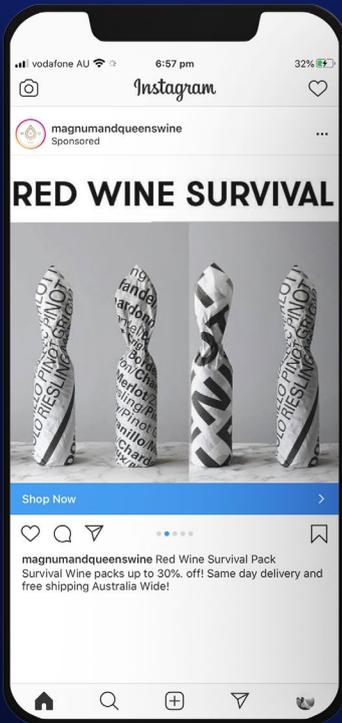


Giving the ok to 'Stay In. Drink Up.'

What happens when the alcohol industry is in charge of alcohol marketing regulation during the COVID-19 pandemic.



GIVING THE OK TO 'STAY IN. DRINK UP':
WHAT HAPPENS WHEN THE ALCOHOL INDUSTRY IS IN CHARGE OF
ALCOHOL MARKETING REGULATION DURING THE COVID-19 PANDEMIC.

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Contact

Alcohol Programs Team
Cancer Council Western Australia
Level 1, 420 Bagot Road, Subiaco WA 6008

E: alcoholprograms@cancerwa.asn.au

W: cancerwa.asn.au

Executive summary.

Now more than ever, everyone in our communities should be supported to keep healthy and well. In times of uncertainty and stress, it is important to be surrounded by positive messages about health and wellbeing.

But alcohol companies are using the COVID-19 pandemic as an opportunity to sell more alcohol, and have been using marketing tactics that take advantage of people's vulnerabilities during COVID-19 restrictions. Some Australians have increased their drinking during the pandemic, and more alcohol means more harm for individuals, families, and our broader community.

There are very few controls on alcohol marketing in Australia. The Alcohol Beverages Advertising Code (ABAC) Scheme, which administers a voluntary alcohol marketing code (ABAC Code), is managed and funded by the very same companies that spend millions of dollars every year promoting their alcohol products.

The industry tactics observed during the COVID-19 pandemic presented a new opportunity to examine how the ABAC Scheme responds to complaints about concerning alcohol marketing. After reviewing determination reports and other publicly available documents on the ABAC Scheme website that referred to COVID-related alcohol marketing, we identified five problems with relying on the ABAC Scheme during the pandemic:

1. The objective of the ABAC Scheme is inadequate and unsuitable, resulting in a system that fails to protect the community, and particularly those who are vulnerable, from harmful alcohol advertising.
2. Key terms in the ABAC Code are not clearly defined, leading to the dismissal of complaints about promotions that encouraged drinking in the home during lockdown.
3. The ABAC Code provisions are too narrow to capture all the themes alcohol marketers are using during the COVID-19 pandemic, such as encouraging stocking up on alcohol or implying that alcohol will help you 'survive' the pandemic.
4. There is no monitoring system, so it's not possible to know how often alcohol companies are ignoring the rules. Harmful promotions stay in market unless a community member goes out of their way to make a complaint that is then upheld.
5. There are no meaningful penalties for advertisers who breach the ABAC Code, providing very little incentive for alcohol companies to avoid using harmful messages during the pandemic.

We identified several examples where the voluntary ABAC Scheme failed to prevent or act on harmful alcohol marketing during the COVID-19 pandemic. The ABAC Panel decisions we reviewed appeared to give no consideration to the impact the pandemic was having on the Australian community. Rather, the ABAC Panel determined "It is acceptable to reference the pandemic in marketing like its [sic] acceptable to reference other significant background events like Christmas time".¹

It is unethical for alcohol companies to target Australians at their most vulnerable. Alcohol companies cannot be trusted to protect our communities voluntarily. Governments need to put people before profits and introduce higher standards for how the alcohol industry markets and sells its products. It is time for the ABAC Scheme to be replaced with independent, legislated controls that protect the Australian community from harmful alcohol marketing, both during the pandemic and in the future.

Introduction.

Alcohol marketing and use during the COVID-19 pandemic

The COVID-19 pandemic changed our lives in a multitude of ways, and the alcohol industry was quick to respond. With hospitality venues shut globally and people's movement limited, companies adapted their marketing seemingly overnight.² Alcohol brands in the US hosted virtual college graduation ceremonies and offered free beer to couples who had to cancel their weddings.³ After observing the increase in home baking during lockdown, a spirits company in the UK released dessert recipes featuring their products.⁴ Closer to home, Dan Murphy's hosted Thursday Night Trivia live on Facebook, encouraging Australians to "grab a drink and get ready".⁵ Engagement with alcohol brands on social media was over 300% higher in March 2020 compared to the year prior.⁶

Along with innovative marketing techniques, changes in the messages being promoted by the alcohol industry during the COVID-19 pandemic have also been observed. In Australia, a review of alcohol marketing on social media in April 2020 by Cancer Council Western Australia and the Foundation for Alcohol Research and Education found alcohol companies promoted easy access to alcohol without leaving the house and drinking alcohol to cope, survive, or feel better during the COVID-19 pandemic.⁷ The organisations expressed concern about these types of messages and their potential to encourage risky drinking at a time when Australians were already feeling vulnerable. People were not only more vulnerable to alcohol marketing messages due to stress and anxiety, as well as spending more time at home and online; they were also more at risk from alcohol use.⁸ Alcohol use makes people more vulnerable to COVID-19 by weakening their immune systems.⁹ It also exacerbates mental health problems such as anxiety and depression,¹⁰ and increases the frequency and severity of violence in the home.¹¹

Preliminary research has found that while some Australians reduced their drinking during the early months of the COVID-19 pandemic, others drank more alcohol. An Australian Bureau of Statistics survey conducted in April and May 2020 found around 14% of Australians reported increasing their drinking, compared to around 10% decreasing their drinking. A higher proportion of females were drinking more, with 18% reporting increasing their alcohol use compared to 11% of males.¹² Another survey found Australians who were experiencing more stress reported increasing their alcohol use in April and May 2020 compared to 2019.¹³ During the May 2020 national lockdown, a third of people in NSW increased their drinking.¹⁴

How is alcohol marketing regulated in Australia?

In Australia, regulation of alcohol marketing is largely limited to a voluntary system managed by the alcohol and advertising industries. The ABAC Scheme is the industry-funded and -managed system that sets rules and guidelines for the content and placement of alcohol marketing, outlined in the ABAC Code. The ABAC Scheme is administered by a Management Committee, which includes a representative from each of the Brewers Association of Australia, Spirits & Cocktails Australia, Australian Grape & Wine, and Advertising Council Australia, along with a government representative.¹⁵ According to the ABAC Scheme, complaints submitted by the public are reviewed by the ABAC Adjudication Panel, which consists of a chief adjudicator with legal qualifications and experience, two health sector panellists with a professional background related to public health, and two general members.¹⁶ A minimum of three Panel members review each complaint, of which one must be a health sector panellist.

