



# END ALCOHOL ADVERTISING IN SPORT

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Alcohol sponsorship of sporting teams and sporting events has become more prominent and of increasing concern to the Australian community. The major sponsors of the Australian Football League (AFL), National Rugby League (NRL) and Australian Rugby Union (ARU) are Carlton Draught, VB and Hahn Super Dry respectively. In Tennis the Australian Open was sponsored by Chinese distillery Luzhou Laojiao and the Formula 1's major sponsor was Heineken. In Cricket Australia, XXXX GOLD is the official beer sponsor. Sports sponsorship and advertising is saturated by the alcohol industry. What is of greater concern is that alcohol advertising is self-regulated through a myriad of industry codes. Alcohol advertising should be regulated independent of industry, standardised and legislated. Furthermore, alcohol sponsorship of sporting events should be phased out. The revenue from alcohol sponsors is only a fraction of the money made from others such as Telstra. Sport does not need alcohol.

## The impact of alcohol advertising on kids

Alcohol is one of the most heavily promoted products in the world.<sup>1</sup> Alcohol advertising contributes to the normalisation of alcohol use and reinforces the harmful drinking culture that currently exists in Australia.<sup>2</sup>

Alcohol harm is significant, resulting in more than 6,000 lives lost and 144,000 hospitalisations each year in Australia.<sup>3</sup> Drinking contributes to the three leading causes of death among adolescents: unintentional injuries, homicide and suicide.<sup>4</sup> The social and economic costs to the community as a result of alcohol are insurmountable.

Alcohol sponsorship of sport has an impact on both players and spectators. It is associated with hazardous behaviour by those playing the sport<sup>5</sup> and communicates strong messages about alcohol brands and drinking that are absorbed by children. Alcohol sponsorship of sporting events is resulting in children and young people associating alcohol with sport.<sup>6,7</sup> An Australian study of 164 children aged 5-12 years found that 76 per cent were able to correctly match at least one sport with its relevant sponsor.<sup>8</sup> This is not surprising given an estimated cumulative audience of 26.9 million Australian children and adolescents watching Australia's major televised sporting codes, AFL, Cricket and NRL, are exposed to 51 million instances of alcohol advertising, with nearly half (47 per cent) of these broadcast during daytime programming between 6am and 8.30pm.<sup>9</sup>

Alcohol advertising during sport is extensive, has features that appeal to children, and instils the idea that consumption of alcohol is associated with sport as well as positive personality traits and success.<sup>10</sup> The association of alcohol and sport increases alcohol harm, and normalises consumption by our children. Young people's exposure to alcohol marketing increases their alcohol consumption and their likelihood to start drinking earlier.<sup>11,12,13</sup>

The alcohol industry claims that its advertising is intended to encourage existing drinkers of legal drinking age to switch products, rather than encourage excessive drinking or non-drinkers to drink. Yet industry documents reveal a different story where brands have used market research data on 15 and 16 year olds to guide campaign development, target their products and advertising to attract new drinkers and encourage people to drink early and drink often.<sup>14</sup>

## What are the rules?

Currently, alcohol advertising across Australia is predominantly self-regulated, meaning that the advertising regulators, alcohol industry and government handle complaints and noncompliance jointly. The Advertising Standards Bureau (ASB) assesses complaints under the Australian Association of National Advertisers (AANA) Code of Ethics and forwards these complaints to the alcohol industry-led Alcohol Beverages Advertising Code (ABAC) Chief Adjudicator.<sup>15</sup> Both the ASB and ABAC decide individually if the complaint comes under their jurisdiction and is worth pursuing. Free to air, pay TV, radio and internet advertising all come under their own codes of practice. This complex arrangement of regulatory codes means that there is no one body with responsibility for the content and placement of alcohol advertising.

### ALCOHOL BEVERAGES ADVERTISING CODE (ABAC)

The ABAC is an industry self-regulated scheme that covers content of alcohol advertising. Content must not show or encourage excessive consumption, challenge or dare people to consume alcohol; have a strong appeal to minors; suggest that alcohol may create or contribute to a change in mood or environment or suggest that alcohol contributes to positive social or personal benefit.

The ABAC was recently updated to include rules surrounding placement of alcohol ads, as previously there were none. However, this new rule states that alcohol ads can only be placed where the audience is at least 75 per cent adults, yet only 22 per cent of the population are children with less than 10 per cent aged 10-17 years. The ABAC only applies to advertising during programs that are 'directed primarily to children'. This fails to include not only sport but programs such as Master Chef, Modern Family and The Simpsons which are most popular among children. Despite the ABAC regulating content and placement of alcohol ads, upholding the code is voluntary as businesses/corporations need to be a signatory. Even then no meaningful sanctions are imposed for noncompliance, making the regulation redundant.

