



**Submission to the
Senate Community Affairs Committee
on the
Alcohol Toll Reduction Bill 2007**

March 2008

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Contents

Executive summary.....	3
Christian views on alcohol	3
Alcohol abuse within the community.....	3
Problems of the current regulatory system	5
Background to the current regulatory system.....	5
The Alcohol Beverages Advertising Code.....	5
Problems of self-regulation.....	6
Comments on the Alcohol Toll Reduction Bill 2007	7
Require health information labels on all alcohol products	8
Restrict TV and radio alcohol advertising to after 9pm and before 5am, to stop alcohol being marketed to young people.....	8
Require all alcohol ads to be pre-approved by a government body comprising an expert from the medical profession, alcohol and drug support sector, accident trauma support sector and the alcohol industry	9
Ban alcohol ads which are aimed at children or which link drinking to personal, business, social, sporting, sexual or other success.....	9
Other action that could be taken.....	10
Conclusion	10
Annex A – The Alcohol Beverages Advertising Code.....	11

Executive summary

The Australian Christian Lobby (ACL) supports the Alcohol Toll Reduction Bill 2007 and the recent initiatives of the Prime Minister to curb excessive alcohol consumption.

ACL is concerned about the prevalence of alcohol abuse within the community, especially amongst young people. The Australian National Council on Drugs has stated that binge drinking amongst young people is the single biggest substance misuse issue facing families in Australia today¹.

The current regulatory system is weak and ineffectual. The measures proposed in the bill would strengthen this system and would hopefully therefore contribute to changing the current drinking culture. These measures cannot be expected to solve the problem of themselves and Parliament must consider other initiatives that would further reduce excessive alcohol consumption in the community.

Christian views on alcohol

While various Christian denominations and individual Christians treat the issue of alcohol differently, all would agree with the intent of the bill to reduce the incidence of alcohol abuse and particularly amongst youth.

Alcohol abuse within the community

Australia has a clearly demonstrated problem with alcohol abuse in the community, particularly amongst young people. A 2008 report from the Australian National Council on Drugs² revealed alarming statistics showing that:

- In any given week approximately one in 10 (or 168,000) 12 to 17 year olds reported binge drinking/drinking at harmful levels;
- In any given week one in 10 (or 31,325) 15 year olds reported binge drinking/drinking at harmful levels;
- In any given week one in five 16 and 17 year olds drank at harmful levels.

¹ *Families in need of support*, media release of 28th February 2008 from the Australian National Council on Drugs. Available at <http://www.ancd.org.au/media/media113.htm>. Accessed on 12th March 2008.

² Frye S et al, Supporting the families of young people with problematic drug use: investigating support options, ANCD Research Paper 15, January 2008

A 2004 report from the National Drug Research Institute at Curtin University reported that, “over 2,643 young people have died in the last ten years from alcohol-attributable injury and disease; mostly due to road injury, suicide and violence³.” In 2007, SBS reported that, “alcohol remains the second most lethal drug claiming more than 3,000 lives each year, more than all other drugs combined, bar tobacco”.

In 2003, the Department of Health and Ageing released a report based on comprehensive data provided by the National Coroners’ Information System which showed that alcohol is detected in the blood of about 30% to 50% of fatally injured persons involved in recreational aquatic activity (e.g. boating)⁴.

According to the Australian Drug Foundation (ADF) alcohol can affect the brain, lungs, liver, pancreas, heart and sexual organs. In 2004, the Australian Institute of Health and Welfare reported that 10% of the Australian population drank alcohol in a way considered either risky or high risk to their long-term health and 35.4% of the population had put themselves at risk of alcohol related harm in the short-term at least once in the previous 12 months (and over 10% of 14-19 year olds were at short-term risk of alcohol related harms at least once in the last week)⁵.

Recent media reports have highlighted many stories of alcohol abuse. Such stories include the rise of the ‘ladette’ culture of young women engaging in drunken exhibitionism and posting pictures of their loutish antics on the Internet, the outrageous exploits of Corey Worthington whose drunken house-party guests terrorised his neighbourhood of Narre Warren, the public drunkenness of sports stars such as Ben Cousins, and the role that alcohol played in the tragic death of Dianne Brimble onboard a cruise liner. Many other disturbing stories could be cited.

Whilst many Australians simply enjoy a beer around the barbie with no ill-effects, there is most definitely cause for concern about the levels of alcohol abuse in our community. Alcohol use is so prevalent in our society that it is likely that many people do not even realise that they are drinking at harmful levels.

