

## **THE HISTORY OF ALCOHOL ADVERTISING ON RADIO AND TELEVISION**

1. At its meeting on Wednesday 21 May 2003, the Ministerial Committee on Drug Policy (MCDP) asked ALAC to prepare a paper on the historical sequence of alcohol advertising change in New Zealand. This paper responds to that request.

### **CONTEXT**

2. The late 1980s and 1990s saw the deregulation of the broadcasting industry in New Zealand, declining per capita consumption of alcohol and an apparent liberalisation of social attitudes towards alcohol with a move away from the so-called “nanny state”. “Alcohol money” was seen as important income stream for many worthwhile community activities and also an important revenue stream for government. The New Zealand Sports Foundation calculated the 1996 worth of alcohol sponsorship to sporting bodies at around \$50 million.
3. At the same time there were major changes in the approach to advertising. The focus changed from advertising outlets and services to brand advertising. The idea, in simple terms, was to gain customers for life by branding the product as a “lifestyle choice”. Alcohol was not just another product but a “lifestyle choice” and a natural part of our daily life.
4. Since 1995, increases in drinking have occurred across all groups. Of greatest concern is the sharp increase in the numbers of young drinkers who are drinking large quantities of alcohol on each drinking occasion.
5. The late 1990’s saw even further liberalisation around alcohol consumption with the sale of alcohol in supermarkets; removal of certain limits on the sale of alcohol; reduction of the age of purchase for alcohol from 20 years to 18; and changes to ALAC’s governing Act.

### **Executive Summary<sup>1</sup>**

6. In 1973 a Royal Commission of Inquiry on the sale of alcohol recommended the introduction of a voluntary code on alcohol advertising came in 1973. The Alcohol Advisory Council of New Zealand (ALAC) was also established as a result of this Royal Commission of Inquiry and a Committee on Advertising Practice was set up as a forerunner of the current Advertising Standards Authority Inc (ASA).
7. Until 1980, alcohol advertising on radio and television was regulated by statute, as the broadcast media developed under state ownership. Legislation permitted advertising of outlets and services but not corporate or brand advertising. In 1980, these restrictions became voluntary in-house rules

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<sup>1</sup> Appendix I provides a timeline that follows the changes to the advertising of alcohol on radio and television.

for the NZ Broadcasting Corporation. These rules included a broad intention not to broadcast advertisements designed to encourage and/or promote alcohol consumption. That clause was dropped in 1981.

8. During this time Private Members' Bills introduced to ban alcohol advertising were unsuccessful with only one reaching Select Committee but then lapsing. At this stage ALAC produced a policy document supporting the introduction of legislation banning alcohol advertising however no further action was taken.
9. For most of the 1980's responsibility for advertising standards was shared between the Broadcasting Standards Authority (BSA), a statutory body, and the Advertising Standards Authority Incorporated (ASA), an industry based body. In 1988 the ASA established a separate self-regulatory Complaints Board. While the ASA is an industry body, the Complaints Board includes four public representatives as well as representatives from the relevant industries of advertising, media and broadcasting.
10. The 1980s saw a greater focus on radio and television advertising in recognition of the greater power of these media to influence the behaviour of individuals. In 1987 the major breweries began to produce television commercials advertising the corporate body not the product. This type of advertising continued into the early 1990s.
11. In 1987, a new television channel was approved which was to be entirely reliant on advertising revenue. Funding changes in the public sector broadcasting industry placed pressure on broadcasters to attract greater amounts of advertising revenue.
12. In 1990, the BSA released a discussion document on alcohol advertising on radio and television and in 1991 conducted a review of this advertising. The review highlighted the macho imagery being used in alcohol promotion and the circumvention of the Code by the alcohol industry and led to rules on sponsorship promotion being included in the Code. Alcohol brand advertising was permitted on television after 9.00pm.
13. To balance alcohol industry advertising, free broadcasting time was to be allocated to health promotion messages. Parliament did not debate these changes to the rules around alcohol advertising.
14. In February 1992, Cabinet approved the proposals for the industry to become self-regulatory. In 1993, an amendment to the Broadcasting Act 1989 focused BSA responsibilities more clearly on programmes. However, it retained responsibility for programme standards pertaining to saturation of alcohol promotions, trailers for programmes sponsored by alcohol advertisers, incidental promotion of alcohol and allocation of airtime for moderation and "no-alcohol" messages.
15. The ASA gained sole jurisdiction over the content of advertisements including responsibility for reviewing the Code on Liquor Advertising. This Code was developed in consultation with industry

