

Key points

- Regulation should be run by the Government rather than the alcohol industry.
- Regulations should include new and non-traditional media.
- New Zealand regulations would be weakened by being aligned with Australia's.

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SEMINAR: Regulation of alcohol advertising in Australia

"Anything which would weaken your system is really bad – it needs tightening rather than weakening".

Contents

[Introduction](#)
[Problems with the Australian complaints process](#)
[The ineffectiveness of the self-regulatory system](#)
[New types of advertising and promotion](#)
[State regulatory laws](#)
[What changes are needed?](#)
[Advice about regulation in New Zealand](#)
[Unsubscribe/ Feedback](#)

Introduction

Australian alcohol advertising regulations are regularly flouted and the system needs tightening, according to visiting Australian researchers at a seminar organised by SHORE and Whariki in Auckland.

Associate Professor Sandra Jones, Director of the [Centre for Health Behaviour and Communication Research](#) (CHBCR) at the University of Wollongong, and colleague Danika Hall showed videos and stills from many alcohol ads which illustrated potential breaches of current Australian regulations to an audience of researchers and non-government interest groups.

Recent ads which have caused concern include those suggesting an association between alcohol and illegal drugs. Examples she showed included an alcohol poster depicting a woman snorting alcohol from a tabletop through a straw, with the tagline "the next high", and others with the blurry images and colours of rave parties.

Like New Zealand, Australia has a voluntary system of self-regulation. Consumers and public health groups can complain about individual advertisements to two agencies –

- The [Advertising Standards Board](#) (ASB).
- The [Advertising Claims Board](#) (ACB), based on the alcohol industry's own Alcoholic Beverages Advertising Code (ABAC) or the [Australian Association of National Advertisers](#) (AANA) Code of Ethics.

The AANA code has recently been extended to internet ads. People who are unhappy with advertisements must lodge a formal complaint with the ASB, which reviews the ad based on the AANA code. A copy may be sent to the ACB if it relates to their code, so complainants need to know the different codes well. The advertiser has an opportunity to respond to complaints.

The two bodies may make different decisions on the same complaint. Professor Jones gave the example of a complaint about a brandy poster, which was dismissed by the ASB and upheld by the ACB. However, the decisions of both bodies are not enforceable on advertisers.

Many of the ads that Professor Jones showed had been the subject of complaints, but were not upheld by either body.

[Top](#)

Problems with the Australian complaints process

Professor Jones outlined six difficulties –

- Complaints bodies review only the first complaint and do not take into account the number of complaints about one ad.
- Decisions take months, often longer than the ad campaign in question.
- One-off promotions are not regulated.
- The process is geared towards print, television and radio rather than less conventional forms such as Internet, cellphone and onsite promotions.
- Newer advertising forms such as outdoor and viral marketing are difficult to monitor.
- Industry tactics intimidate potential complainants. Professor Jones gave the example of a Cougar ad which gave the name and address of a complainant, followed by the words YOU HAVE BEEN WARNED. While the man was fictitious, the ad is intimidating.

Professor Jones gave other examples of possible code breaches. Sanity music stores gave out free Smirnoff premix vouchers to anyone who bought a CD, regardless of their age. Beer and bourbon brands sponsor sport and use rugby players as actors in their ads. The premix Pash is not clearly labeled as alcohol and many parents think it is bubble bath. A sports bar offered free beer until the first try in major rugby games, and young male patrons drank as much as possible during that time.

Drink cards which offer prizes to people who buy six drinks are banned if they are time-limited but not otherwise, she said. However, one focus group study found that young men offered a t-shirt after eight James Squire beers would down them all in one sitting because they knew the supply of t-shirts was limited and because it became a competition with their friends. None of the focus group members took their prize cards home unfinished.

[Top](#)

The ineffectiveness of the self-regulatory system

[A recent CHBCR study](#) of ten months of television and magazine alcohol advertising found that complaints were made to the ASB about 14 advertisements which allegedly breached the codes. The ASB defined seven as one-off promotions, adjudicated on seven and dismissed them all. Advertisers voluntarily withdrew two of the ads. Three of the seven ads were also considered by the ABAC complaints panel, which upheld one against St Agnes brandy. St Agnes continued their campaign.

The study asked six expert and independent judges to review the same 14 ads. The majority believed that ten ads breached the codes; the panel was divided about the other four. The study was carried out with the Australian Drug Foundation and funded by VicHealth.

New types of advertising and promotion

Professor Jones said that the rising costs of traditional media have shifted the focus from television, radio and print advertising to –

- Sponsorship.
- Product placements.
- Interactive media, such as Internet, texting, email, viral marketing and digital television.
- Outdoor advertising on billboards and in bus shelters.
- In-store and cross-promotions, such as free drink vouchers for CD purchases over \$20.

[Top](#)

State regulatory laws

Professor Jones said that state legislation can have an impact. For example, the New South Wales Liquor Act 1982 enabled the government to prohibit the sale of a product if the packaging is likely to be attractive to minors; if the product is likely to be confused with soft drinks or confectionery; or if it is likely to have a special appeal to minors.

Under this state law, Moo Joose, flavoured alcoholic milk marketed in cowhide-patterned bottles, was banned in 2003. The alcoholic vapour AWOL, a mist of spirits and oxygen

inhaled through a mask, was banned in 2004.

What changes are needed?

Professor Jones argued that concerned groups need to lobby for –

- Decisions by complaints bodies to be enforceable on the industry.
- A stricter pre-vetting system before ads are published or broadcast.
- Complaints bodies to take into account the number of complaints about an ad.
- A faster adjudication time.
- Inclusion of one-off promotions.
- Inclusion of non-traditional media.

Professor Jones believes regulation of alcohol advertising would be better run by the government rather than alcohol and advertising industry self-regulation. She is lobbying for ongoing monitoring of community standards. “People are concerned about alcohol ads but don’t express it. It is so pervasive that they see themselves as the ones out of step.”

Professor Jones said that pre-vetting should be done by a representative sample of the community.

[Top](#)

Advice about regulation in New Zealand

Professor Jones said there was a lot of pressure during the last review of the New Zealand advertising code for it to be aligned with the Australian codes, so that Australian ads could be used here.

“The last thing you would want is to align with our system. Anything which would weaken your system is really bad – it needs tightening rather than weakening.” She argued for a complete revamp of both systems to take into account community opinion.

The Centre for Health Behaviour and Communication Research is also investigating [the Influence of alcohol advertising during sports programming on school children’s awareness and perception of alcohol brands](#).

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