³ Chikritzhs, T. and Pascal, R, Trends in Youth Alcohol Consumption and Related Harms in Australian Jurisdictions, 1990–2002 Bulletin No. 6. National Drug Research Institute 2004, Curtin University

⁴ Driscoll T, Steenkamp, M and Harrison JE, *Alcohol and Water Safety*, Commonwealth of Australia 2003, p69

⁵ *2004 National Drug Household Survey: First Results*, Australian Institute of Health and Welfare, p20-21

Problems of the current regulatory system

So what is driving this widespread abuse of alcohol? One key cause is the weakness of the current regulatory system, which, despite guidelines to the contrary, does allow advertisements which link alcohol consumption to sophistication, sexual allure, cultural belonging, or sporting prowess.

Background to the current regulatory system

Advertising is self-regulated in Australia by the Australian Association of National Advertisers (AANA). This is an industry body representing the interests of advertisers. It runs a three-part system comprising:

- The Advertisers' Code of Ethics, which applies to all advertisers
- The Advertising Standards Board, which considers complaints about advertising involving issues of taste and decency and health and safety, by applying the second part of the Advertiser Code of Ethics; and
- The Advertising Claims Board, which primarily considers competitor to competitor complaints about advertising involving questions of truth, accuracy, and questions of law, by applying the first part of the Advertiser Code of Ethics.

Specialist industries, which have their own codes of advertising, are managed by the relevant industry groups. The Alcohol Beverages Advertising Code (ABAC) is the self-regulating advertising code of the Australian alcohol beverages industry. ABAC is part of the AANA umbrella system. The ABAC was established and is jointly funded by the four major alcohol beverage associations, namely the Australian Associated Brewers, the Distilled Spirits Industry Council, the Liquor Merchants Association and the Winemakers' Federation.

The Alcohol Beverages Advertising Code

The Alcohol Beverages Advertising Code (reproduced in Annex A) contains many worthy provisions, such as a prohibition on alcohol advertising directed at children, a prohibition against advertisements which depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success, and a prohibition against advertisements which suggests alcohol offers any therapeutic benefit or aids relaxation. Advertisements which encourage drinking to excess are similarly proscribed. Complaints solely against the ABAC (rather than also against the more generic Advertisers' Code of Ethics) are judged by the ABAC Adjudication Panel (the liquor industry).

Problems of self-regulation

However, the Australian Drug Foundation and other groups concerned with alcohol abuse have serious concerns about the lack of enforcement of the Code.

The Australian Drug Foundation (ADF) complained about a Toohey's New advertisement featuring huge cartoon-like balloon characters dancing at a beer-induced street party. The ADF argued that the advert was in breach of the Code because it was likely to appeal to children as it "looked like it was filmed in Toyland". *The Age* reported that other complainants claimed that the brightly coloured characters looked like Gumby, a TV cartoon creation. Nonetheless, the industry-appointed panel ruled that the Toohey's ad did not breach the Code.

Highly sexualised content is also slipping through, even though the Code supposedly bans the linking of alcohol consumption to sexual prowess.

Advertisements for Hahn Superdry have also been accused of sexism. The offending advert features a bikini-clad model drawing a love heart in the sand which her beer-drinking male companion then turns into a pair of breasts. A related Internet advertisement for the same campaign featured the model and invited visitors to "take her home". Despite complaints that the advertisement demeaned women, the Advertising Standards Board ruled in December 2006 that it did not breach the Code.

One James Boag advertisement in a film noir style depicted a woman holding a bottle of beer, sitting on a staircase with her legs spread and wearing only an overcoat and her underwear. Despite sections of the Code banning ads which link alcohol consumption to sexual prowess, this advertisement passed the industry's pre-vetting process and was widely displayed.

Alcohol is often linked with sporting success, despite provisions to the contrary in the Code. Alcohol manufacturers are prominent sponsors of sporting contests, which are usually screened throughout the day, meaning that such advertisements are inevitably seen by children and the use of celebrities, humour and mascots often appeals to them. This is all the more disturbing as the people featured in such ads are often sports stars, who children may seek to emulate.

A paper published last year by researchers at the University of Wollongong found that, "children have high levels of recognition for alcohol ads shown during TV broadcasts" and noted that

“appeal of certain features such as humour and mascots, as well as a tendency for children to associate a preference for alcohol products with being young, male, sporty and humorous⁶.”