and the public health sector. A major change was that the ASA would conduct its own reviews of the Code.

16. Early in 1994, ALAC ran a Consensus Development Conference<sup>2</sup> at which a range of research was presented. A panel assessed the research and concluded that brand and price alcohol advertising should be permitted on radio and television but subject to strict conditions.
17. In April 1994, the ASA held its first review of the Code on Liquor Advertising known as the Potter Report. While a large number of submissions to the Review advocated a total ban on advertising, the Potter Review recommended against this. However, the Review resulted in five new basic principles to the Code, the redrafting of some of the rules, a suggestion of wider consultation by the alcohol industry's "pre-vetter" and a recommendation that the complaints procedure be better promoted to the public. The Potter Report also recommended a further review in three years. At this stage the ASA decided that the new Code should apply to all media and not just radio and television.
18. A further review was held in 1998. Known as the Barker Review, the 1998 Review Team on Liquor Advertising on Radio and Television conducted an extensive and intensive review on broadcast alcohol advertising. The recommendations of the Barker Review<sup>3</sup> were adopted by the ASA and a new Code on Liquor Advertising was adopted on 1 August 1998 (the 1998 Code). The Barker Review recommended a further review after five years and this review was recently undertaken under the chairmanship of the Rt Hon Sir Michael Hardie Boys.
19. In 2003, the review also included the Promotion of Liquor Programme Code despite the fact that previous reviews had not covered this Code, as saturation and incidental alcohol promotion are matters within the jurisdiction of the BSA. As broadcasters intended to review this code they were keen to receive submissions and comments specific to that Code.<sup>4</sup>

## **FURTHER WORK**

20. ALAC has also completed an analysis of decisions by the Advertising Standards Complaints Board (ASCB) and the Advertising Standards Complaints Appeal Board (ASCAB) from 2000 to 2003. The analysis looks at the decisions in light of the current codes and considers consistency of decision-making over this time; the application of the ASA interpretation guidelines (see paragraphs 41 to 44) and its impact; cross border advertising; the interface between sponsorship and advertising; and the process of settlement between complainant and advertiser.

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<sup>2</sup> Appendix II provides more detail on the findings of the 1994 ALAC-led Consensus Development Conference.

<sup>3</sup> The Honourable Sir Ian Barker chaired the Review Team.

<sup>4</sup> In November 2002 a report into the self-regulation of advertising therapeutic products, known as the Codd Report, found that New Zealand's self-regulatory regime was a model worthy of emulation across the Tasman.

21. ALAC is of the view that work completed thus far indicates that there are issues that have arisen at all the reviews of alcohol advertising on radio and television that remain either completely or partially unresolved. These include:

- refocusing research on the unanswered questions such as the impact of marketing on young people's beliefs about alcohol, who is influenced by advertising, to what degree and how should society respond
- increasing public awareness of the Code for Liquor Advertising. Although recent research shows a high level of awareness of the public right to complain about advertising in general, currently the majority of complaints regarding liquor advertisements are made by public health lobby groups indicating a lack of general public awareness of this Code in particular
- carrying out a review of the ASA Codes to assess the cultural ramifications of alcohol advertising
- carrying out more detailed research on the impact of advertising on Māori and Pacific people
- the setting aside of dedicated resources to address the impact and consequences of alcohol use for Māori
- the limited funding available for "moderation" or "no alcohol" advertising.

