

**Submission
No 3**

**INQUIRY INTO ALCOHOLIC BEVERAGES ADVERTISING
PROHIBITION BILL 2015**

Organisation: Cancer Council NSW

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**Cancer Council NSW submission to the
INQUIRY INTO ALCOHOLIC BEVERAGES ADVERTISING PROHIBITION BILL 2015**

Summary

Cancer Council NSW (CCNSW) welcomes the opportunity to provide a submission to the Inquiry into the Alcoholic Beverages Advertising Prohibition Bill 2015.

CCNSW invests in research, supports people affected by cancer and prioritises cancer prevention. A key part of our prevention strategy is to advocate to ensure that governments take action on cancer.

Alcohol causes cancer. Around 3,208 cases of cancer in Australia in 2010 were attributable to alcohol consumption and were therefore preventable¹. CCNSW, as a member of Cancer Council Australia (CCA), supports evidence-based action to reshape Australian social attitudes towards drinking, and to reduce the burden of morbidity and mortality caused by alcohol use¹.

This inquiry provides the NSW Government with an opportunity to have strong and effective regulation of alcohol advertising in NSW.

Cancer Council NSW is a member of the NSW/ACT Alcohol Policy Alliance (NAAPA) and supports the NAAPA submission related to this Bill. NAAPA is a coalition of 48 organisations working to reduce alcohol-related harms by ensuring that evidence-based solutions inform alcohol policy discussions in NSW and the ACT.

Health Stats NSW data shows 30% of the total NSW adult population and 43% of 16–24 year olds drink alcohol at rates that increase their long-term risk of harm, CCNSW would like to draw the committee's attention to the impact reducing alcohol advertising, promotion and sponsorship could have on:

- Reducing alcohol intake and thereby reducing the risk of preventable cancers associated with alcohol intake
- Supporting state and federal strategies designed to reduce alcohol-related harm
- Addressing a key World Health Organization (WHO) recommendation for governments to enact and enforce bans or comprehensive restrictions on exposure to alcohol advertising
- Reducing the cost of alcohol-related harm to the NSW government and the NSW health system
- Protecting children and young people, by preventing the early uptake of drinking and reducing their alcohol consumption.

CCNSW Recommendations:

CCNSW is supportive of the Alcoholic Beverages Advertising Prohibition Bill 2015 and recommends that the Inquiry prioritise the following actions that are within the NSW Government's jurisdiction to:

- Remove all forms of advertising of alcohol on government assets, particularly public transport
- Introduce regulations to stop the sponsorship of sporting and cultural events popular with children and young people, and amateur sporting clubs who have members or teams that are under 18 years of age
- Ensure that any alcohol advertising regulations include a clause that relates to the drinking culture, in terms of not allowing advertisements and promotions that normalise frequent and excessive alcohol consumption
- Expedite the release of the NSW Health Alcohol and Other Drugs Strategy to support a comprehensive approach to better protect the NSW community from alcohol-related harm
- Increase investment in public education to support harm prevention.

Further, to show national leadership by championing stronger restrictions through the Council of Australian Governments to:

- Set up a regulatory scheme that is independent of the alcohol industry and has jurisdiction to enforce regulations
- Require all aspects of the alcohol industry, including independent producers and the retail sector, to be signatories to a regulatory scheme
- Abolish the exception that allows alcohol to be advertised on television during sporting events.

Background

Alcohol and cancer risk

The International Agency for Research on Cancer (IARC) classifies alcohol as a known human carcinogen². There is convincing evidence (IARC's strongest evidence classification level) that alcohol causes cancers of the mouth, pharynx, larynx, oesophagus, stomach, bowel (including colon and rectum), liver and breast³. Cancer risk increases linearly with the amount of alcohol consumed, and there is no 'safe' level of alcohol consumption when it comes to cancer risk⁴.

3,208 cancers (1,976 in men and 1,232 in women) in Australia in 2010 were estimated to be attributable to alcohol consumption. Cancer sites with the highest proportion of cases attributable to alcohol were mouth and pharynx (31%), oesophagus (25%) and larynx (20%). The largest numbers of cancers attributable to alcohol were colon (868) and breast (830)¹. CCNSW recommends that to reduce cancer risk, people limit their consumption of alcohol, or better still, avoid alcohol altogether.

