

A COMMENTARY ON TWO OF AUSTRALIA'S GREATEST CONSUMING PASSIONS, ALCOHOL AND SPORT, AND THE REGULATION OF THE RELATIONSHIP BETWEEN THEM

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Alcohol and sport, two of Australia's greatest consuming passions, have been interrelated since early in Australian history. In present day the relationship is evident within Australian culture and has become synonymous with the marketing and promotion of both sport and alcohol. However greater regulation of the interrelationship, aimed at addressing the wider community health issues surrounding excessive consumption and alcohol related harm, particularly where youth are concerned, is seemingly imminent. This article explores the current regulatory framework of the relationship between alcohol and sport and the environment within which the two exist, with a view to inciting discussion about the continuing sustainability of the relationship.

Introduction

"Australia is obsessed with Rugby Union football and Australian Rules. But the great Australian sport is drinking".

This quote by New York theatre critic Clive Barnes in 1974 typifies Australian culture in many respects. It illustrates the relationship between sport and alcohol, and that both sport and the heavy consumption of alcohol is part of Australian culture. That this statement was made in 1974 is indicative that they have been for some time. Indeed it is true that the consumption of sport either "on couch" or "on lounge" (in varying capacities) and consuming alcohol have a long association in Australia, and are two of Australia's greatest consuming passions, separately and together.

It is little wonder then that in the age of commercialism the alcohol beverage industry has firmly aligned itself with sport through various forms of marketing mediums such as sponsorship and advertising. However, many questions are being posed about the continuing sustainability and relevance of the relationship in light of the prevailing issues surrounding alcohol consumption, particularly in relation to youth. Indeed, the long known ill effects and issues surrounding alcohol misuse

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and related harm are the catalyst as to why increased regulation of the alcohol beverage industry is imminent. The relationship sport has with alcohol through various forms of marketing is one factor being used to fuel the argument that alcohol sponsorship and advertising of sport in Australia should be regulated, and perhaps subjected to the same treatment as tobacco, and banned altogether.

If greater regulation of the alcohol beverages industry relationship with sport is imminent, due to the significant part sport plays in our lives, and the significant part sponsorship, and indeed alcohol sponsorship, plays in sport, it is vitally important that any regulation occur as a result of an informed decision making process, to bring about and maintain long term change in culture to alcohol, and resulting societal health benefits.

This article will therefore provide an overview of the multi-faceted cultural relationship between sport and alcohol in Australia; and discuss the marketing of alcohol through sport. In addition, the community health aspects of alcohol consumption will be presented before the way in which the regulatory relationship between Australia's two great consuming passions, alcohol and sport is discussed.

It must be made clear from the outset, the purpose of this article is not to draw or even compare alcohol and tobacco. Rather it is to present the framework within which alcohol and sport exist in Australia. An understanding and knowledge of this framework is of paramount importance to any regulatory mechanism as it will be this environment that any increased regulation must operate within and ultimately serve to modify.

Alcohol Part of Australian Culture

Alcohol and Australian Culture

“For many Australians “having a drink” is synonymous with relaxation, socialising and good times. Alcohol is accepted as an integral part of Australian life and culture and most adults drink alcohol to some degree”³

There is no question alcohol permeates Australian culture. Despite what may be thought, this is not a recent eventuation as a review of Australia's history reveals

³ Commonwealth Department of Health and Aged Care, 2001 'Alcohol in Australia: Issues and Strategies Background Paper to the National Alcohol Strategy 2001-2003/04', Commonwealth Department of Health and Aged Care, Canberra as cited within Drugs and Crime Prevention Committee, 'Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper' (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004), at p 10

that alcohol very much played a part in shaping Australia's identity. Indeed, alcohol has always had an association with Australia, right from the time Europeans first brought alcohol to our shores.⁴ Early in white Australian history, alcohol, in the form of spirits (and predominately rum) became a form of currency, particularly when the currency of the day was not plentiful enough to meet commercial demand.⁵ Alcohol therefore became a commodity to barter with, promoted by the fact that convicts were part paid in rum.⁶