22. Ministers could give some consideration to directing that further work be completed around other models of regulation, including different models for self-regulation. Any work related to this would require input from all involved industries and public health groups together with the relevant government departments.

## **BACKGROUND**

23. Prior to 1992 only sponsorship advertising of alcohol was permitted on the broadcast media.<sup>5</sup> At this stage all complaints regarding advertising were dealt with by:

- the Broadcasting Standards Authority established under the Broadcasting Act 1989 or
- the Advertising Standards Complaints Board which was a self regulating body established and appointed by the industry with no penal powers.

24. The advertising industry opposed the establishment of the BSA. Soon after it was established the BSA announced its intention to review the subject of alcohol promotion on radio and television. This was in accordance with the Broadcasting Act which listed the restriction of alcohol promotion as one of the BSA's major responsibilities in the development and issue of codes of broadcasting practice.

25. This review led to the publication of draft amendments to the codes of alcohol advertising that were intended to simplify and streamline amended codes established by the initial review. There was huge disaffection again from the alcohol industry, sports administrators, advertisers and broadcasters.

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<sup>5</sup> This information is from Iain Gallaway's autobiography "Not a Cloud in the Sky".

26. As a result of the review the BSA agreed to permit previously prohibited alcohol advertising, with strict controls. At the same time the BSA slightly tightened the rules and guidelines relating to alcohol sponsorship.
27. In 1992, Cabinet decided to allow brand advertising and charged the ASA with responsibility for regulating it. The ASA is an industry-based organisation representing the advertising industry and newspaper, radio, television and cinema industries.

## **THE CHANGE FROM THE BSA TO THE ASA<sup>6</sup>**

28. Following the November 1991 election, the Ministry of Commerce was directed to review the operations of the BSA and report to their Minister. On receipt of this report, the Cabinet Committee on Enterprise, Growth and Employment agreed that the advertising industry should have an opportunity to become self-regulating and that the responsibility for the enforcement of advertising standards should be removed from the BSA's jurisdiction and reside with the ASA and the Advertising Standards Complaints Board (ASCB).
29. The Cabinet Committee also agreed that the transfer of responsibilities should not take place until such time as:
- the ASCB's appointment process could demonstrate itself to be based on suitable consultative procedures and
  - the BSA's work on developing an alcohol advertising code was concluded.
30. The BSA was to have residual responsibility for advertising complaints if neither the broadcaster nor the advertiser acknowledged the jurisdiction of the ASCB.
31. Importantly, it was agreed that, in the event that the advertising industry became self-regulated in respect of broadcasting standards, the Ministry of Commerce should monitor its performance. Concerns that the advertising industry would not be able to successfully regulate itself and would not be willing to take account of public views and concerns led to the ASA agreeing that it would:
- consult both the Minister of Communications and the Minister of Consumer Affairs regarding appointments to the ASCB
  - appoint an independent consultant to advise the Board on matters relating to Māori broadcasters and to Māori culture and language
  - publish its decisions
  - consult widely with regard to procedures for Code review and formulation including with the BSA, government departments and interest groups
  - consider appointing additional, independent persons to its code sub-committee in the event of any substantive review of a code being undertaken or where it considers outside expertise or specialist advice will assist the committee's deliberations
  - call for submissions when reviewing codes of advertising practice

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<sup>6</sup> This information is from Cabinet papers released under the Official Information Act

- work closely with the BSA in the development of industry codes as the BSA had residual responsibilities where complaints fell outside the scope of the ASA and ASCB to consider it.
32. The ASA also acknowledged the desirability of there being a wide range of views represented on the ASCB including those of women and consumer interests.
33. At the time the Ministry of Consumer Affairs was concerned that in order to work successfully, the ASA and the ASCB had to have credibility and coverage, that is, that no operator was to be exempt from compliance with the codes of advertising standards by virtue of the fact that the industry's regulatory regime is voluntary.
34. The Ministry's preferred model for self-regulation was that of an "Ombudsman" scheme. That is, funding would be provided by the industry to a council comprising industry and laypersons with an independent chairperson. The Ombudsman would be appointed by and report to the council and thus would be kept at arms length from the industry. This suggestion may have merit if Minister's wished to consider new approaches to regulating broadcast advertising of alcohol.