Body fatness is a significant risk factor for cancer³. Alcoholic drinks are generally high in kilojoules and low in nutritional value, especially when mixed with sugar-sweetened mixer drinks. If alcohol is consumed in addition to normal dietary intake, body fatness can result. Alcohol may contribute indirectly to the diseases associated with excess body fatness, including cancers of the bowel, kidney, pancreas, liver, oesophagus, endometrium and breast (in post-menopausal women)³.

Projections indicate that cancer incidence will be 44% higher in 2021 than 2006⁵. Cancers of the bowel and breast, both linked to alcohol, are already the second and third most common cancers in NSW⁵.

Governments at all levels play a key role in encouraging cancer prevention. Although cancer prevention has become an essential mission of public health agencies including CCNSW, the WHO has emphasised that disease prevention is in the domain of government, not just health agencies. Laws and regulations can restrict access to carcinogens or facilitate and motivate healthy behaviours. Governments can contribute to the control of cancer by creating an environment and culture that is supportive of cancer prevention⁶. While state and federal governments have a number of strategies in place to reduce alcohol-related harm, there is minimal regulation of the marketing of alcohol, a known carcinogen.

Stronger restrictions on and tighter regulation of alcohol advertising can assist the population to reduce their alcohol intake, reducing their risk of preventable cancers.

State and Commonwealth Policy on Alcohol

Both state and federal governments recognise the role alcohol plays in the burden of disease in Australia and have invested in policies, strategies and resources to reduce harms associated with alcohol consumption.

The NSW Ministry of Health cites alcohol use as one of the leading causes of preventable disease in NSW. They have a priority goal to reduce alcohol-related harm in NSW⁷. The NSW Health Alcohol and Other Drugs Strategy is under development and should provide further detail on how the NSW government plans to reduce alcohol-related harm. This strategy should be expedited to support a comprehensive approach to better protect the NSW community from alcohol-related harm, with increased investment in public education to support harm prevention.

The Commonwealth Government National Drug Strategy 2017–2026 outlines key priorities to prevent and minimise alcohol, tobacco and other drug related health, social and economic harms among individuals, families and communities⁸. A key priority is to prevent uptake, delay first use and reduce use of alcohol and other drugs.

The National Preventative Health Taskforce recommended that addressing the cultural place of alcohol, including the restriction of alcohol marketing, should be a priority for the Australian Government⁹. Some aspects of alcohol advertising regulation are the responsibility of the Commonwealth Government, however some aspects such as outdoor advertising and sport sponsorship are a State responsibility. We support the NSW Government taking action to prohibit alcohol advertising within its jurisdiction, and also to show national leadership by championing stronger restrictions through the Council of Australian Government.

Stronger restrictions on and tighter regulation of alcohol advertising in NSW and federally would support state and commonwealth strategies designed to reduce alcohol-related harm.

WHO Global Strategy to Reduce the Harmful Use of Alcohol

The WHO recognises the impact alcohol consumption has on mortality and morbidity from non-communicable diseases (NCD)¹⁰.

The WHO 'Best Buys' and other recommended interventions for the prevention and control of NCDs makes the following recommendation to address the harmful use of alcohol:

Enact and enforce bans or comprehensive restrictions on exposure to alcohol advertising across multiple types of media. This requires the capacity for implementing and enforcing regulations and legislation¹⁰.

'Best Buys' are considered cost effective and feasible interventions.

CCA and CCNSW adopts the definition of alcohol marketing as outlined in the WHO Global Alcohol Strategy:

As any form of commercial communication or message that is designed to increase, or has the effect of increasing, the recognition, appeal and/or consumption of particular products and services. It could comprise anything that acts to advertise or otherwise promote a product or service¹¹.

It is within the remit of the NSW Government to enact and enforce bans or comprehensive restrictions on alcohol advertising across multiple types of media within its jurisdiction.

Stronger restrictions on and tighter regulation of alcohol advertising in NSW and federally would be in line with a key WHO recommendation for governments to enact and enforce bans or comprehensive restrictions on exposure to alcohol advertising.