Phillipson and Jones' analysis of advertising during the TV broadcast of the 2006 one day cricket finals revealed that alcohol was the fourth most frequently advertised product, after entertainment, cars and services, both by number of ads and total advertising time. In a small pilot study using six boys and six girls in school years five and six, the researchers found that:

The children consistently recognised both the VB and Bundaberg rum ads, which had been part of the summer promotions during the cricket broadcast. They were able to name the brand (VB / Bundy) and the product (beer / alcohol) and were quick to point out that the ads were appealing because of features such as humour and the use of mascots.

All this has been delivered under an advertising code which supposedly bans adverts which “have a strong or evident appeal to children or adolescents” and those which “depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success.”

It can reasonably be concluded that it is no longer safe to leave Dracula in charge of the bloodbank. Self-regulation of alcohol advertising by the liquor industry is a demonstrable failure. Government regulation is needed from this point onwards if the alcohol culture is to be changed.

Comments on the Alcohol Toll Reduction Bill 2007

The introduction of the Alcohol Toll Reduction Bill 2007 is very much welcomed by the Australian Christian Lobby. Clearly, it is time that some action was taken to address the problems of alcohol abuse in our society. Obviously a multi-faceted approach is needed, but the bill has identified at least one key area for change: a stricter system for regulating alcohol advertising.

According to Senator Fielding, the Bill aims to create a culture of responsible drinking, and to facilitate a reduction in the alcohol toll resulting from excessive alcohol consumption. To achieve this aim the Bill will:

- Require health information labels on all alcohol products;

⁶ Phillipson L and Jones SC, 'Awareness of alcohol advertising among children who watch televised sports,' *Proceedings of the Australian and New Zealand Marketing Academy Conference 2007*, 2803-2810

- Restrict TV and radio alcohol advertising to after 9pm and before 5am, to stop alcohol being marketed to young people;
- Require all alcohol ads to be pre-approved by a government body comprising an expert from the medical profession, alcohol and drug support sector, accident trauma support sector and the alcohol industry;
- Ban alcohol ads which are aimed at children or which link drinking to personal, business, social, sporting, sexual or other success.

Require health information labels on all alcohol products

Alcohol is officially classed as a food but it is also a legal drug sold to consumers and one that can be dangerous if used in certain ways. As with any product, consumers are entitled to basic information to help them use the product safely.

If labels are introduced, they should use specific short messages that provide information on how to use alcohol less harmfully. ACL supports the Australian Drug Foundation suggestion for messages such as:

- “Drinking more than five standard drinks in one session greatly increases your risk of having an accident;”
- “Alcohol affects your ability to drive a car or operate machinery safely”
- “Swimming after drinking alcohol can be dangerous”
- “Drinking alcohol while pregnant may harm your unborn child”.

Electronic media advertising should also carry the health warnings that are being proposed for packaging.

Restrict TV and radio alcohol advertising to after 9pm and before 5am, to stop alcohol being marketed to young people

This is an extremely important provision. As the examples cited above show, children are susceptible to alcohol advertising, particularly its association with sport. It is not appropriate for young people to be routinely exposed to advertisements for alcohol, particularly given the serious problems of adolescent alcohol abuse noted above. Breaking the constant stream of alcohol marketing would assist young people in creating a youth culture that was not reliant on drinking. As noted above, advertising should also carry the health warnings that are proposed for packaging.

Require all alcohol ads to be pre-approved by a government body comprising an expert from the medical profession, alcohol and drug support sector, accident trauma support sector and the alcohol industry

The requirement for pre-approval is a good one. Many unsuitable advertisements for alcohol slip through the current vetting process and the complaints process is slow, meaning that those paying for the advertisement have achieved their marketing aim well before any judgement may be made on the advertisement's compliance. It is much better to ensure that unsuitable advertisements are not broadcast in the first place.

The proposed pre-approval process is through a new division of the Australian Communications and Media Authority (ACMA). Associate members of the new Responsible Advertising of Alcohol Division are to be selected from the following groups:

- One associate member representing the medical profession;
- One associate member representing the alcohol and drug support sector;
- One associate member representing motorist associations and motor accident trauma support groups;
- One associate member representing the alcohol retail industry.