How effective are industry codes at protecting vulnerable populations from alcohol marketing?

A substantial body of research has examined the effectiveness of the current system of alcohol advertising regulation in Australia. Over the past 20 years, numerous academic studies^{17,18} and government reviews and inquiries^{19,20} have concluded that the ABAC Scheme does not effectively protect children and young people from exposure to alcohol marketing.^{21,22}

Two recent Australian studies by Reeve (2018) and Pierce et al. (2019) used a framework to evaluate the ABAC Scheme's ability to protect children and young people from exposure to alcohol marketing (framework outlined in Table 1). In Reeve's review, a number of significant loopholes were found in the substantive rules of the ABAC Scheme, as well as weaknesses in the regulatory processes. The system was found to lack transparency and accountability due to the absence of independent administration, systematic monitoring, and meaningful sanctions for responding to non-compliance. These findings were supported in the review by Pierce et al., which found that placement rules in the ABAC Code, which purport to exclude or restrict people younger than 18 from audiences for alcohol marketing, were unlikely to reduce young people's exposure to alcohol marketing.

The marketing techniques and promotional messages observed during the COVID-19 pandemic present a new opportunity to examine how the ABAC Scheme responds to complaints about concerning alcohol marketing. Given the unprecedented nature of the pandemic, it is important to consider whether the current codes are expansive or comprehensive enough to prevent harmful promotion of alcohol during this time. In this report we have reviewed decisions from the ABAC Scheme about COVID-related alcohol marketing against the framework for evaluating the effectiveness of industry-based regulation. Our aim was to evaluate the ability of the ABAC Scheme to effectively regulate alcohol marketing during the COVID-19 pandemic.

Methods.

In April 2020, Cancer Council Western Australia and the Foundation for Alcohol Research and Education analysed 107 sponsored alcohol ads that were displayed on a personal Facebook and Instagram account in just one hour on a Friday night. Six key marketing messages were identified in the sample of alcohol ads: get easy access to alcohol without leaving your home, save money, buy more, drink alcohol during the pandemic, use alcohol to 'survive', and choose 'healthier' alcohol products.⁷ These messages being promoted during a global pandemic raised concern, and between March and May 2020 the two organisations submitted 13 complaints to the ABAC Scheme about alcohol ads that referenced the COVID-19 pandemic.

After receiving the determinations, we identified an opportunity to review the operation of the ABAC Scheme during the COVID-19 pandemic against a framework for evaluating the effectiveness of industry-based regulation that has been used in previous studies. The framework, developed by Reeve, outlines criteria for the design and implementation of effective and accountable self-regulation, covering both the substantive rules and regulatory processes of a voluntary system (Table 1). The framework was designed to be applied to the regulation of activities by industries with potentially negative public health impacts.

Table 1. Criteria for effective self-regulation (Reeve 2016)

Regulatory dimension	Component	Recommendation
Substantive content	Objectives	Clear, measurable objectives against which the success of voluntary schemes can be assessed.
	Terms	Clear definitions of key terms.
	Rules	Clear regulatory rules that are sufficiently expansive to achieve regulatory objectives.
Regulatory processes	Developing code objectives	Representation from multiple interests included in the code development, thus enhancing its transparency.
	Administration	Fair and transparent administration by an independent body, with members' roles and responsibilities outlined in the main code document.
	Monitoring	A comprehensive, transparent and independent monitoring system that includes a set of measurable, time-bound process and outcome indicators.
	Review	Regular, independent reviews of the scheme's operation, using baseline data and performance indicators.
Enforcement	Complaints-handling	A fast, easily accessible complaints handling mechanism; complaints determined by an independent body that possesses significant sanctions.
	Enforcement	A wide range of enforcement options, including both incentives and deterrents, promotional and educational activities that raise the profile of self-regulation.

We searched determinations published on the ABAC Scheme website to 31 December 2020 for references to 'COVID' and 'pandemic'. Our search returned 25 determination reports published between 6 April 2020 and 2 December 2020. Determinations were included for review if the ad that was the subject of the complaint referenced the COVID-19 pandemic in some way (for example, mentioned COVID-19, isolation, or staying at home). After reading each report, seven determinations were excluded as the corresponding ads were not related to COVID-19. Of the 18 determination reports included in our review, 11 complaints were upheld at least in part and 7 complaints were dismissed. Table 2 in Appendix A provides a summary of the 18 determination reports (identified as Determinations A – R) that reviewed COVID-related alcohol marketing.

We also searched the ABAC Scheme's quarterly reports and media releases published in 2020 for references to 'COVID' and 'pandemic'. The 2020 first and second quarter reports and associated media releases were included for review.

The determination reports, quarterly reports, and media releases were downloaded from the ABAC Scheme website and reviewed against the framework. For each of the nine regulatory components of the framework, we considered:

1. What is the recommendation for effective self-regulation according to the framework?
2. What did the reviews of the ABAC Scheme by Reeve and Pierce et al. conclude about the regulatory component?
3. What do we learn about the ABAC Scheme from its approach to complaints about alcohol marketing during the COVID-19 pandemic?

Results.

Objectives

Recommendation for effective self-regulation:

Clear, measurable objectives against which the success of voluntary schemes can be assessed.

What does previous research say?

The objective of the ABAC Scheme is:

“The ABAC Responsible Alcohol Marketing Code is designed to ensure that alcohol is marketed in a responsible manner. Signatories to the Code are committed to ensuring that their marketing complies with the Code’s spirit and intent.”²³

This objective has been found to be vague, open to interpretation, and not linked to specific targets for signatories to achieve.¹⁸ With no specific targets to measure success of the Scheme against, it is difficult to measure any changes in alcohol advertising practices that might occur due to compliance with ABAC rules.

When it comes to the placement of alcohol advertising, the ABAC Scheme seeks to avoid the direction of alcohol marketing towards minors and “[does] not purport to regulate the placement of alcohol advertisements more generally”.²⁴ Again, there is no information provided on how the objective is measured for effectiveness. Pierce et al. found this objective to be narrow, unclear, and unambitious, and noted it failed to address public health recommendations.¹⁷

What do we learn about the ABAC Scheme from its approach to complaints about alcohol marketing during the COVID-19 pandemic?

The COVID-19 pandemic has created new vulnerabilities for many individuals and families in our communities. People have experienced high levels of stress and mental health impacts for a variety of reasons including financial uncertainty, juggling of increased childcare and home learning for parents, social isolation and family separation, and anxiety about COVID-19.²⁵

Complaints to the ABAC Scheme about alcohol advertising during the pandemic demonstrate how the alcohol industry has taken advantage of new marketing opportunities presented by these vulnerabilities, by promoting drinking at home and as a coping mechanism during COVID-19 restrictions. The ABAC Panel’s approach to many of these complaints raises the need to reconsider the objective of the ABAC Scheme and whether it is adequate for ensuring the Scheme serves the public interest.

