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of Product should take precedence over other activities.⁴⁹

f. Alcohol and drugs

Alcohol Advertisements must not draw any association with drug culture, narcotics or illegal drugs.⁵⁰

g. Challenge, restriction on messages around stronger beverages

Alcohol Advertisements must not challenge or dare people to drink or sample a particular alcohol beverage, and must not contain any inducement to prefer an alcohol beverage because of its higher alcohol content.⁵¹

h. Operation of vehicles, skilled activity, sport

Alcohol Advertisements may not portray Alcoholic Beverages in such a way as to associate the product with the operation of any vehicle

⁴³ Social acceptance and social status from the Canadian Broadcast Advertising of Alcoholic Beverages Code (f)

⁴⁴ ABAC (c)(i)

⁴⁵ ABAC (c)

⁴⁶ Canadian Broadcast Advertising of Alcoholic Beverages Code (o)

⁴⁷ New Zealand Code for Advertising Liquor 2(d)

⁴⁸ UK BCAP Code 19.5

⁴⁹ Canadian Broadcast Advertising of Alcoholic Beverages Code (e) (modified – removed 'as a status symbol' as it is covered elsewhere)

⁵⁰ New Zealand Code for Advertising Liquor 2(a)(iv)

⁵¹ ABAC (e) Note: Removed 'other than low alcohol beverages'

or with any activity requiring a significant degree of skill, care or mental alertness, including sporting and physical activities.⁵²

i. Use of imperative language

Alcohol advertising must not use imperative language to urge people to purchase or consume Product.⁵³

j. Health claims

Alcohol Advertisements may give factual statements about product contents, including comparisons, but must not make any health claims, which include fitness or weight control claims.⁵⁴

5. Standards to be applied to the naming and packaging of Alcoholic Beverages

Without limiting the application of the other provisions in this Code, labels, graphics, artwork, brand names, packaging, containers and other marketing materials and techniques shall not:

1. have an appearance of special appeal to Young People by way of designs, motifs, cartoon characters or other devices that predominantly appeal to Young People;
2. lead to confusion with confectionary or soft drinks;
3. lead to confusion as to the alcoholic nature and/or alcoholic strength of the product;
4. draw any association with illicit drugs.⁵⁵

⁵² Canadian Broadcast Advertising of Alcoholic Beverages Code (l), (m) (Minor editorial modification)

⁵³ Canadian Broadcast Advertising of Alcoholic Beverages Code (k)

⁵⁴ UK BCAP Code 19.18

⁵⁵ New Zealand Code for Advertising Liquor 2(a)

PLACEMENT OF ALCOHOL ADVERTISING

1. Placement: General

Alcohol Advertisements should not be placed:

- (i) in places or at broadcast times where Young People are exposed or are likely to be exposed; or
- (ii) in connection with content that appeals to Young People.

2. Television (free to air and pay TV)

Alcohol Advertisements shall not be broadcast between 5am and 9pm.

3. Radio

Alcohol Advertisements shall not be broadcast between 5am and 9pm.

4. Cinema

Alcohol Advertisements may only be shown during R18+ films.

5. Publications

Alcohol Advertisements are not permitted in publications that appeal or are likely to appeal to Young People.

This provision does not apply to alcohol industry publications.

6. Outdoor

Alcohol Advertisements are not permitted within 500m of schools.

This provision does not apply to Alcohol Advertisements that are on premises licensed to sell Alcoholic Beverages.

7. Transport advertising

No Alcohol Advertisements shall be placed on any means of public transport.

No Alcohol Advertisements shall be placed at any train, tram, bus or ferry stops.

8. Internet

Alcohol Advertisements shall not appear online in connection with content that appeals or is likely to appeal to Young People.

9. Sponsorship

Alcohol Advertisements shall not appear at cultural or sporting events that appeal or are likely to appeal to Young People.