### COMMERCIAL TELEVISION (FREE-TO-AIR)

The placement of alcohol advertising is controlled under the *Commercial Television Industry Code of Practice* (The Code) and the Australian Communications and Media Authority (ACMA). Section 6.2.1 of The Code states that:<sup>16</sup>

6.2.1 A Commercial for Alcoholic Drinks may be broadcast at any of the following times:

- a. in the M and MA15+ classification zones set out in Section 2 (except between 5.00 am and 6.00 am, and 7.30 pm and 8.30 pm); and
- b. as an accompaniment to a Sports Program on a Weekend or a Public Holiday; and
- c. as an accompaniment to the broadcast of a Live Sporting Event broadcast simultaneously across more than one licence area, if one of subclauses (a) or (b) is satisfied for:
  - i. the licence area in which the Live Sporting Event being broadcast is held, for an event taking place in Australia;
  - ii. the majority of metropolitan licence areas in which the Live Sporting Event is shown, for an event taking place overseas.

As defined under Section 8 of The Code, a commercial for alcoholic drinks does not include:

- a. Program sponsorship announcements which make no direct reference to the price of goods or services;
- b. a Commercial which does not directly promote an Alcoholic Drink for an entity or company that participates in the manufacture, distribution or sale of Alcoholic Drinks;
- c. a Commercial where alcohol or a brand associated with alcohol is incidental and any alcohol consumption responsibly depicted;
- d. a Commercial for a licensed restaurant or club, entertainment venue, tourist attraction or dining establishment.

### SUBSCRIPTION TELEVISION (PAY TV)

Alcohol advertising is controlled by the *Australian Subscription Television and Radio Association Codes of Practice 2013*. There are no timing controls on alcohol advertising on subscription television, only that "The Licensee must take into account the intellectual and emotional maturity of the intended audience of the channel when scheduling advertisements".<sup>17</sup>

## INTERNET AND SOCIAL MEDIA

There is currently no regulation that restricts the placement of alcohol advertisements on the internet. Social media platforms may have self-regulated advertising policies which restrict advertising content, however, policies vary and refer to advertisements being appropriately targeted, can have ambiguous wording and largely rely on the goodwill of advertisers to comply.

## RADIO

The *Commercial Radio Code of Practice March 2017* has no restrictions on the advertising of alcoholic products. The only vague constraint in place states “Material not suitable for broadcast.... presents as desirable the misuse of alcoholic liquor”.<sup>18</sup> Subscription radio has no restrictions on alcohol advertising.

## SPONSORSHIP

There is no regulation when it comes to alcohol sponsorship of sports or cultural events. Sponsorship is not classified as a form of advertising under any broadcast codes of practice. The ABAC code also does not apply to sponsorship which is defined as:

“any agreement or part of an agreement involving payment or other consideration in lieu of payment by a Marketer to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor’s Alcohol Beverage or outlet. Sponsorship also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).”<sup>19</sup>

### EXAMPLE 1 – BROADCASTERS AND TEST CRICKET

The lack of industry regulations means that alcohol ads can run nonstop during live sports broadcasts. This is concerning for all sporting codes, which have a total estimated audience of 27 million children, but especially so for Test Cricket. Test match cricket runs for eight hours a day for five consecutive days. Even one-day matches last six hours. This means that alcohol ads from sponsors can run on a constant loop all day within regular child viewing hours.

The ACMA does not allow alcohol ads on television before 8.30pm, except when it comes to sport. On any other day they recognise the harmful impacts of alcohol ads on children, so why is sport the exception?

### EXAMPLE 2 – SPONSORSHIP AND STATE OF ORIGIN

Sporting teams’ partnerships with alcohol companies often sees them have prized positioning on jerseys as well as on playing fields. Our sporting heroes are walking talking billboards for alcohol products. This is especially concerning as our children idolise these sports stars. They constantly watch images of them dressed up in alcohol product logos. The worst example of this is the NRL State of Origin. Throughout and in the lead up to the Origin Series our TVs blast images of Origin heroes wearing beer logos, our public buses and trains are decorated in maroon and blue, special signature Origin beers are introduced and our Facebook feeds are covered in sponsored beer ads. Children’s ability to implicitly recall shirt sponsors is incredible. Of kids aged 5-12 years, three quarters (77 per cent) can correctly identify at least one shirt sponsor if not more.<sup>20</sup>

## **There is strong community support for protecting kids from alcohol marketing**

The Australian community wants to see more done to minimise the harmful impacts of alcohol advertising with two thirds (68 per cent) supporting a ban on alcohol advertising on television before 8.30pm.<sup>21</sup> There is also strong community support for a ban on alcohol sponsorship at sporting events, with 55 per cent of Australians supporting the call.<sup>22</sup> A VicHealth survey also identified high levels of support, with 83 per cent supporting the removal of alcohol sponsorship from sporting clubs if help was given to replace lost revenue and 76 per cent supporting a levy on alcohol advertising if the funds generated were directed back to community sports.<sup>23</sup> There is growing community concern surrounding the harmful impacts of alcohol advertising, particularly during sporting programs where millions of children are subjected to the advertising of a product they legally cannot consume.