The impact of alcohol on the health system

The National Health and Medical Research Council (NHMRC) Australian Guidelines to Reduce Health Risks from Drinking Alcohol state¹²:

- *For healthy men and women, drinking no more than two standard drinks on any day reduces the lifetime risk of harm from alcohol-related disease or injury*
- *For healthy men and women, drinking no more than four standard drinks on a single occasion reduces the risk of alcohol-related injury arising from that occasion.*

Of concern, the NSW Population Health Survey 2016 found that 40% of males and 20% of females aged 16 years and over consume alcohol at levels posing long term risk to health, considered to be two standard drinks on a day when they consume alcohol. This rate has been declining since 2002 however an increase was reported in 2016, with further years of data required to determine if this is in fact a change in trend¹³.

Although young people are more likely to exceed alcohol recommendations, between 2013 and 2016, there was a significant increase in people in their 50s and 60s consuming 11 or more standard drinks on a single drinking occasion (from 9.1% to 11.9% and from 4.7% to 6.1% respectively)¹⁴.

The misuse of alcohol is a major preventable cause of death and hospitalisation in Australia. In 2014–15, approximately 1.9% of all hospitalisations for people aged 15 years and older (about 54,000) were attributed to alcohol. This corresponds to a rate of 841 hospitalisations per 100,000 people. People aged 15–24 years had a higher proportion of hospitalisations that were alcohol-attributable than older age groups. There were 3,000 alcohol related emergency room presentations by young people aged 16-24 due to acute alcohol issues, such as intoxication and injury¹⁵.

The heavy use of alcohol can cause short- and long-term health problems such as cancer, cirrhosis of the liver, lower life expectancy, reduced workplace productivity, accidents, drink driving, violence and other forms of crime¹⁶.

The financial cost of disease, injury and crime caused by alcohol in Australia has been estimated to be about \$15.3 billion⁹. Lost productivity in the workplace, health, road accidents and crime make up the majority of these costs⁹. This figure is considered to be an underestimate as it was calculated before research confirmed that alcohol also contributes to bowel cancer, the second most common cancer in Australia¹⁷.

Alcohol abuse costs the NSW government more than \$1 billion every year. This does not include the costs of treatment of chronic conditions linked to alcohol use¹⁸.

A significant percentage of the NSW population drink alcohol at rates above the recommended guidelines.

2% of hospitalisations in NSW are attributable to alcohol.

Stronger restrictions on and tighter regulation of alcohol advertising will reduce the cost of alcohol-related harm to the NSW government.

Drinking habits of young people

The NHMRC Australian Guidelines to Reduce Health Risks from Drinking Alcohol advise that for under 18-year-olds, and particularly children under 15 years, not drinking at all is the safest option¹².

Many young people in Australia start drinking alcohol before the legal drinking age and a significant number drink alcohol at rates that place their short- and long-term health at risk.

The Australian Institute of Health and Welfare (AIHW) 2016 National Drug Strategy Household Survey¹⁴ showed that 18% of 12-17 year olds are drinking alcohol. The average age of 14–24 year olds trying alcohol for the first time is 16.1 years.

NSW data shows 48.6% of males and 37.4% of females aged 16–24 years consume alcohol at levels posing long-term risk to health, considered to be two standard drinks on a day when they consume alcohol. 40.3% of males and 26.6% of females aged 16-24 years drink four or more drinks in a single occasion posing an immediate risk to their short-term health¹³.

Cohort studies surveying the same group of participants over many years have traced patterns of alcohol use from adolescence to adulthood. Those who drank most as teenagers went on to become the heaviest drinkers as adults, and those who drank moderately as teenagers had the greatest increase in drinking during the transition into adulthood. Those who did not drink at all as teenagers, on the other hand, generally became moderate drinkers in adulthood¹⁹. Therefore young people should be encouraged to delay consumption of alcohol as long as possible.

Factors known to increase adolescent alcohol use include alcohol advertising and promotion^{20 21}, lower alcohol prices²² and increased availability of alcohol²³.

As young people think of health in relation to being able to lead a desirable lifestyle rather than reducing their risk of short and long-term health problems²⁴, improving the drinking culture and

preventing people from consuming harmful levels of alcohol could be achieved by reducing their exposure to advertising messages, particularly as they normalise alcohol consumption.

Drinking rates among young people are high and place them at risk of short and long term harm to their health.

Stronger restrictions on and tighter regulation of alcohol advertising in NSW and federally would prevent the early uptake of drinking by young people which in turn will reduce alcohol consumption by young people.

