

**THE ABAC SCHEME LIMITED ACN 139 761 130  
MANAGEMENT COMMITTEE MEETING  
Tuesday, 24 November 2015 at 10.30 am**

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**Teleconference details:** s22

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**AGENDA**

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**7. MATTERS FOR DISCUSSION & DIRECTION**

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**7.3. Digital Marketing placed with Content for Minors** Attachment G

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**THE ABAC SCHEME LIMITED  
MANAGEMENT COMMITTEE MEETING  
Tuesday, 24 November 2015**

**FOR DISCUSSION**

**DIGITAL MARKETING PLACED WITH CONTENT FOR MINORS**

Refer letter from Roger Magnusson, University of Sydney to the Minister for Health dated 28 September 2015 and attached.

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THE FREEDOM OF INFORMATION ACT 1982  
BY THE DEPARTMENT OF HEALTH

MC15-017101



THE UNIVERSITY OF  
SYDNEY

ABN 15 211 513 464

Professor Roger Magnusson

28 September 2015

**The Honourable Susan Ley MP,**  
Minister for Health,  
Suite M1 41,  
Parliament House, Canberra, ACT 2600.

Dear Minister,

**Dora the Explorer and Bundaberg Rum**

I am a Professor of Law at Sydney Law School. My wife and I have a 3-year old daughter.

Last week I sat my daughter down at my wife's laptop, found an episode of "Dora the Explorer" on YouTube and clicked on it. Immediately, an ad for Bundaberg Rum (a brand owned by Diageo Australia) filled the screen. I froze and then photographed the ad. I attach some images.

My subsequent post on our health law blog at Sydney Law School<sup>1</sup> was reported in the Fairfax Press, including in the *Sydney Morning Herald*.<sup>2</sup>

What I saw was a random but persistent illustration of the gaps in alcohol advertising regulation. The ABAC Scheme which notionally governs alcohol advertising in Australia – including in the online environment – does not cover the placement of advertising.

Previous complaints to the ABAC Panel have been dismissed because the ABAC Code does not prevent alcohol advertisers from advertising beer and spirits in conjunction with young children's content, and indeed on websites dedicated to children's content.

I do not know if Diageo intentionally targets children through pre-schooler content on YouTube: I certainly hope and assume not. But this is not the first time this kind of complaint has arisen, and it seems the alcohol industry is unable or unwilling to deal with the issue voluntarily.

At the time this happened, we were not logged on to any email account or other service provider. We were not viewing pirated content. YouTube also contains Play School, Teletubbies, and other content for young children.

Any conceivable version of the "balance" that alcohol advertisers desire when it comes to alcohol control policies in this country should not include exposing children to liquor advertisements when they are accessing content which is self-evidently children's content.

In addition to the placement of alcohol ads, other gaps in the ABAC Scheme are discussed in the Annual Report of the Alcohol Advertising Review Board (AARB), a community-based complaints scheme hosted by the Cancer Council WA and the McCusker Centre.

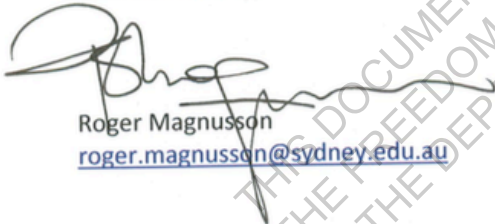
The AARB's latest report was launched in Canberra a fortnight ago (media release attached). Other gaps include children's exposure to saturation-level alcohol advertising during live broadcasts of sporting events.

I would like to encourage you to convene a meeting of interested parties with a view to ensuring that additional belts and braces are put in place so that the ABAC Code becomes effectively mandatory, meets community expectations, and addresses current gaps. I would urge you to ensure that public health experts who are familiar with alcohol advertising are included in such a meeting.

It ought to be safe for a 3-year old to watch non-pirated children's content online without being groomed for alcohol consumption. Currently this is not the case.

Thank you for considering these matters.