## **THE ADVERTISING STANDARDS AUTHORITY INC**

35. The Advertising Standards Authority Inc (ASA) previously known as the Committee of Advertising Practice was formed in early 1973. It's membership, which is bound by the decisions of the Advertising Standards Complaints Boards (ASCB) is made up of representatives from the:

- Association of New Zealand Advertisers (Inc)
- Communications Agencies Association of New Zealand (Inc)
- Community Newspapers
- Magazine Publishers' Association (Inc)
- Newspaper Publishers' Association (Inc)
- New Zealand Cinema Advertising Council
- New Zealand Direct Marketing Association (Inc)
- New Zealand Television Broadcasters' Council
- Outdoor Advertising
- Pay Television Group
- Radio Broadcasters Association (Inc)

36. The three main objectives were to:

- seek and maintain at all times and in all media a proper and generally acceptable standard of advertising and to ensure that advertising is not misleading or deceptive, either by statement or by implication
- establish and promote an effective system of voluntary self-regulation in respect to advertising standards
- establish and fund an Advertising Standards Complaints Boards.

37. In March 1988 ASA established a separate self-regulating body called the Advertising Standards Complaints Boards (formerly known as the Advertising Standards Council) to administer the Codes of Practice in New Zealand. Its three main functions were to:

- adjudicate on complaints received about advertisements which may be in breach of the Codes of Practice
- advise ASA on interpretation of the Codes and possible improvements to the Codes
- report to the ASA on any aspect of advertising which is causing concern.

38. The ASCB currently comprises four public representatives with no connection to media or advertising groups, one of who is Chairperson with a right to exercise a casting vote, plus four persons nominated by the ASA, representative of media, advertising agencies and advertisers.<sup>7</sup>

39. In 1994 the ASA established the Advertising Standards Complaints Appeal Board (ASCAB). Its main function is to adjudicate on appeals from decisions of the Complaints Board. The main grounds for appeal are new evidence, the rules of natural justice were not followed or the decision was against the weight of the evidence. There are two public representatives on the ASCAB and one industry representative.<sup>8</sup>

40. The ASA has developed rules of interpretation that apply to the whole content of an advertisement, including all words and numbers (spoken and written), visual presentations, music and sound effects. The conformity of any advertisement with the Codes is judged primarily in terms of its impact upon the type of person who is likely to be exposed to it. Where there is any doubt, the interpretation shall be adopted that best serves the purpose and intent of any Code. The Code of Ethics provides guidance. For the purposes of the Codes:

- the word “advertisement” is to be taken in its broadest sense to embrace any form of advertising and includes advertising which promotes the interest of any person, product or service, imparts information, educates or advocates an idea, belief, political viewpoint or opportunity
- the word “product” includes goods, services and facilities whether paid or given free
- the word “consumer” refers to any person to whom an advertisement is addressed or is likely to be reached by it whether as a final consumer or as a trade customer.

41. Where complaints are received concerning ads placed in publications, programmes or interactive media which originate from overseas and are intended primarily for audiences outside New Zealand (but also reach New Zealand audiences) the ASCB and the ASCAB take into account the following guidelines:

- compliance with the advertising rules in the country of origin

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<sup>7</sup> Current members are Rob Thompson (Chairperson), Alan Haronga, Jenny Courtney, Jean Drage and Margaret McKee (alternate); Industry representatives are Don Ryder, Paul Elenio, Nicki Stewart, Trevor Easton, Janine Chamley (alternate), Terry Snow (alternate), Dennis Carroll (alternate) and Sandy Smith (alternate)

<sup>8</sup> Current members are Euan Abernethy (Chairperson), Judi Jones, Gregory Aim (alternate), Lady Keith CBE (alternate). The industry representative is Bob Moffat.