Advertising of Alcohol

Alcohol is one of the most heavily promoted products in the world. Alcohol advertising contributes to the normalisation of alcohol use and reinforces the harmful drinking culture that currently exists in Australia²⁵.

In Australia, the annual expenditure by the alcohol industry on marketing is substantial^{26, 27}. The Preventative Health Taskforce stated that in 2008 the industry spent at least \$120 million in measured forms of advertising, such as television, magazines, radio and billboards, with 38% on commercial television advertising and 32% on outdoor advertising. However, the expenditure on unmeasured forms such as sponsorships, point-of-sale promotions, giveaways, branded materials and special events is growing and has been estimated to be between two and four times this amount⁹.

- Advertising and young people

The alcohol industry denies their marketing campaigns specifically target children or teenagers. However, The Australian Medical Association (AMA) in their policy agenda on alcohol marketing and young people states that:

Research consistently demonstrates that young people in Australia are regularly exposed to alcohol marketing across a variety of settings and media platforms. In addition to the ubiquity of alcohol references in the social networking sites and online media frequented by young people, studies have shown that young people continue to be exposed to alcohol marketing through television advertising, print media with a high youth readership, and product placement in film, music videos, comics and video games²⁷.

Children are a vulnerable audience for advertising, with research showing that many children are not able to recognise advertising's persuasive intent, even once they reach high school age²⁸. Australian adolescents are more likely to want to try different types of alcohol after they have been exposed to alcohol advertisements²⁹. As Australian alcohol advertisements typically link alcohol consumption with positive messages of fun, friendship and social situations³⁰, their appeal to children and adolescents is of concern.

A review of twelve longitudinal studies of over 38,000 young people has shown that the volume of advertising they are exposed to influences the age that they start drinking as well as their consumption levels²⁰. This review also showed a dose response relationship between volume of exposure to advertising and alcohol consumption in young people²⁰. This means that the more alcohol advertising that young people are exposed to, the earlier they will start to drink, and the more they will consume if they already drink.

The AMA in their policy agenda on alcohol marketing and young people states:

With convincing evidence supporting the link between alcohol marketing and alcohol consumption by young people, there is an urgent need to tackle the problem of alcohol marketing in Australia with robust policy and stronger regulatory oversight. While children and adolescents are particularly vulnerable to alcohol marketing, young people aged up to their mid-20s are highly susceptible and, as a prime target group for alcohol marketers, are at particular risk of alcohol-related harms. Stronger policy and regulation of alcohol marketing should encompass all these groups of young people²⁷.

- Advertising in sport

The Commercial Television Industry (CTI) Code of Practice provides one of the few limits on alcohol advertising to young people. The Code states that a commercial for an alcoholic drink may only be broadcast between 8.30pm and 6am which is when young children are not expected to be watching television³¹.

However, a loophole exists where alcohol may be advertised as an accompaniment to a sports program on a weekend or a public holiday or as an accompaniment to the broadcast of a live sporting event broadcast simultaneously across more than one licence area³¹. This means alcohol advertising is permitted on television during live sports broadcasts at any time of the day, including times when children are likely to be watching.

In Australia, alcohol advertising in sporting broadcasts on TV is widespread and is seen by large numbers of children, adolescents and young adults. A study by Carr et al showed that in 2012, there were 3,544 alcohol advertisements in Australian Football League (AFL) (1942), cricket (941) and National Rugby League (NRL) programs (661), representing 60% of all alcohol advertising in sport TV and 15% of all alcohol advertisements on Australian TV. These programs had a cumulative audience of 26.9 million children and adolescents, and 32 million young adults. Children and adolescents received 51 million exposures to alcohol advertising, with 47% of this exposure occurring during the daytime³².

- Sponsorship by alcohol companies

Sponsorship of Australian sport by companies promoting alcohol is prevalent. A recent study of sponsorship on the websites of sporting organisations' funded by the Australian Sports Commission showed that 413 national and state sporting organisations had 43 instances of alcohol sponsorship, predominantly Cricket, Rugby League and Rugby Union³³.

A study by Pettigrew of 164 children in Western Australia showed that 76% correctly identified at least one sponsor of relevant sports, indicating that children are susceptible to alcohol sponsorship of sports³⁴.