In the ABAC 2020 Second Quarter Report, the ABAC Scheme acknowledged that references to the COVID-19 pandemic and associated government restrictions to control the spread of the virus had been prominent in alcohol marketing.¹ The Report noted that “It is acceptable to reference the pandemic in marketing like its [sic] acceptable to reference other significant background events like Christmas time” and that marketers “need to be mindful” of ABAC standards.¹

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When determining if alcohol had been marketed in a responsible manner in its determinations, the ABAC Panel did not appear to consider the impact the COVID-19 pandemic was having on the Australian community and the particular vulnerabilities of people during this period. There was a general acknowledgement that the pandemic was causing additional stresses on the community. In Determinations B and I, the Panel said:

*"In March 2020 Australia adopted a series of measures and restrictions to deal with the COVID-19 pandemic. It would be fair to say that these restrictions on everyday life and the consequent impacts on the economic life of the nation are the most widespread since the Second World War."*²⁶

*"The backdrop of both the post and the complaint is the current pandemic and the government restrictions to contain the virus, principally social isolation and the constraints on the circumstances a person should leave their home. It is not surprising that references will be made to the pandemic in marketing given its profound impact on everyday life."*²⁷

However, the ABAC Panel's consideration of the appropriateness of alcohol marketing during the COVID-19 pandemic extended only to comparison to background events such as Christmas without any mention of the likely effects of the marketing on people in light of the changed circumstances of the pandemic. In three separate determinations (Determinations D, I and K), the ABAC Panel said:

*"It is to be expected that marketing communications might, during an event as significant as the pandemic, make a reference to impactful circumstances such as social isolation, lockdowns, and other restrictions on ordinary life. Marketing, including the promotion of alcohol beverages, often reference background events eg Christmas, the season, football finals etc. The ABAC standards don't restrain such references and it is no breach of the ABAC for marketers to be referencing the current pandemic per se."*²⁸

*"A reasonable person would take the reference to be to the background circumstances and would be viewed similarly to marketing references to say Christmas or winter or another background circumstance, for example a Christmas pack would not necessarily mean all the alcohol in the pack is to be consumed at Christmas;"*²⁹

*"... 'isolation deals' references the pandemic in a similar way that 'Christmas specials' references Christmas. Such references of themselves cannot be reasonably said to imply irresponsible use of alcohol."*²⁷

There was some consideration by the Panel regarding the impact of the pandemic on the alcohol industry. In Determination C, the Panel said:

*"The Company like many thousands of businesses have been severely impacted by the pandemic and it is a stressful time for the entire community including the owners and staff of the Company. It is still important however that marketing does not suggest that alcohol consumption is required to relax and deal with the stress of the pandemic."*³⁰

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In Determination L, the ABAC Panel determined that an Instagram ad with the caption “Stay In. Drink Up.” was acceptable as it denoted alcohol consumption but did not suggest ‘excessive’ consumption, or consumption inconsistent with the Australian Alcohol Guidelines. In Determination O, an ad for liquor retailer BWS with the caption “All day every day” visible while a celebrity was talking about wine was found to refer to the characteristics and adaptability of the wine, not about drinking at all hours of the day. Again, there was no evidence in the determination report of consideration of the broader context and the impact this type of alcohol marketing might have on the Australian community during COVID-19 restrictions.

In several determinations the ABAC Panel failed to consider the particular vulnerabilities of people in the community during COVID-19 restrictions and the likely effects of the advertising on people in light of these vulnerabilities. This highlights issues with the current objective of the ABAC Scheme of ensuring that “alcohol is marketed in a responsible manner”. In addition to the lack of clarity identified in previous research, the objective is focused on ensuring the conduct of the advertiser is responsible, rather than ensuring that alcohol marketing does not have a negative effect on people who are targeted by or exposed to the marketing. This appears to lead the Panel to consider whether the conduct of the advertiser in a particular advertisement was reasonable from an industry perspective, or how a single advertising message might be interpreted by a ‘reasonable’ person, without reference to the broader social context or evidence of the effects of alcohol advertising. The objective does not require the Panel to consider the impact that alcohol marketing has or is likely to have on people in the community in the real world, including people who are vulnerable. This is demonstrated, for example, by the Panel deciding in Determination I that marketing references to “isolation deals” do not themselves imply irresponsible use of alcohol, rather than considering the effects of promoting isolation deals on people in the community subject to stay-at-home restrictions. Similarly, the Panel’s decisions that messages such as “Stay In. Drink Up.” and “All day every day” do not encourage excessive drinking reflect a failure to consider the impacts of these messages on people experiencing stress and mental health strains during COVID-19 restrictions, as well as people with alcohol dependence or other vulnerabilities.

The Panel’s interpretation of these ads shows that the current objective of the ABAC Code is not suitable for guiding the ABAC Scheme to operate in a way that protects the public interest. It highlights the need for the objectives of an effective scheme for regulating alcohol advertising to be focused on protecting the community, particularly people who are vulnerable, from harmful effects of alcohol advertising.

As the objective is not measurable and there are no targets for marketers to meet, it’s not possible to measure any changes in advertising following the determinations that were upheld by the ABAC Panel. It is unknown if these determinations will have an influence on the marketing practices of alcohol companies in Australia as we progress through the COVID-19 pandemic.

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Example determinations from the ABAC Panel



Determination L - Traveling Vineyard Australia Instagram ad

ABAC Panel decision: Dismissed. There is no ABAC standard which states marketing cannot reference drinking at home, and the phrase 'Drink Up' within the context of the post does not suggest excessive alcohol use.



Determination O - BWS video featuring celebrity Celeste Barber

ABAC Panel decision: Dismissed. The theme of the video is about pairing wine with cheese. The visual and verbal references to the wine being suitable for use 'all day every day' within the context of the video as a whole would be understood as referring to the character of the wine and not as an encouragement to drink excessively.

Terms

Recommendation for effective self-regulation:

Clear definitions of key terms.

What does previous research say?

The definitions of key terms were not adequately expansive to achieve a meaningful reduction in the exposure of children and young people to alcohol advertising.^{17,18} The ABAC Code defines some key terms in Section 6, including marketing communication, which covers brand advertising, competitions, digital communications, product names and packaging, brand extensions, advertorials, point of sale materials, retail advertising, and marketing collateral (defined as including gifts with purchase, competition prizes and branded merchandise).³¹ However, other marketing channels are excluded from this definition. For example, sponsorship is explicitly excluded, allowing young people to be exposed to alcohol marketing through sports and other event sponsorship.^{17,18,32}

What do we learn about the ABAC Scheme from its approach to complaints about alcohol marketing during the COVID-19 pandemic?