- the size and composition of the New Zealand audience
- whether the advertising is targeted at New Zealand consumers
- the accessibility of the product to New Zealand consumers
- whether best endeavours have been made to exclude ads which would clearly breach the Codes of Practice. This could be particularly relevant in the case of live presentations of overseas events to a substantial number of New Zealanders.

42. In interpreting the Liquor Code, emphasis is placed on the Principles and the spirit and intention of the Code to ensure that alcohol advertising is conducted in a way that neither conflicts with the principle of moderation of alcohol consumption nor promotes irresponsible alcohol consumption.

43. Important interpretations are:

- “Liquor advertisement” - is interpreted as not including sponsorship advertisements.
- “Liquor packaging” –a specific element of a label or a logo is not deemed to be alcohol packaging
- A “sponsorship advertisement” – must not contain any sales message pertaining to liquor, must not depict liquor products, liquor packaging or the consumption of liquor.

## **THE ALCOHOL ADVERTISING PRE-VETTING SYSTEM**

44. The Association of New Zealand Advertisers (ANZA) is responsible for administering the advertising industry’s voluntary system of pre-vetting all alcohol advertisements. The Liquor Advertising Pre-Vetting System (LAPS) was introduced at the time alcohol advertising on broadcast media was approved.

45. The majority of alcohol advertisers are members of ANZA. However, with a number of changes in ownership of wine and spirit product brands in recent times, some advertisers may not realise the importance of adhering to LAPS.

46. Imported wines particularly from Australia are also required to have their advertising pre-vetted prior to acceptance by the media. ANZA provides advertisers with a wide range of services including political and industry lobbying on diverse issues.

47. One of the objectives of the pre-vetting is to gain voluntary commitment to responsibility in advertising alcohol. LAPS is supported by the Communications Agencies Association of New Zealand and the media.

48. Advertisers participating in LAPS have agreed not to run consumer or trade advertisements unless they are first approved by the LAPS adjudicator. This enables LAPS to ensure that alcohol advertising and alcohol sponsorship promotion meets all the standards prescribed by the self-regulatory Code for Advertising Liquor administered by the ASA.

49. The LAPS Adjudicator will take into account the formal constraints of the ASA Code for Advertising Liquor. In making these judgments it is necessary for advertisements to be in accordance with both the intention and ‘spirit’ of the Code. Alcohol advertisers and their advertising agencies are



responsible for ensuring advertisements comply with the intention and spirit of all other Advertising Codes of Practice.

50. Content and form of advertisements should be consistent with the ongoing commitment of the alcohol industry to the principal of moderation in the consumption of alcohol. The whole rationale for regulations governing alcohol advertising revolves around avoiding any message which could be seen as encouraging or endorsing excessive or inappropriate consumption and remaining conscious, at all times, of the need to avoid advertising messages which are aimed at minors.
51. Advertisers are made aware of the basic principles of the Code, for example the principle of moderation, not using aggressive or unduly masculine themes, not using heroes of the young and so on. LAPS also has available guidelines to assist advertisers and advertising agencies in the preparation of advertisements. These again cover the main principles on which the Code is based.
52. For retail advertising approvals - television and cinema only - LAPS procedures do not alter pre-clearance requirements of media bodies. Alcohol advertisements must be submitted for pre-publication or pre-broadcast approval to the appraisal clearance body LAPS.