# The Solution

## Phase out alcohol sponsorship from sporting and cultural events

While the playing of sport should be encouraged among children, the promotion of alcohol in association with sport, should not. *End Alcohol Advertising in Sport* is a Foundation for Alcohol Research and Education (FARE) initiated campaign that proposes the phasing out of alcohol sponsorship and advertising associated with sporting or cultural events. A transitional approach will provide industry with enough time and flexibility to amend current contractual arrangements and other business practices before the implementation of legislation. This will ensure that there is no significant economic disadvantages and allows sufficient time to seek and secure new socially responsible sponsors.

Many countries have already successfully removed alcohol sponsorship from sport without any significant impact to sponsorship revenue including France, Qatar, Norway, Denmark, Croatia, Russia and others.<sup>24</sup> France successfully renamed and held the Heineken Cup Rugby competition – now ‘H-Cup’ in France, as well as the UEFA Euro 2016. The men’s Football World Cups held in Russia (2018) and scheduled for Qatar (2022) also suggest that the removal of alcohol sponsorship does not diminish sport or the capacity to host international sporting events.

Sport is a health promotion activity and its association with an unhealthy product such as alcohol is counter-intuitive at best and harmful at worst. This type of alcohol marketing is visible to children and young people, as sporting events are often held or televised during times when they are likely to be watching or in attendance at the event.

### 1. END THE ALCOHOL ADVERTISING EXEMPTION ON FREE-TO-AIR COMMERCIAL TELEVISION

The current exemption means that millions of children are exposed to alcohol advertising during TV viewing hours when alcohol is not normally allowed to be advertised. The sports broadcast exemption should be removed from the *Commercial Television Industry Code of Practice* (The Code). The current exemption allowing alcohol advertising during sports broadcasts is heavily exploited by the alcohol industry, with 49.5 per cent of all alcohol advertising shown during the broadcast of live sporting events.<sup>25</sup> For example, during the Bathurst 1000 in 2012, those who watched the whole race (from 10:35am until 5:05pm) were exposed to 35 minutes of alcohol advertising including in-break alcohol advertisements and sponsorship. This audience included an estimated 117,000 children and young people aged five to 17 years old.<sup>26</sup>

This refutes Free TV Australia’s claim that children “constitute a very small percentage of audience for sporting events” (proposed Code, Part A, p.5), which supposedly justifies the continuation of this exemption. Free TV Australia has also rationalised that the children who do watch sports do so “predominantly in the company of adults” (proposed Code, Part A, p.5). This infers that children are protected from the effects of alcohol advertising simply because they are in the presence of an adult and is erroneous, as co-viewing does not reduce the amount of a child’s exposure to alcohol advertising, which is the factor that contributes to earlier and increased alcohol consumption.

### 2. STANDARDISE AND LEGISLATE ADVERTISING REGULATIONS FOR ALL MEDIA PLATFORMS

Regulation of alcohol marketing and promotion should be standardised, legislated and independent of the alcohol and advertising industries. The current system of self-regulation does not work.

The primary purpose of alcohol advertising is to increase sales, thereby increasing the amount of alcohol consumed either by more people or in greater amounts among drinkers.<sup>27</sup> The entire premise of alcohol advertising is contrary to community health standards. Vulnerable groups, including children, are the object of direct marketing strategies to promote alcohol, however, a lack of transparency regarding the alcohol industry’s marketing strategy limits research on which groups and what ways groups are targeted.<sup>28</sup> This supports the notion that self-regulation creates loopholes and promotes alcohol harm.

The Pan American Health Organisation *Technical Note* on alcohol marketing (recently published in conjunction with the World Health Organization), states that the objective of alcohol marketing regulation is to reduce alcohol harm by reducing or eliminating exposure to alcohol sponsorship, promotion and advertising.<sup>29</sup> This particularly applies to those vulnerable to alcohol harm, through the reduction of early initiation to drinking by young people and reduced promotion of drinking to people with a history of alcohol dependence, indigenous people, lesbian, gay, bisexual, and transgender individuals, pregnant women and impulsive, sensation-seeking individuals.<sup>30,31,32</sup>

A key component to a good regulatory system is one that has clear and consistent penalties for breaches of regulatory codes. The current system is ineffective as it is convoluted and there are few, if any, penalties or sanctions for those who break the various provisions in the codes.

By regulating content, frequency and placement of alcohol advertising on all media platforms, including online and social media, the Australian Government can reduce alcohol harm. Regulations should be flexible enough to cover new and evolving digital marketing and advertising methods and sanctions should be introduced for serious or persistent non-compliance.

### **3. REPLACEMENT FUND**

To allow time for adaptation, an Alcohol Sponsorship Replacement Fund may facilitate the phasing out of alcohol sponsorship in sport. This should be funded by the proceeds of alcohol tax reform. Given the current levels of alcohol sponsorship, a relatively modest investment of \$100 million over four years would allow sufficient time for sporting codes to adjust. Alternative sponsors will be readily available. In NRL, for example, the value of the most recent contract with Telstra (\$6.5 million) was more than four times greater than that of the largest alcohol sponsor (Carlton United Brewery, \$1.5 million). Sport has successfully transitioned away from reliance on tobacco advertising. It is now time to address its growing reliance on alcohol.

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