Along with the exclusions identified in previous research, there are other key terms that are not clearly defined. Section (3)(a) of the ABAC Code refers to the “responsible and moderate portrayal of alcohol beverages”, and states that alcohol marketing must not show or encourage the “excessive or rapid consumption of an alcohol beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines.” However, there is no clear definition of ‘responsible’, ‘moderate’ or ‘excessive or rapid consumption’ within the ABAC Code. This leads to narrow interpretation by the ABAC Panel when reviewing ads that encouraged drinking in the home during lockdown. For example, in Determination K, an ad for a “14-day Isolation Pack” by Hugh Hamilton Wines featuring nine bottles of wine was deemed acceptable by the ABAC Panel. They concluded that the name given to the pack was a reference to the pandemic constraints on everyday Australian life as at the time of the post and was not most likely to be understood as saying all of the wine supplied in the pack should be consumed in a 14 day period by one person.

Similarly, a Boozebud ad promoting two one-litre bottles of spirits with the caption “Stuck at home? Stock up on your favourite spirits with these isolation deals at Boozebud” was also dismissed (Determination I), as the ad promoted a price and did not suggest any pattern of consumption. The Panel determined that the reference to “stuck at home” was a colloquial way to acknowledge social isolation and no negative contentions could be reasonably drawn that alcohol would be used irresponsibly by the mention of pandemic restrictions. A clear, adequately expansive definition of ‘excessive or rapid consumption’ would allow a regulatory system to capture alcohol ads that allude to or encourage alcohol use inconsistent with the Australian Alcohol Guidelines.

Rules

Recommendation for effective self-regulation:

Clear regulatory rules that are sufficiently expansive to achieve regulatory objectives.

What does previous research say?

Previous research has focused on the number of loopholes in the rules and narrow interpretation of provisions related to young people.^{17,18} The ABAC Code prohibits alcohol marketing that has “strong or evident appeal to minors”.²³ When it comes to the content of alcohol marketing, the ABAC Panel has interpreted this to prohibit alcohol promotions that appeal to both minors and other age groups.¹⁸ However, when it comes to placement, ads must not be placed with programs or content primarily aimed at minors.¹⁷ If an alcohol ad was placed with a program that appealed to both minors and adults, the placement would not be in breach of the ABAC Code. Pierce et al. found this narrow interpretation is inadequate for reducing young people’s overall exposure to alcohol marketing.¹⁷

What do we learn about the ABAC Scheme from its approach to complaints about alcohol marketing during the COVID-19 pandemic?

Narrow interpretation of provisions by the ABAC Panel extends beyond those related to minors. The ABAC Code states that marketing communications must not “suggest that the consumption or presence of an Alcohol Beverage may create or contribute to a significant change in mood or environment”, or “suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.”²³ When considering the application of these provisions, it is evident they are too narrow to capture all the potentially harmful themes alcohol marketers have used during the COVID-19 pandemic.

In order to be upheld by the ABAC Panel, it appears that ads must explicitly refer to alcohol helping you relax or causing a change in mood. For example, an email communication from Latitude 34 Wine Company included an image of a worried woman with the caption “Your parent-teacher skills at their limit? Wine can help!”. The ABAC Panel upheld the complaint, determining that a reasonable person would understand the communication as suggesting that wine can assist in dealing with the demanding and stressful situation faced by the woman (Determination C). Similarly, an Elbourne Wines Instagram ad with the caption “Need EXTRA WINE to help get through lockdown?” was found to imply that additional alcohol would assist people to get through the restrictions associated with the pandemic (Determination G). An Impression Gin Instagram post with the caption “For most, coping with the current isolation situation includes pulling out the cocktail shaker and honing our quarantini skills” was found to suggest that alcohol will assist with a person coping with the stress of the pandemic restrictions (Determination N).

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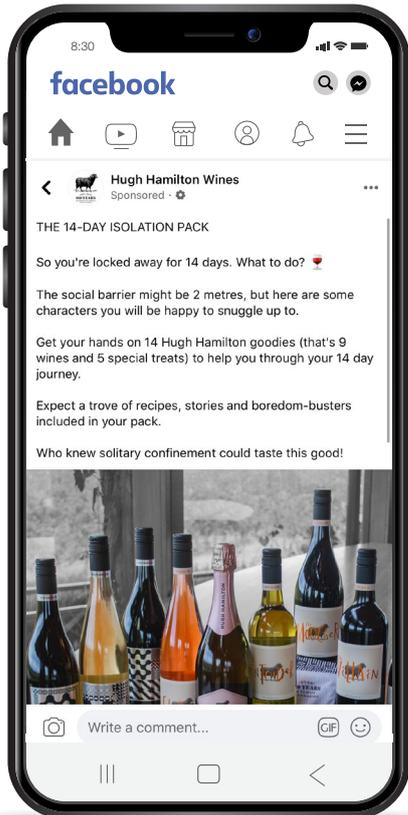
Yet other complaints about ads that alluded to alcohol helping you cope with the pandemic were dismissed. For example, in Determinations D and M, the ABAC Panel dismissed two complaints for alcohol ads that used the terms “survival kits” and “survival packs”, as the Panel interpreted the ads as referring to the “background circumstances of the pandemic” or the hospitality industry surviving the pandemic. While the ads could be interpreted as promoting the message you should drink alcohol to survive the pandemic, the ABAC provisions and the Panel’s interpretation are not sufficiently expansive to capture these messages.

References to “Stay in. Drink up” and “stock up” on alcohol while “stuck at home” suggest drinking more alcohol is what people should be doing in isolation. This would be a concerning message in normal times given the extensive health and social impacts of alcohol use, but it’s even more harmful during the pandemic as the broader community faces additional anxiety and stress. However, the ABAC Panel dismissed complaints about alcohol ads using these phrases as there was no explicit suggestion of excessive consumption (Determinations I and L). There are no other provisions that capture this type of promotional message within the ABAC Code, permitting alcohol companies to encourage increases in alcohol use during the COVID-19 pandemic.

Another observation from the COVID-related determinations is that there is no capacity within the ABAC Code for the Panel to consider the volume of alcohol marketing; the ABAC Panel considers each complaint in isolation. In May 2020, Cancer Council Western Australia and the Foundation for Alcohol Research and Education submitted 11 complaints about COVID-related marketing. All 11 ads were seen on social media in a one hour period. The ABAC Scheme sent a notification letter with all complaints in one table, giving the impression that the complaints may be reviewed together. However, each ad was reviewed individually and there was no mention of multiple complaints in any of the resulting determination reports. This approach ignores the issue of the volume of marketing people are exposed to, and the impact the ads would have when a person is continuously exposed to pro-alcohol messaging in a short period of time.