Yours sincerely,



Roger Magnusson  
[roger.magnusson@sydney.edu.au](mailto:roger.magnusson@sydney.edu.au)

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<sup>1</sup> <http://sydneyhealthlaw.com/2015/09/23/bundaberg-rum-and-dora-the-explorer-the-reality-of-alcohol-advertising-in-australia/#comment-131>

<sup>2</sup> <http://www.smh.com.au/national/health/bundaberg-rum-advertisements-on-dora-the-explorer-videos-spark-outrage-20150923-gjte3x.html>



# The Sydney Morning Herald

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## Bundaberg Rum advertisements on Dora The Explorer videos spark outrage

Published: September 24, 2015 - 3:34PM

An aghast father has described how his 3-year old daughter was shown advertisements for Bundaberg Rum while trying to watch her favourite TV show on YouTube.

Public health experts say the incident exposes the laxity of Australia's liquor advertising rules, with companies supposed to be prevented from advertising to children but allowed to because of loopholes and poor enforcement.

In this case, though, the irresponsible advertising was targeted at the wrong person's child. As well as being a devoted dad, Roger Magnusson is also a professor of health law and governance at the University of Sydney Law School, and a community panel member of the [Alcohol Advertising Review Board](#), which was set up by public health researchers to counter lax alcohol advertising rules.

"This is the reality of alcohol advertising in Australia," he [wrote in a stinging blog post](#). "Liquor ads, bought and paid for by Australian drinks manufacturers, streamed online with children's content."

"It's not unlawful. It's business as usual."

Professor Magnusson told Fairfax Media he refused to accept alcohol companies "grooming" children.

"Whatever your views are on alcohol advertising, it's seriously inappropriate to be streaming liquor advertising to preschoolers," he said. "I just feel really irritated there is nothing you can do to give your child a bit of a childhood before the alcohol companies start pumping you and grooming you to drink alcohol."

"As a father I was disgusted".

Curtin University professor of public health and director of the McCusker Centre for Action on Alcohol and Youth, Mike Daube, said it was the most blatant targeting of children "I have ever seen".

"This just shows how hopeless the voluntary codes are," he said. "They might say it is an oversight, but first of all there is just no excuse for this; but second of all there are always these oversights."

"These companies just can't be trusted to protect children and to implement their own [voluntary] codes". Loopholes [also allowed children and toddlers to be exposed to alcohol advertising at any time during sports broadcasts](#), he said.

He said while public health advocates could police advertising on television, it was increasingly difficult to catch out companies online and on social media.

"It's so much more difficult to monitor, and we really don't know how much of this is going on," he said. "This just happened to be one that Professor Magnusson picked up on, but it's unlikely to be an isolated incident."

In his blog post, Professor Magnusson notes that the voluntary code, known as [ABAC](#), is silent on the placement of advertisements.

<http://www.smh.com.au/action/printArticle?id=1000742829>

25/09/2015

"For example, when Crown Lager ads appeared on a "Bratz" games website...the complaint was dismissed," he says. "If you're a drinks manufacturer who wants to advertise on the internet – including on websites that carry or are even devoted to children's content – the ABAC Code has no problem with it."

Diageo Australia, the company that produces Bundaberg Rum, said it "has very strict and long-standing guidelines and policies to ensure that our products are only advertised or promoted to people aged 18 and over" and the company would investigate.

"We will discuss this incident with our media buying agency as a matter of priority, with a view to ensuring this does not happen again," a spokeswoman said.

*This story was found at: <http://www.smh.com.au/national/health/bundaberg-rum-advertisements-on-dora-the-explorer-videos-spark-outrage-20150924-gjte3x.html>*

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## Media Release

14 September 2015

### **CALLS FOR LEGISLATION AFTER ALCOHOL ADVERTISING REPORT HIGHLIGHTS FAILURE OF SELF-REGULATION**

Federal Members of Parliament from all parties and health groups called for legislation on alcohol promotion after the Alcohol Advertising Review Board 2014-15 Annual Report was released in Canberra today, along with market research showing strong public support for legislative controls to protect children and young people from exposure to alcohol promotion.

The report of the Alcohol Advertising Review Board (AARB), administered by health organisations and chaired by Professor Fiona Stanley AC, provides further evidence that self-regulation of alcohol advertising is ineffective and that many alcohol companies are ignoring concerns about young people's exposure to alcohol ads through sport, television and online.

In 2014-15, the AARB received 165 complaints; 92 determinations upheld complaints in full and 17 in part. For the third successive year, the AARB received more complaints than the industry's self-regulatory system.

Members of the AARB Panel selected the 'Worst alcohol ad of 2014-15' – a 'Customer Review' by a '12 year old' of an alcopops 2 litre cask on the Dan Murphy's website.