In NSW, alcohol companies continue to sponsor major sporting clubs and events with many sporting teams having an 'official' alcoholic beverage. Cricket Australia is currently sponsored by Lion with XXXX Gold the official beer of the Australian Cricket Team. Carlton United Brewery (CUB) currently sponsor the NSW Rugby League with Victorian Bitter as the official

beer of the National Rugby League, the VB Friday night football and the NSW State of Origin Team, the VB Blues. CUB claim that Victorian Bitter 'has been rewarding the hard earned thirst of rugby league fans since 2004'. These sponsorship deals will change in 2018 however, Cricket Australia and the NSW Blues will remain sponsored by alcohol companies.

The 2017 NSW State of Origin team with the VB logo highly visible on their jerseys



See Appendix 1 for further examples of alcohol sponsorship of sporting teams.

The NSW government owns a number of sporting venues where alcohol is widely advertised through sponsorship deals.

Embedding alcohol brands in the entertainment or sporting culture communicates a legitimacy and status to alcohol, strengthening the association between alcohol and the positive effects of having a good time²⁶.

There is strong community support for less alcohol sponsorship of sport. At the grass roots level, the Vic Health Community Attitudes Survey - Healthy Sporting Environments provides evidence of community support for reducing community sporting clubs' reliance on alcohol and sponsorship. 83% of respondents would support the removal of alcohol sponsorship from clubs if help was given to replace lost revenue³⁵.

The Foundation for Alcohol Research and Education (FARE) Attitudes and Behaviours Annual Poll in 2016 found 60% of participants agreed with not allowing alcohol sponsorship at sporting events³⁶. In 2017 this figure was similar at 55%³⁷.

The National Omnibus survey published in July 2017 by the McCusker Centre for Action on Alcohol and Youth showed 63% of respondents supported phasing out the promotion of alcohol through sports sponsorship, 77% supported phasing out television commercials for alcohol during sporting broadcasts in children's viewing times and 71% supported legal controls to reduce children's exposure to alcohol promotions³⁸.

- Promotions

The NSW Liquor Promotion Guidelines are managed by the NSW Office of Liquor, Gaming and Racing. These guidelines are for licensees and staff and are intended to manage alcohol promotions in licensed premises only. These guidelines indicate the kinds of activities or promotions that may be the subject of a notice under section 102 of the Liquor Act 2007. However, they do not apply to promotions held outside of licensed premises.

Promotions by alcohol companies outside of licensed premises are pervasive. Current alcohol company websites have a wide variety of promotions with examples including:

- XXXX Goldie competition that provides a goldie cap and the chance to win \$350,000 worth of prizes from buying a specially marked case of XXXX gold. Players are encouraged to participate with their friends.
- Sign up to become a mate of XXXX to obtain access to the latest special deals and exclusive competitions
- Purchase Tooheys beer 'to win a great Tooheys prize'
- Become a Tooheys Club member and get exclusive access to all the latest news, competitions and giveaways.
- Jim Beam 'Become one of the family'
- Sign up at Absolut Vodka to get weekly lessons on 'how to mix a new drink along with some bartending secrets to help you improve your skills on the way'.
- Claim a personalised Blues jersey with the VB logo
- Collect all 10 Australian cricket team "hard earned moments" on cans of VB
- Smirnoff Vodka and Youth magazine Pedestrian 'Nothing to hide 'pop up gym designed to be a place where people 'could be themselves.. and try a Smirnoff Pure'.

See Appendix 2 for images of CUB, Lion and Smirnoff promotions.

A major concern is that these promotions are easily accessible to children. The only control on entering the websites of alcohol companies is to enter a date of birth that is equivalent to being 18 years or older. Many children would easily be able to work around this by entering a false date of birth.

Again, with convincing evidence supporting the link between alcohol marketing and alcohol consumption by young people, there is an urgent need to tackle the problem of alcohol promotions in NSW and Australia with robust policy and stronger regulatory oversight.

Stronger restrictions on and tighter regulation of alcohol advertising is needed to:

- **Close loopholes that allow TV advertising of alcohol to be seen by children under the age of 18**
- **Phase out sponsorship of sport by alcohol companies**
- **Control alcohol promotions in all settings.**

Advertising on NSW government property

Alcohol advertising on NSW government property such as public transport and government assets such as sporting stadium and tourist sites is visible to all ages. This advertising cannot be turned off and this means that children under the age of 18 will be exposed to alcohol advertising, contrary to government regulations.