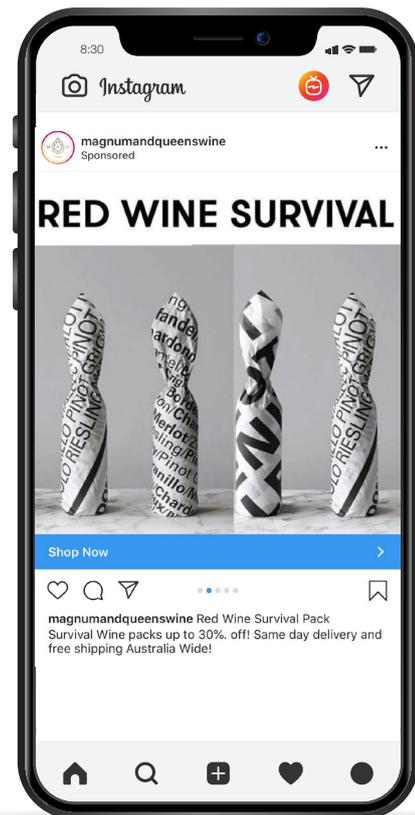
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Example determinations from the ABAC Panel



Determination K - Hugh Hamilton Wines Facebook ad

ABAC Panel decision: Dismissed. The '14-Day Isolation Pack' name given to the package is a reference to the pandemic constraints on everyday Australian life as at the time of the post. The post would not be most likely understood as saying all of the wine supplied in the pack should be consumed in a 14 day period by one person.



Determination M - Magnum and Queens Instagram ad

ABAC Panel decision: Dismissed. The reference to 'survival' would be understood as a colloquial way to draw upon the background circumstances of the pandemic and the associated government measures to contain the spread of the virus. Taken as a whole, the ad does not suggest any positive health benefits, nor does it suggest the product is contributing to a significant change in mood.

Regulatory processes and enforcement

Recommendations for effective self-regulation:

- **Developing code objectives:** Representation from multiple interests included in the code development, thus enhancing its transparency.
- **Administration:** Fair and transparent administration by an independent body, with members' roles and responsibilities outlined in the main code document.
- **Monitoring:** A comprehensive, transparent and independent monitoring system that includes a set of measurable, time-bound process and outcome indicators.
- **Review process:** Regular, independent reviews of the scheme's operation, using baseline data and performance indicators.
- **Complaints-handling:** A fast, easily accessible complaints handling mechanism; complaints determined by an independent body that possesses significant sanctions.
- **Enforcement:** A wide range of enforcement options, including both incentives and deterrents, promotional and educational activities that raise the profile of self-regulation.

What does previous research say?

Regulatory processes of the ABAC Scheme lack transparency and accountability. A range of groups were involved in the development of the ABAC Scheme when it was first introduced in 1997, but there has been no engagement with external stakeholders during subsequent amendments to the Code.¹⁸ For example, the placement provisions added to the Code in 2017 were internally produced, with no public consultation.¹⁷ While the Australian Government representative on the ABAC Scheme Management Committee provides some degree of external oversight, there is no publicly available information outlining the extent of the Government's involvement in decision-making.¹⁸ Both Reeve and Pierce et al. highlighted that the Management Committee is dominated by industry interests. The independent chair and the government representative can be outvoted if there is a difference of opinions.^{17,18}

When it comes to monitoring, the quarterly and annual reporting provides some indication of the ABAC Scheme's activity, but there is no proactive monitoring of the alcohol industry's compliance with the Scheme or the community's level of exposure to alcohol marketing. The ABAC Scheme relies only on community complaints to identify potentially harmful marketing, allowing other potentially non-compliant promotions to remain in market.

With no systematic monitoring, the level of industry compliance with the ABAC Scheme is unknown. The ABAC Scheme does offer a pre-vetting service, where alcohol companies submit proposed ads for assessment against the ABAC Code.³³ Concerns about a lack of monitoring could be addressed through this service, as it is intended to capture alcohol ads that are inconsistent with the ABAC Code. However, the pre-vetting service is not mandatory for all media, including digital ads, and there are examples of alcohol ads approved in pre-vetting being later found to breach the ABAC Code.³⁴

Reeve noted that there have been a number of government reviews of the ABAC Scheme, but the alcohol industry's response to the recommendations has not been systematic, comprehensive, or transparent.¹⁸ Amendments the industry has made to the ABAC Code have not been informed by public consultation.

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While some aspects of the ABAC Scheme support a degree of transparency and accountability, such as the publication of annual reports and determination reports, the ABAC Scheme does not have any baseline data which it uses to judge effectiveness, performance indicators to measure success, or timeframes for evaluation.

When it comes to enforcement, the ABAC Scheme does provide the Australian community with a complaints handling mechanism that publicly publishes complaint determinations, which provides a degree of transparency to the Scheme. The five members of the ABAC Panel are somewhat removed from the alcohol industry, but Reeve suggested there is not full independence given the panel members are paid by the alcohol industry for their contribution to the ABAC Scheme. Additional weaknesses identified by Pierce et al. include that alcohol ads that are the subject of complaints can continue to run until a determination is reached, the ABAC Panel has limited access to audience composition data to inform decisions, and the Panel will only examine the issues raised by the complainant and will not consider other possible breaches of the ABAC Code.

There is a lack of meaningful enforcement options within the ABAC Scheme. The publication of determination reports allows for ‘naming and shaming’ of companies who are found in breach of the Code, and the industry argues that modifying or withdrawing a campaign has financial and reputational impacts.²¹ The ABAC Scheme also notes the high level of compliance with decisions is reflective of the Scheme’s effectiveness.³⁵ However, the Panel cannot enforce its determinations and there are no sanctions available for companies whose marketing is found in breach of the ABAC Code, or those that refuse to follow its rulings. This provides limited incentive for alcohol marketers to abide by the rules.

What do we learn about the ABAC Scheme from its approach to complaints about alcohol marketing during the COVID-19 pandemic?

The ABAC Scheme’s responses to COVID-related marketing have reflected the inherent conflict of interest that exists in the Scheme. Many of the Panel’s determinations fail to take into account the community’s vulnerability during COVID-19 lockdowns, and ignored the impact alcohol advertising would have in the context of national restrictions, substantial job losses, and health concerns. The Panel dismissed ads that referenced being “stuck at home” (Determination I), encouraged people to “stock up” on alcohol (Determination I), and use wine to get through 14 days of isolation (Determination K). These are irresponsible messages to be promoting to a community dealing with significant stress and uncertainty, but the ABAC Code isn’t expansive enough to allow the Panel the opportunity to consider the impact the promotions could have on a vulnerable audience. The system has been designed to take a very narrow view of the effects of alcohol marketing, likely a result of the minimal representation from multiple interests during code development and the lack of independence in the Scheme’s operation.

The lack of consideration of the public health impacts of a global pandemic is even more concerning given there are two health sector members on the ABAC Panel that have a “professional background related to public health”.³⁶ The COVID-19 pandemic is a public health crisis, and there is a reasonable expectation that public health representatives would encourage consideration of the alcohol advertising in the context of the wide-reaching effects a pandemic could have on the community’s health and wellbeing. There was no evidence of this in the determination reports, raising questions about the role of the public health representatives in decision making by the Panel and the extent to which this leads to substantive and effective consideration of the public health impacts of alcohol marketing.

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The ABAC 2020 Second Quarter Report noted that there was a drop in the number of companies using the pre-vetting service during the pandemic, possibly as “companies are looking for ways to cut costs during these challenging times”.¹ This is a concern given it is the only system currently in place that could potentially prevent harmful alcohol ads from entering the market. All but one of the 18 determination reports that reviewed COVID-related marketing reported that the alcohol company in question did not access the pre-vetting system, indicating that the voluntary nature of the pre-vetting system, particularly in relation to digital marketing, is problematic. Ads may have already had harmful impacts by the time complaints are received and a determination is made, and this is particularly concerning during the COVID-19 pandemic.