#### **The Consensus Development Conference<sup>9</sup>**

53. ALAC convened this conference with the financial support of the Public Health Commission and Air New Zealand. The independent panel produced the consensus statement based on the evidence presented at the conference, and questions and discussions by the panel and the audience participants.
54. The Committee included representatives from the broadcasting, health promotion/public health and advertising sectors. Māori, Pacific Island and young people were poorly represented.
55. The Panel especially urged support and encouragement to meet the need for research on the impact of advertising on Māori health and well-being<sup>10</sup>, the need for greater transparency in the operation of Codes for the promotion of Alcohol on the Radio and Television, and the promotion of public awareness about these Codes so that the public can make their concerns known.
56. The Panel considered four options – further liberalising alcohol advertising, remaining with the current rules, limiting advertising in further specific ways or banning it. The Panel chose to further limit advertising and recommended that a systematic, ongoing process of review be instituted by which it could be ensured that the Codes remained relevant and appropriate, reflective of public opinion and informed by research.
57. The Panel also recommended a rigorous monitoring and pre-vetting process to ensure the spirit of the Codes is consistently maintained. They envisaged that this would involve active participation of

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<sup>9</sup> This information is from the Consensus Statement May 1994 developed following the Consensus Development Conference.

<sup>10</sup> While some research had been completed there are questions concerning the robustness of the methodology and the size of the sample population used.

interested community groups having health, research or community perspectives. As far as ALAC is aware there is no participation by interested community groups on the LAPS committee nor is there Pacific People's representation on LAPS. Māori have been represented on LAPS since its inception.<sup>11</sup>

58. The Panel recommended a two-pronged approach comprising a systematic ongoing review of the Codes, their integrity, cultural and ethnic awareness, relevance and effective implementation and the continuation of a research programme to inform this process.

59. The Panel recommended that research should focus on:

Young people	Māori	Type of advertising	General
<ul style="list-style-type: none"> <li>• interrelationships between beliefs about peers, beliefs about alcohol, drinking and response to advertisements</li> <li>• elements in advertising including images, messages and techniques which are attractive to youth.</li> </ul>	<ul style="list-style-type: none"> <li>• the addition of a Māori reference group</li> <li>• the impact of alcohol advertising on Māori health and well-being.</li> </ul>	<ul style="list-style-type: none"> <li>• the means of conveying a more effective moderation message</li> <li>• the relationship between health promotion and alcohol promotion, in terms of weighting of resources and targeting</li> <li>• the use of non alcohol or moderation messages within the campaign against family violence</li> <li>• the behavioural response of people to alcohol advertising as observed in ongoing longitudinal studies.</li> </ul>	<ul style="list-style-type: none"> <li>• adherence to the Codes using discourse analysis and the expert system approach as observed on an ongoing basis</li> <li>• the means of best facilitating communication between all stakeholders</li> <li>• the appropriateness of health legislation including regulations in this area</li> <li>• the appropriateness and efficacy of self-regulation in alcohol advertising on radio and television.</li> </ul>

## THE 1998 BARKER REVIEW

60. The terms of reference for this review found their genesis in the Potter Report and included a request for submissions on:

- changes in societal attitudes and public policy since the Potter Report

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<sup>11</sup> Mr Norman Dewes of Te Rūnanga o Ngā Maata Waka has been a member of LAPS since its inception. He was a member of the Potter Review Panel on the suggestion of ALAC. He is a regular attendee at LAPS.

- any new evidence since the Potter report to justify further restriction or liberalisation of broadcast advertising.