Transport NSW's Household Travel Survey collects data from 5000 households on all their trips in a 24 hour period. The 2014–2015 Travel Survey showed that, on an average week day, 216,000 young people under the age of 20 used the train and 199,000 used a public bus to travel, highlighting the large numbers of young people exposed to advertising on public transport³⁹.

The community is concerned about advertising on public transport. The Alcohol Advertising Review Board (AARB), set up by the McCusker Centre for Action on Alcohol and Youth, administers an alcohol advertising complaint review service, independent of the alcohol industry, to support the community respond to inappropriate alcohol advertising.

Complaints to the AARB about alcohol advertising show an increasing number of complaints from the public about alcohol advertisements on public transport. In 2015–2016, 57 of the 194 (29%) complaints received were for alcohol advertisements on public transport⁴⁰. This was the largest category of complaints. This was a significant increase from 2014-2015 when 37 of 197 (19%) complaints were for alcohol advertisements on public transport⁴¹.

It is within the remit of the NSW Government to enact and enforce bans or comprehensive restrictions on alcohol advertising on NSW Government property, particularly public transport. Other state governments have already done this. Transport Canberra, which runs public transport in the Australian Capital Territory (ACT) does not permit buses to advertise alcohol⁴² and the South Australian government has moved to ban alcohol advertising from buses, trains and trams from 2017⁴³.

The NSW government should not allow alcohol to be widely advertised on state government assets when both state and federal governments recognise the significant cost of alcohol consumption on the community and to the government.

Stronger restrictions on and tighter regulation of alcohol advertising on NSW government assets would support government strategies to reduce harm from alcohol.

Multiple alcohol advertisements at Central Train Station 2017



Alcohol advertisement at Kings Cross Train Station 2017



Alcohol advertising regulatory system in NSW

Unlike for tobacco products, there are few legislative restrictions on the content and placement of alcohol advertising. Legislation for alcohol advertising and promotion includes the:

- The NSW Liquor Act 2007 which details the types of liquor promotions that may be restricted or prohibited⁴⁴. The Liquor Promotion Guidelines form part of the Act and indicate the kinds of activities or promotions that may be the subject of a notice under section 102 of the Liquor Act⁴⁵.
- CTI Code of Practice which regulates the program periods when advertisements for alcohol can be broadcast. This operates nationally³¹.

The content and placement of alcohol advertising is also regulated by national voluntary codes of practice, including the

- The Alcohol Beverages Advertising Code (ABAC) which is an alcohol specific, voluntary code of practice and complaints mechanism that is managed by the alcohol industry.
- The Outdoor Media Associations (OMA) Code of Ethics which follows the ABAC Responsible Alcohol Marketing Code. The OMA code ensures alcohol advertising is not placed on fixed signs that are located within a 150 metre sight line of a primary or secondary school. The policy does not apply to transit advertising on buses and taxis⁴⁶.

This means that alcohol advertising is largely self-regulated, predominantly through voluntary industry codes of practice, primarily the ABAC Scheme.

The ABAC Scheme applies to print, billboard, digital, cinema, television, producer point of sale, radio, packaging and other marketing however only applies to content and not placement. The ABAC Scheme is jointly funded by the Brewers Association of Australia, the Distilled Spirits Industry Council of Australia and the Winemakers Federation of Australia.

Complaints about alcohol advertisements must be lodged through the Advertising Standards Bureau however are handled by the ABAC Scheme. In 2016, ABAC received 139 complaints. ABAC undertook determinations on 34 complaints and 10 were upheld. This means only 7% of complaints were upheld⁴⁷. In 2015 there were 133 complaints of which 29 were acted on and seven upheld (5%)⁴⁸.

According to the ABAC Scheme, the average length of time for a determination to be reached is 20 business days⁴⁹. However, advertising campaigns can be run in shorter timeframes than this, meaning the campaign may have run and ended before the ABAC Scheme has come to a determination. In this manner, the complaints process is not effective in keeping up with the fast pace of the advertising industry, and is not responsive to consumer concerns. Further, consumers are generally unaware of where to direct complaints on alcohol advertisements⁵⁰.

This seems to indicate an inconsistency between alignment of community concerns with the limited coverage of the ABAC Scheme and is in stark contrast to the AARB process where 108 out of 194 complaints were fully or partially upheld⁴⁷.