The 2020 Second Quarter Report from the ABAC Scheme noted increased advertising activity, with the COVID-19 pandemic and associated government restrictions prominent both in marketing references and complaints. This should be motivation for the Scheme to proactively address COVID-related marketing. However, the Report noted “It is acceptable to reference the pandemic in marketing like its acceptable to reference other significant background events like Christmas time” and that marketers “need to be mindful” of ABAC standards. Given the heightened concerns around alcohol use and alcohol marketing during the COVID-19 pandemic, a review of the ABAC Scheme and provisions to ensure they were fit for purpose in the changed circumstances of COVID-19 could have been an option. There was no indication in any ABAC documents that a review is being considered.

With limited transparency, it's unknown what other action the ABAC Scheme is taking to address concerns around COVID-19 related marketing. With no baseline data or performance indicators to judge effectiveness, it's also unknown if the publications from the ABAC Scheme, including the determination reports and quarterly reports, are having an impact on the marketing practices of alcohol companies in Australia.

Unless an advertiser takes action on receipt of the complaint, ads continue to run until the ABAC Panel makes a determination. Several companies removed COVID-related ads when notified by ABAC that a complaint had been received about their promotion, for example Traveling Vineyard Australia (Determination L), Elbourne Wines (Determination G), and Village Bicycle Noosa (Determination Q). However, if no immediate action is taken by the advertiser, harmful alcohol marketing relating to COVID-19 could continue to be promoted.

With no meaningful sanctions, there is very little deterrent to alcohol companies using harmful messages even where they are covered by the ABAC Code, including during the COVID-19 pandemic. Over half of the complaints about COVID-related marketing were upheld by the Panel, suggesting that the lack of sanctions may have emboldened some advertisers to breach the rules.

Conclusion.

A global pandemic and the corresponding marketing response from the alcohol industry could not have been anticipated by anyone, including the ABAC Scheme. However, an effective regulatory system should be expansive enough to capture any harmful alcohol marketing, regardless of the context. There is no excuse for alcohol marketing that encourages the community to drink more alcohol during a pandemic, or to use alcohol to cope with stress and anxiety.

Previous research has focussed on the ABAC Scheme's ability to prevent the exposure of children and young people to alcohol marketing. This is because we know the more children are exposed to alcohol advertising, the more likely they are to start drinking earlier and heavier.^{37,38} An effective regulatory system is crucial for protecting children from exposure to alcohol marketing.

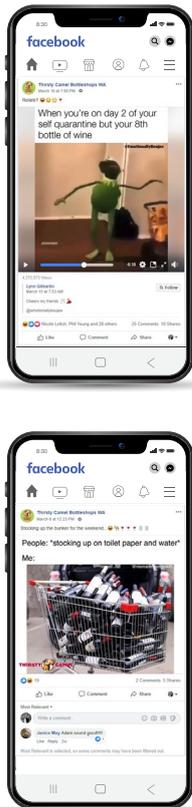
But the COVID-19 pandemic has left many Australians more vulnerable to influential marketing messages from the alcohol industry. This review suggests the ABAC Scheme has been inadequate at preventing harmful alcohol marketing during the pandemic. The weaknesses of the ABAC Scheme that were apparent before the pandemic were particularly clear when reviewing their approach to COVID-related alcohol marketing. An inadequate objective, poorly defined key terms, and narrow code provisions, as well as narrow determinations of an industry-appointed panel have resulted in a system that allows the alcohol industry to promote potentially harmful messages. Where alcohol advertising is covered by the ABAC Code, the lack of significant penalties means there is little deterrent for alcohol advertisers to breach the rules.

These deficiencies of the ABAC Scheme have allowed the alcohol industry to bombard the community with harmful alcohol marketing at a time when they are most vulnerable.

This review provides further evidence for why we cannot trust alcohol companies to voluntarily protect our communities. Governments can and should set higher standards for how the alcohol industry markets its products. The voluntary industry codes must be replaced with independent, legislated controls that protect the Australian community from harmful alcohol marketing, both during the pandemic and in the future.

Appendix A.

Table 2. ABAC determinations related to COVID-19 pandemic marketing

Determination	ABAC ref.	Date of decision	Company	Outcome
A.	<u>30/20</u>	6 April 2020		<p>Upheld in part. Upheld in relation to section (3)(a)(i) - showed or encouraged the excessive or rapid use of alcohol, misuse or abuse of alcohol, or use inconsistent with the Australian Alcohol Guidelines.</p> <p>Dismissed in relation to section (3)(b)(iv) - Facebook page did have age restriction controls in place.</p>
B.	<u>32/20</u>	14 April 2020		<p>Dismissed in relation to sections (3)(a)(ii) and (3)(c)(iv) - post did not allude to the presence or use of alcohol, imply offensive or irresponsible behaviour related to the use of alcohol, or suggest that alcohol use offers any therapeutic benefit of aid to relaxation.</p>

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<p>C.</p>	<p><u>35/20</u></p>	<p>29 April 2020</p>		<p>Upheld in relation to section (3)(c)(iv) - suggests that alcohol use can assist in dealing with stress.</p>
<p>D.</p>	<p><u>53/20</u></p>	<p>11 May 2020</p>		<p>Dismissed in relation to section (3)(c)(i) - did not suggest the use or presence of alcohol would create or contribute to a significant change in mood or environment; and section (3)(c)(iv) - did not suggest that alcohol use offers therapeutic benefit or aid to relaxation.</p>
<p>E.</p>	<p><u>52/20</u></p>	<p>12 May 2020</p>		<p>Dismissed in relation to sections (3)(a)(i) and (3)(a)(ii) - did not show or encourage excessive or rapid alcohol use, misuse or abuse of alcohol, or use inconsistent with the Australian Alcohol Guidelines; or show or encourage irresponsible or offensive behaviour that is related to the use or presence of alcohol.</p>

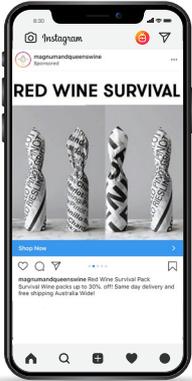
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<p>F.</p>	<p><u>45/20</u></p>	<p>18 May 2020</p>		<p>Upheld in part.</p> <p>Upheld in relation to section (3)(c)(i) - suggests alcohol might contribute to a significant change in mood.</p> <p>Dismissed in relation to section (3)(c)(iv) - a reasonable person would not take the post as suggesting alcohol is hydrating or offers a positive health benefit.</p>
<p>G.</p>	<p><u>42/20</u></p>	<p>19 May 2020</p>		<p>Upheld in relation to sections (3)(c)(i) and (3)(c)(iv) - suggests alcohol may contribute to a significant change in mood and it will assist a person 'get through' or cope with the pandemic.</p>
<p>H.</p>	<p><u>50-51/20</u></p>	<p>19 May 2020</p>		<p>Upheld in part. Upheld in relation to section (3)(c)(i) - use of emojis and text suggests that the consumption or presence of alcohol may create or contribute to a significant change in mood.</p> <p>Dismissed in relation to sections (3)(a)(i) and (3)(a)(ii) - did not encourage excessive or rapid use of alcohol, misuse or abuse of alcohol, or use inconsistent with the Australian Alcohol Guidelines; or encourage irresponsible or offensive behaviour related to alcohol use.</p>