61. The review team also examined the 1995 Code to see if it needed amendment. The ASA asked those making submissions to note that matters concerning saturation and incidental advertising were matters within the jurisdiction of the BSA. The BSA programme code covers standards of trailers for programmes sponsored by alcohol advertisers, backdrop advertising and ad lib comments by commentators, and logos and signage appearing on sports clothing and in sports venues. The Code was not part of the 1998 review. As a result of this review the ASA adopted a new Code for Advertising Liquor on 1 August 1998 and a further review in five years was recommended.
62. At the 1998 Review, ALAC altered its position from the one it had held since its inception arguing that while there was at that stage some evidence that alcohol advertisements create strong positive associations with alcoholic products for the young, other studies pointed to the capacity for adolescents to deal critically with such advertising. There is no doubt that this change weakened the position of public health lobby groups that alcohol advertising on radio and television should be banned.
63. The 1998 report did not recommend any redraft of the Code of Alcohol Advertising. It was felt that the Code should not be seen in isolation within the advertising self-regulatory regime. The Panel was of the view that the good standing of ASA Codes might be undermined if the ASA was seen as initiating a rewrite of the code.
64. Coincidentally, DB and Lion launched socially responsible messages of moderation and the Panel felt that these needed to be given a chance to gain public credibility and confidence before making any fundamental changes to the Code. These messages stopped being broadcast following the Review and neither company has produced such messages for broadcast again.
65. The Panel believed that there was not too much confusion as to the respective roles of the ASCB and the BSA and they didn't want to create uncertainty by redrafting.
66. The Panel's view was that the jurisprudence of the existing Code was well known in practice therefore resulted in few complaints and that a change would result in 'test' cases from both advertisers and vigilance groups. The Panel agreed that the Basic Principles of the Code be modified and expanded slightly and also agreed to tidying up some definitions and including some definitions.
67. They recommended that further research be conducted on the correlation between alcohol advertising and consumption of alcohol particularly among "at risk" groups. The Panel also recommended a further review in five years time. That Review has recently taken place under the guidance of Sir Michael Hardie Boys as chairperson.

## **FURTHER WORK**

68. ALAC has also completed an analysis of decisions by the Advertising Standards Complaints Board (ASCB) and the Advertising Standards Complaints Appeal Board (ASCAB) from 2000 to 2003. The analysis looks at the decisions in light of the current codes and considers consistency of decision-making over this time; the application of the interpretation guidelines (see paragraphs 34 through to 37) and its impact; cross border advertising; the interface between sponsorship and advertising; the process of settlement and other issues.
69. ALAC is of the view that work completed thus far, particularly the recommendations of the Potter Review, indicates that there are issues that have arisen at all the reviews of alcohol advertising on radio and television that remain either completely or partially unresolved. These include:
- refocusing research on the unanswered questions such as the impact of marketing on young people's beliefs about alcohol, who is influenced by advertising, to what degree and how should society respond
  - increasing public awareness of the Code for Liquor Advertising. Currently the majority of complaints to the ASCB regarding liquor advertising are made by public health lobby groups and there appears to be a lack of general public awareness of the Code for Liquor Advertising
  - carrying out a review of the ASA Codes to assess the cultural ramifications of alcohol advertising
  - carrying out more detailed research on the impact of advertising on Māori and Pacific people
  - the setting aside of dedicated resources to address the impact and consequences of alcohol use for Māori
  - the limited funding available for "moderation" or "no alcohol" advertising.
70. Ministers could give some consideration to directing that further work be completed around other models of regulation, including different models for self-regulation. Any work related to this would require input from all involved industries and public health groups together with the relevant government departments.