Additionally, the adjudication or management committees of the ABAC Scheme have no jurisdiction to enforce penalties for upheld complaints. Therefore, there is no onus on industry members to adhere to the Code, limiting its strength responding to complaints about alcohol advertising. The ABAC Scheme claims 90% of media spend on alcohol is from signatories to the code⁵¹. However, not all companies that market alcoholic products and no retailers such as bottle shops, are signatories to the ABAC Scheme and therefore do not have to comply with the Code.

CCNSW is firmly of the view that this self-regulatory approach to alcohol advertising is ineffective in controlling alcohol advertising, particularly to young people.

Regulation of alcohol advertising is in effect managed by the alcohol industry. Tighter regulation of alcohol advertising is required, with regulation by an independent authority separate to the alcohol industry.

Conclusion:

CCNSW appreciates the opportunity to provide to provide a submission to the Inquiry into the Alcoholic Beverages Advertising Prohibition Bill 2015 as we believe a review of alcohol advertising in NSW is overdue.

Health Stats NSW data shows 30% of the total NSW adult population and 43% of 16–24 year olds drink alcohol at rates that increase their long-term risk of harm. Alcohol consumption, even at moderate levels, contributes to cancer, cirrhosis of the liver, alcohol dependence, stroke, mental health problems, suicide, injuries and motor vehicle accidents.

Alcohol is heavily marketed in NSW and there are few restrictions on the marketing of alcohol, particularly to young people. There is evidence that alcohol advertising increases alcohol consumption by young people.

The WHO recommends governments act to reduce the harmful effect of alcohol by restricting alcohol marketing. In Australia, alcohol marketing is largely regulated by the alcohol industry. There are a number of loopholes in the regulations on marketing of alcohol that allows a significant number of children to be exposed to alcohol marketing messages.

Cancer Council NSW is a member of the NSW/ACT Alcohol Policy Alliance (NAAPA) and supports the NAAPA submission related to this Bill.

CCNSW is supportive of the Alcoholic Beverages Advertising Prohibition Bill 2015 and recommends that the Inquiry prioritise the following actions that are within the NSW government's jurisdiction to:

- Remove all forms of advertising of alcohol on government assets, particularly public transport
- Introduce regulations to stop the sponsorship of sporting and cultural events popular with children and young people, and amateur sporting clubs who have members or teams that are under 18 years of age
- Ensure that any alcohol advertising regulations include a clause that relates to the drinking culture, in terms of not allowing advertisements and promotions that normalise frequent and excessive alcohol consumption
- Expedite the release of the NSW Health Alcohol and Other Drugs Strategy to support a comprehensive approach to better protect the NSW community from alcohol-related harm
- Increase investment in public education to support harm prevention.

Further, to show national leadership by championing stronger restrictions through the Council of Australian Governments to:

- Set up a regulatory scheme that is independent of the alcohol industry and has jurisdiction to enforce regulations
- Require all aspects of the alcohol industry, including independent producers and the retail sector, to be signatories to a regulatory scheme
- Abolish the exception that allows alcohol to be advertised on television during sporting events.

Appendix 1 - Examples of alcohol sponsorship of sport



 PROUD SPONSORS OF NSW RUGBY LEAGUE



Appendix 2 – Examples of alcohol promotions

Carlton United Brewery

DECEMBER 2, 2016



HARD EARNED MOMENTS

Re-live some of Australia's greatest moments in cricket.

COLLECT ALL 10!

18+
FOR PEOPLE OVER THE AGE OF 18 ONLY

CRICKET AUSTRALIA Official beer of the Australian Cricket Team



CLAIM YOUR PERSONALISED BLUES JERSEY

18+ FOR PEOPLE OVER THE AGE OF 18 ONLY

[CLICK HERE](#)

Lion



Smirnoff Pure

Youth publication Pedestrian and Smirnoff Pure have launched a pop-up gym, aiming to create an “inclusive” place where everyone can exercise.

The ‘Nothing to Hide Gym’ will include classes such as Electro Flow Yoga, Fury Yoga and Shut Up & Groove therapy, and hopes to break down barriers that prevent people from having a good time.



Pedestrian’s latest initiative is supported by [The Open Project](#), an ongoing content series created by the publication and Smirnoff, which promotes inclusivity, diversity and acceptance.

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