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I.	<u>48/20</u>	25 May 2020		Dismissed in relation to sections (3)(a)(i), (3)(c)(i) and (3)(c)(iv) - does not suggest any pattern of alcohol use or suggest alcohol use in an irresponsible manner, or suggest that alcohol use offers any therapeutic benefit or aids in relaxation.
J.	<u>49/20</u>	28 May 2020		Upheld in part. Upheld in relation to section (3)(c)(i) - suggested that alcohol contributes to a significant change in mood. Dismissed in relation to sections (3)(a)(i) and (3)(a)(ii) - did not encourage excessive alcohol use, or irresponsible behaviour related to alcohol use.
K.	<u>44/20</u>	2 June 2020		Dismissed in relation to sections (3)(a)(i), (3)(c)(i) and (3)(c)(iv) - did not encourage excessive alcohol use or use inconsistent with the Australian Alcohol Guidelines, and did not suggest that alcohol use may contribute to a significant change in mood or offers a therapeutic benefit.

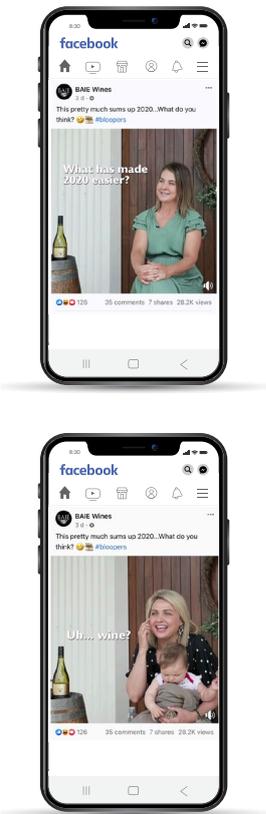
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L.	<u>47/20</u>	3 June 2020		Dismissed in relation to sections (3)(a)(i) and (3)(a)(ii) - phrase 'Drink Up' does denote alcohol use but the phrase does not of itself suggest excessive use or use inconsistent with the Australian Alcohol Guidelines, and does not encourage irresponsible or offensive behaviour related to alcohol use.
M.	<u>43/20</u>	3 June 2020		<p>Upheld in part. Dismissed in relation to sections (3)(c)(i) and (3)(c)(iv) - the reference to 'survival' was a colloquial way to draw upon the background circumstances of the pandemic and did not suggest any positive health benefits from alcohol, or suggest that alcohol contributes to a significant change in mood.</p> <p>Upheld in relation to section (3)(b)(iv) - the Instagram account did not have age restriction controls activated.</p>
N.	<u>80/20</u>	27 June 2020		Upheld in part. Complaint was in relation to a number of different Instagram posts by Impression Gin. The post referencing the pandemic was upheld in relation to section (3)(c)(iv) - suggested that alcohol will assist with a person coping with the stress of restrictions.

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O.	<u>81/20</u>	2 July 2020		Dismissed in relation to sections (3)(a)(i) and (3)(c)(iv) - the message is about the suitability of the character of wine to be consumed with cheese and does not suggest alcohol is a necessary aid to relaxation or a coping mechanism for stress, and does not encourage excessive alcohol use.
P.	<u>88/20</u>	23 July 2020		Upheld in relation to sections (3)(a)(i) and (3)(a)(ii) - encourages and makes light of excessive alcohol use, as well as the irresponsible behaviour of attending work while affected by alcohol.
Q.	<u>92/20</u>	28 July 2020		Upheld in relation to section (3)(a)(i) - encourages excessive alcohol use.

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R.	<u>177/20</u>	2 December 2020	 The image shows two smartphone screens displaying Facebook posts from a page named 'BAIE Wines'. The top screen shows a post with the text 'This pretty much sums up 2020... What do you think?' and a video thumbnail of a woman in a green shirt with the text 'What has made 2020 easier?'. The bottom screen shows a similar post with the text 'Uh... wine?' and a video thumbnail of a woman in a black dress holding a baby. Both posts show engagement metrics like '35 comments', '7 shares', and '28.2K views'.	Upheld in relation to sections (3)(c)(i) and (3)(c)(iv) - suggests alcohol can be used as a coping mechanism and as an aid to relaxation.
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References.