Dr Mike MacAvoy

**Chief Executive Officer**

Appendix 1 Timeline

<b>Year</b>	<b>Action</b>
1973	Royal Commission on sale of alcohol; voluntary code introduced and the establishment of the Alcohol Advisory Council of New Zealand (ALAC) recommended
1976	Legislation enacted to establish ALAC; Committee on Advertising Practice set up as forerunner of the current Advertising Standards Association (ASA)
1980	Legislation becomes voluntary in-house rules for NZ Broadcasting Corporation; advertising of outlets and services allowed but not corporate or brand advertising.
1981	Rule around broad intention not to broadcast advertisements designed to encourage and/or promote alcohol consumption dropped from in-house rules.
1981-1987	Several private Members' Bills to ban alcohol advertising unsuccessful; ALAC produces policy document that recommends banning of alcohol advertising.
1987	New television channel approved; channel to be entirely reliant on advertising revenue; funding changes in the public sector broadcasting industry place mean broadcasters need to attract greater amounts of advertising revenue.
1987	New television channel approved; channel to be entirely reliant on advertising revenue; funding changes in the public sector broadcasting industry place mean broadcasters need to attract greater amounts of advertising revenue.
1980 – 87	Responsibility for advertising standards shared between Broadcasting Standards Authority (BSA) and ASA.
1987	Major breweries begin producing television commercials advertising the corporate body not the product.
1988	ASA establishes separate self-regulatory Complaints Board that includes 4 public representatives as well as representatives from relevant industries – advertising, media, broadcasting.
1990	BSA releases discussion document on alcohol advertising on radio and television
1991	Ministry of Commerce asked to review BSA operations.
1991	Review conducted with discussion document as basis; review highlights macho imagery being used in alcohol ads & circumvention of rules by alcohol industry.
Early 1992	Review leads to decision to include sponsorship in Code and to permit brand advertising after 9.00pm.
1992	Cabinet approves proposals for the advertising industry to become self-regulatory.
1992	Free broadcasting time allocated to health promotion messages to balance alcohol advertising.
1993	ASA gains sole jurisdiction over the content. A major change was that the ASA would conduct its own reviews of the Alcohol Code
1994	ALAC-led Consensus Development Conference where range of research presented and discussed by panel of experts. Concluded alcohol advertising should be permitted on radio and television but subject to strict conditions.
1994	The Potter Review of Alcohol Advertising Code. Five new basic principles added to Code; redrafted some rules; suggested wider consultation by the alcohol industry's "pre-vetter"; recommended that complaints procedure be better promoted. Recommended a further review in three years.
1994	ASA decides the new Code should apply to all media.
1998	Barker Review – extensive and intensive review. ALAC changes policy position from a ban on alcohol advertising. No proof that aggregate consumption increased by alcohol advertising.
1998	New Code adopted by ASA as recommended by Barker Review.
2003	Further review of Code. Review includes Promotion of Alcohol programme Code as broadcasters keen to receive submissions and comments specific to that Code.

Appendix II – Findings of the Consensus Development Conference

<b>Finding</b>	<b>Noted</b>	<b>Concluded</b>
Little public awareness of the existence of the Codes, their provisions, process of approval and review, the composition of the ASCB and the BSA	Requires transparency of process and publicity around the process and its outcomes.	Lack of widespread public awareness of Code for Liquor Advertising made it impossible to determine whether alcohol advertisements are perceived as meeting or not meeting the requirements of the Code.
A recurring concern about the influence of advertising on young people	Research has been compiled which suggests that alcohol advertising may have an adverse effect on young people.	
Sponsorship advertising rules not being adhered to and rules not being enforced with sufficient rigour.		Must be addressed by bodies monitoring the Code.
Research suggests that alcohol advertising may have an adverse effect on drinkers, particularly those prone to alcohol abuse.	A range of research methods exists overseas on the topic.	<p>No sufficiently compelling evidence that alcohol advertising causes alcohol abuse.</p> <p>Future research should pay attention to the group of heavy drinkers. An independent panel should agree upon methodology for this research.</p> <p>The ASCB and the BSA should maintain a dialogue with researchers and be funded to work with media educators to promote media literacy.</p>
Māori are over-represented in statistics of those harmed by alcohol abuse.	Further research should be carried out on the impact of advertising on Māori alcohol use.	<p>A review of the ASA codes be undertaken to assess cultural ramifications of alcohol advertising and that such measures should be developed in keeping with the Treaty of Waitangi.</p> <p>Resources should be dedicated to addressing the impact and consequences of alcohol use for Māori.</p>
Lack of funding of “moderation” and “no alcohol” option advertising therefore lacked credibility.	No research on effectiveness of “moderation” and “no alcohol” option advertising.	No conclusion reached – disagreement within conference about whether host responsibility and drink-driving advertising falls within “moderation” and “no alcohol” option advertising.