The suggested composition should dilute the influence of the alcohol industry in regulating alcohol advertising. The panel composition could be further strengthened by including representatives of child welfare groups, experts in the influence of media on young people, women's groups who may be more sensitive to the commodification of women in alcohol advertising, and family organisations.

It should be noted that the ACMA itself causes concern to many family organisations. Its policing of television standards has been too lax, its complaint processes are slow, and its judgements fail to constrain the behaviour of broadcasters. The performance of the proposed Responsible Advertising of Alcohol Division would need to exceed the performance of the ACMA, if it is to succeed in improving alcohol advertising standards. In particular it needs to be able to enforce heavy penalties against alcohol advertisers that seek to breach the law.

Ban alcohol ads which are aimed at children or which link drinking to personal, business, social, sporting, sexual or other success.

Advertisements which are aimed at children or which link drinking or personal, business, social, sporting, sexual or other success are supposedly already banned by the Alcohol Beverage

Advertising Code. Nonetheless, as self-regulation has not succeeded in preventing such advertisements, it is time for a legislative ban as proposed in this bill.

As the alcohol advertisers have shown themselves to be quite adept at circumventing their industry code of practice, close monitoring will be required to ensure that advertisements do comply with the legislation, and high penalties must be enforced against companies which breach legal standards for alcohol advertising.

Other action that could be taken

One aspect of the alcohol debate that is not featured in this bill but deserves note, is the influence of the liquor industry on political parties, which traditionally backs both horses to be assured of access to whichever party holds power. In 2007, the ABC reported that the Australian Hotels Association had donated more than \$45,000 to the state Labor Party and \$32,000 to opposition Liberal and National Parties between 2005 and 2006⁷.

On last year's SBS Insight's program entitled *Under the Influence*, UNSW Emeritus Professor Ian Webster, an expert in the alcohol and drugs area, argued that political donations from the liquor industry should be banned because money bought influence that was not available to community groups concerned about the harm of alcohol. Such community agencies seeking to combat alcohol abuse were a "bit like David fighting Goliath," according to Professor Webster. "When there's a powerful industry with lots of money, lots of access involving alcohol, clubs and hotels and gambling, it's a very powerful influence. ... I'm very concerned about the access that money buys to political influence."

Conclusion

The Alcohol Toll Reduction Bill 2007 should be introduced, but with provisions for enforcement to ensure that it does achieve its intent and is not ignored as is largely the case with current self-regulatory arrangements. It is a welcome response to the increasing problems of excessive alcohol consumption in Australian culture and ACL congratulates Family First on the initiative.

Lyle Shelton
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⁷ 'Row brewing over NSW liquor laws' ABC PM program, 24th August 2007, transcript available at <http://www.abc.net.au/pm/content/2007/s2014832.htm>

Annex A – The Alcohol Beverages Advertising Code

Advertisements for alcohol beverages must –

- a. Present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
 - I. Must not encourage excessive consumption or abuse of alcohol;
 - II. Must not encourage under-age drinking;
 - III. Must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
 - IV. Must only depict the responsible and moderate consumption of alcohol beverages;
- b. Not have a strong or evident appeal to children or adolescents and, accordingly –
 - I. Adults appearing in advertisements must be over 25 years of age and be clearly depicted as adults;
 - II. Children and adolescents may only appear in advertisements in natural situations (eg family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages; and
 - III. Adults under the age of 25 years may only appear as part of a natural crowd or background scene;
- c. Not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly –
 - I. Must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
 - II. If alcohol beverages are depicted as part of a celebration, must not imply or suggest that the beverage was a cause of or contributed to success or achievement; and
 - III. Must not suggest that the consumption of alcohol beverages offers any therapeutic benefit or is a necessary aid to relaxation;
- d. Not depict any direct association between the consumption of alcohol beverages, other than low alcohol beverages, and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly –
 - I. Any depiction of the consumption of alcohol beverages in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices; and

- II. Any claim concerning safe consumption of low alcohol beverages must be demonstrably accurate;
- e. Not challenge or dare people to drink or sample a particular alcohol beverage, other than low alcohol beverages, and must not contain any inducement to prefer an alcohol beverage because of its higher alcohol content; and
 - f. Comply with the Advertiser Code of Ethics adopted by the Australian Association of National Advertisers.
 - g. Not encourage consumption that is in excess of, or inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.
 - h. Not refer to The ABAC Scheme, in whole or in part, in a manner which may bring the scheme into disrepute.