- ¹ The ABAC Scheme. 2020 Second Quarter Report. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/07/ABAC-Q2-2020-Quarterly-Report-July-2020-1.pdf>
- ² Colin J, Ralston R, Hill SE, Westerman L. Signalling Virtue, Promoting Harm: Unhealthy commodity industries and COVID-19. NCD Alliance, SPECTRUM; 2020. Available from: <https://ncdalliance.org/resources/signalling-virtue-promoting-harm>
- ³ YPulse. Bev alcohol brands are reinventing their marketing during quarantine. 2020 Apr 27. Available from: <https://www.ypulse.com/article/2020/04/27/bev-alcohol-brands-are-reinventing-their-marketing-during-quarantine/>
- ⁴ Armitage J. How Diageo kept Brits drinking during the lockdown with digital tech (and Baileys banoffee pie). Evening Standard. 2020 Aug 4. Available from: <https://www.standard.co.uk/business/baileys-diageo-lockdown-cocktails-a4516456.html>
- ⁵ Dan Murphy's. Thursday night trivia by Dan Murphy's. 2020. Available from: <https://www.danmurphys.com.au/liquor-library/trivia>
- ⁶ House A. Alcohol brands lead social media growth during COVID-19. Drinks Trade. 2020 Apr 14. Available from: <https://www.drinkstrade.com.au/alcohol-brands-lead-social-media-growth-during-covid-19>
- ⁷ Cancer Council WA, Foundation for Alcohol Research and Education. An alcohol ad every 35 seconds: A snapshot of how the alcohol industry is using a global pandemic as a marketing opportunity. 2020 May. Available from: <https://www.cancerwa.asn.au/resources/2020-05-12-CCWA-FARE-An-alcohol-ad-every-35-seconds-snapshot-final.pdf>
- ⁸ Andreasson S, Chikritzhs T, Dangardt F, et al. Alcohol and Society 2021: Alcohol and the coronavirus pandemic: individual, societal and policy perspectives. Stockholm: Swedish Society of Nursing, SFAM, SAFF, CERA, The Swedish Society of Addiction Medicine, SIGHT, Movendi International & IOGT-NTO; 2020. Available from: https://movendi.ngo/wp-content/uploads/2021/01/Alcohol-and-the-coronavirus-pandemic_Alcohol-and-society-2021_report_en.pdf
- ⁹ WHO-Europe. Alcohol and COVID-19: what you need to know. 2020. Available at: http://www.euro.who.int/_data/assets/pdf_file/0010/437608/Alcohol-and-COVID-19-what-you-need-to-know.pdf
- ¹⁰ Alcohol.Think Again. Alcohol and mental health. 2020 Dec 17. Available from: <https://alcoholthinkagain.com.au/alcohol-your-health/alcohol-and-mental-health/>
- ¹¹ World Health Organization. Intimate partner violence and alcohol fact sheet. 2006. Available from: https://www.who.int/violence_injury_prevention/violence/world_report/factsheets/fs_intimate.pdf
- ¹² Australian Institute of Health and Welfare. Alcohol, tobacco & other drugs in Australia: Impacts of COVID-19 on alcohol and other drug use. 2020. Available from: <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/impact-of-covid-19-on-alcohol-and-other-drug-use>
- ¹³ Callinan S, Mojica-Perez Y, Wright C, et al. Purchasing, consumption, demographic and socioeconomic variables associated with shifts in alcohol consumption during the COVID-19 pandemic. Drug Alcohol Rev. 2021;40(2):183-191.
- ¹⁴ Ritter A, Wilkinson C, Vuong T, et al. Distilling our changing relationship with alcohol during COVID-19 DPMP Monograph No. 29. Sydney: UNSW Social Policy Research Centre; 2020.
- ¹⁵ The ABAC Scheme. Management Committee. Stirling: ABAC; cited 2021 Feb 15. Available from: <http://www.abac.org.au/about/management-committee/>
- ¹⁶ The ABAC Scheme. Adjudication Panel. Stirling: ABAC; cited 2021 Feb 15. Available from: <http://www.abac.org.au/about/adjudication-panel/>
- ¹⁷ Pierce H, Stafford J, Pettigrew S, Kameron C, Keric D, Pratt I. Regulation of alcohol marketing in Australia: A critical review of the Alcohol Beverages Advertising Code Scheme's new Placement Rules. Drug Alcohol Rev. 2019;38(1):16-24.
- ¹⁸ Reeve B. Regulation of Alcohol Advertising in Australia: Does the Abac Scheme Adequately Protect Young People from Marketing of Alcoholic Beverages? QUT Law Review. 2018;18(1):96-123.
- ¹⁹ Northern Territory Government. Alcohol Policies and Legislation Review Final Report. October 2017. Available from: <https://alcoholreform.nt.gov.au/milestones/about-the-review/final-report>

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- ²⁰ Education and Health Standing Committee. Alcohol: Reducing the harm and curbing the culture of excess. Legislative Assembly, Parliament of Western Australia; 2011. Available from: [https://www.parliament.wa.gov.au/parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/1511331A52931060482578B80007F0D5/\\$file/97909904.pdf](https://www.parliament.wa.gov.au/parliament/commit.nsf/(Report+Lookup+by+Com+ID)/1511331A52931060482578B80007F0D5/$file/97909904.pdf)
- ²¹ Australian National Preventive Health Agency. Alcohol advertising: the effectiveness of current regulatory codes in addressing community concern final report. 2014. Available from: <http://www.fare.org.au/wp-content/uploads/Alcohol-Advertising-Final-Report-30-April-2014.pdf>
- ²² Pierce H. Happy 21st birthday ABAC: Here's twenty-one times you've been labelled a failure. Drink Tank. 2019 Jul 4. Available from: <http://drinktank.org.au/2019/07/happy-21st-birthday-abac-heres-twenty-one-times-youve-been-labelled-a-failure/>
- ²³ The ABAC Scheme. ABAC responsible alcohol marketing code. Stirling: ABAC; 2019. Available at: <http://www.abac.org.au/publications/thecode/>
- ²⁴ The ABAC Scheme. ABAC adjudication panel determination no. 115/17. Stirling: ABAC; 2017. Available at: <http://www.abac.org.au/wp-content/uploads/2017/12/115-17-Determination-8-12-17.pdf>
- ²⁵ Australian Institute of Health and Welfare. Mental health impact of COVID-19. 2021. Available from: <https://www.aihw.gov.au/reports/mental-health-services/mental-health-services-in-australia/report-contents/mental-health-impact-of-covid-19>
- ²⁶ The ABAC Scheme. ABAC Adjudication Panel Determination No. 32/20. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/04/32-20-Determination-Thirsty-Camel-14-April-2020.pdf>
- ²⁷ The ABAC Scheme. ABAC Adjudication Panel Determination No. 48/20. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/05/48-20-Determination-Boozebud-25-May-2020.pdf>
- ²⁸ The ABAC Scheme. ABAC Adjudication Panel Determination No. 53/20. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/05/53-20-Determination-Pure-Scot-11-May-2020.pdf>
- ²⁹ The ABAC Scheme. ABAC Adjudication Panel Determination No. 44/20. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/06/44-20-Determination-Hugh-Hamilton-Wines-2-June-2020.pdf>
- ³⁰ The ABAC Scheme. ABAC Adjudication Panel Determination No. 35/20. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/05/35-20-Determination-Latitude-34-Wine-Company-29-April-2020.pdf>
- ³¹ The ABAC Scheme. ABAC responsible alcohol marketing code. Stirling: ABAC; 2019. Available at: <http://www.abac.org.au/publications/thecode/>
- ³² Pettigrew S, Grant H. Policy implications of the extent, nature and effects of young people's exposure to alcohol promotion in sports-related contexts. Evidence Base. 2020;2020(2):62-78.
- ³³ The ABAC Scheme. ABAC Pre-Vetting Service. Stirling: ABAC; cited 2021 Feb 15. Available from: <http://www.abac.org.au/about/alcohol-advertising-pre-vetting-service/>
- ³⁴ The ABAC Scheme. ABAC Adjudication Panel Determination No. 13/20. Stirling: ABAC; 2020. Available from: <http://www.abac.org.au/wp-content/uploads/2020/03/13-20-Determination-Vodka-Cruiser-10-March-2020.pdf>
- ³⁵ The ABAC Scheme. NSW Legislative Council's Portfolio Committee No. 1 – premier and finance in relation to an inquiry into the alcohol beverages advertising prohibition bill 2015 Supplementary Submission. 2017. Available from: <https://www.parliament.nsw.gov.au/committees/DBAssets/InquirySubmission/Body/59779/0020a%20The%20ABAC%20Scheme%20Limited.pdf>
- ³⁶ The ABAC Scheme. Adjudication Panel. Stirling: The ABAC Scheme; cited 2021 Feb 15. Available from: <http://www.abac.org.au/about/adjudication-panel/>
- ³⁷ Jernigan D, Noel J, Landon J, Thornton T, Lobstein T. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. Addiction. 2016;112:7-20.
- ³⁸ Sargent J, Babor T. The relationship between exposure to alcohol marketing and underage drinking is causal. J Stud Alcohol Drugs. 2020;S19:113-124.