Other "Alcohol advertising shockers of 2014-15" included alcohol ads placed near schools, alcohol sponsorships of major Australian sports, irresponsible price promotions by Woolworths and Coles, and liquor retailer Facebook pages.

An independent national survey of 1,098 Australians in July 2015, commissioned by the McCusker Centre, found:

- 72% of Australians support legal controls to reduce young people's exposure to alcohol advertising, with only 6% opposed.
- 69% of Australians support phasing out the promotion of alcohol through sports sponsorship, with only 10% opposed.
- 76% of Australians support limiting alcohol advertising on television to late night programming only.
- 74% of Australians support phasing out television advertisements for alcohol during sports broadcasts.

Senator Richard Di Natale, Greens leader and former GP said, "The time has come to get grog ads out of sport".

"Sport is a healthy pursuit and contains a lot of positive messages for kids but now when I sit down with my kids to watch the cricket or the footy, every second ad is for beer or betting odds. Like most parents, I don't want sport being hijacked to sell my kids unhealthy or addictive adult products.

"As a society, we already accept that it is appropriate to restrict certain types of programming to adult viewing times. Those restrictions are undermined by giant loopholes with regard to sports broadcasts.



"This isn't about trying to stop people from having a drink if they want to but there's no reason why we need to let our kids be bombarded by those kinds of ads."

Dr Sharman Stone MP, Chair of the Standing Committee on Indigenous Affairs said, "We need to take steps to ban alcohol advertising whenever it may influence children. Alcohol advertising associated with sport is particularly influential on children. We need to close the loophole that allows alcohol advertising during live sport broadcasts".

Melissa Parke MP, Member for Fremantle, said, "Alcohol continues to be the cause of very significant direct and indirect harm, and reducing that harm needs to be a much more urgent and better resourced public health priority. Australia has done great work in the area of tobacco control, but alcohol-related harm continues to be a cultural and regulatory blind-spot.

"This report shows that our hands-off approach to the regulation of alcohol advertising is not working. Everyone who enjoys watching the football finals in various codes over the next month with their family should pay close attention to the volume and repetition of advertising designed to associate alcohol consumption with healthy activity, young people and success. We need a cultural change when it comes to alcohol, and proper regulation of advertising must be part of that change."

Professor Mike Daube, Director of the McCusker Centre for Action on Alcohol and Youth, said, "It is time to end the charade of industry self-regulation that allows children to be heavily exposed to alcohol promotion. The community understand this and there is strong support for legislation. We call on all governments to take on the international companies that dominate the Australian market and act to protect our kids".

Foundation for Alcohol Research and Education (FARE) Chief Executive Michael Thorn, said, "This report provides yet more evidence that self-regulation of alcohol advertising does not work. Even more disturbing, it highlights the alcohol industry's relentless drive to normalise the consumption of alcohol by exposing and pushing alcohol to young people, across an ever-expanding range of traditional and digital media platforms and merchandising incentives".

Public Health Association of Australia CEO Michael Moore said, "The alcohol companies defend self-regulation because they know it doesn't work. Industry self-regulation didn't work for tobacco and it doesn't work for alcohol. It's time to legislate so that there are controls that work".

Copies of the report are being sent to all Health Ministers, Federal Members of Parliament and the Australian Communications and Media Authority.

The AARB was established by the McCusker Centre and Cancer Council Western Australia with support from many health organisations.

The report is available at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au)

ENDS

For further information contact:

Professor Mike Daube (0409 933 933) or Julia Stafford, McCusker Centre Executive Officer (0413 531 398)

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**Up next**

**Dora the Explorer Children - F1**  
by gamecrown  
9,335,037 view

**Heroes of the AD**  
by Heroc  
4,438,981 view

**Dora Saves T Episode 1 | R1**  
by SuperDoraGa  
2,582,742 view

**Dora Saves T Episode 4 | R1**  
by SuperDoraGa  
1,325,469 view

**Dora the Explo 2014**  
by SuperDoraGa  
2,119,192 view

**Bubble Guppies Episode 2014 P**  
by SuperDoraGa  
341,342 view

**Dora The Explor Children|Dora th**  
by Disney Cartoon I  
63,428 view

**Dora the Explore ☆ ☆ ☆ Dora the**  
by R102  
73,342 view