Misuse of alcohol in the early years of white Australian history was a direct result of English and European history and attitudes to alcohol at the time.⁷ As a result, as years passed, a culture of heavy drinking developed. Influenced by European heritage in conjunction with other cultural factors including cultural notions of masculinity, social practices included shouting, drink and bust and the well known though now arguably extinct five o'clock swill.⁸

With this history, alcohol is now entrenched throughout many facets of Australian life. Indeed, alcohol is so entwined in the social fabric of Australian society there would hardly be an event, public or private that is not marked in some way through the consumption of alcohol. It features heavily in our celebrations, successes, milestones and even commiserations through its multifaceted use and application, as a "toast, a sacrament, a fortifier, a sedative, a thirst quencher and a symbol of sophistication"⁹.

One of the greatest examples of the permeation of alcohol within Australian culture is the promotion of alcohol within the media. Prime examples are television and radio advertisements for Victoria Bitter, touting the famous catch cry of "you can get it..." (A thirst for VB, that is) in any facet of Australian life. And this is not the only brewer conveying a similar message. "I feel like a Tooheys or two" was a corresponding campaign from the Tooheys camp. It could be argued therefore that the media has also played a significant role in cementing the iconic relationship alcohol now clearly has in Australian culture.

⁴ Mason, Gail and Wilson, Paul R, 'Alcohol and Crime' (April 1989) *Australian Institute of Criminology Trends and Issues in crime* <<http://www.aic.gov.au/publications/tandi/ti18.pdf>> 27 September 2005

⁵ Lewis M, 'Alcohol in Australia: The Intertwining of Social and Personal Histories, An interview with Milton Lewis' <http://dulwichcentre.com.au/alcohol_in_australia.htm> accessed 18 September 2006

⁶ Ibid

⁷ Lewis M, above Note 7

⁸ Ibid

⁹ Lewis M, above Note 7

Alcohol Consumption - A Part of Australian Sporting Culture

In Australia's "sport idolised" society, alcohol is synonymous with sporting events and celebrations.¹⁰ Indeed, alcohol is also deeply entrenched in Australian culture through its inextricable link with sport. The link alcohol has with Australian sport is so significant it seems wherever one is the other is never far away. Both consuming sport and consuming alcohol (either at the field or through the media) are iconic Australian cultural activities, both separately and, arguably together.¹¹ In fact, the cultural link between sport and alcohol is so strong that "for many people, alcohol is part of the culture of being a fan, just like a half time hot dog or a scarf in team colours..."¹²

The association between sport and alcohol consumption is not a recent phenomenon. As early as the 1850's, alcohol is recorded as having played a significant part in early colonial sport in Australia.¹³ Champagne lunches were held for competitors before competition, and depending upon the sport, during competition. Invariably, it is alleged that the team that won the particular competition was often the least inebriated.¹⁴ Whilst the first hero of Australian Rules, Thomas Wentworth Wills was testament to the consumption of alcohol whilst playing sport, he is also a testament to the ill effects of alcohol for drinkers, having died in 1880 after stabbing himself in the heart in a drunken frenzy!^{15 16}

Although alcohol is not so readily consumed in the modern era by competitors, during or so close to competition, alcohol continues to play a large part in the viewing consumption of sport by fans and in post competition celebrations and commiserations by both fans and competitors.¹⁷

¹⁰ Webster, I 'Alcohol and Culture: The Challenge to Public Health' p 8 (paper presented 13 February 2005 – conference unknown)

¹¹ Clews, Gaylene and O'Connor, Maurie; and McCrae, Jason, 'Tip the Balance - Alcohol Management in Sport' (paper presented at the ISSP 11th World Congress of Sport Psychology, Sydney, 15 - 19 August 2005) <http://www.issp2005.com/pdf_papers/AlcoholInSport_Intro_Clews_OConnor_McCrae.pdf> 27 September 2005; Mason, Gail and Wilson, P.R, 'Alcohol and Crime' (April 1989) *Australian Institute of Criminology Trends and Issues in crime* <<http://www.aic.gov.au/publications/tandi/ti18.pdf>> 27 September 2005

¹² Levy, A, 'Alcohol very often implicated in post-match violence' (August 2005) 52 *Spectra: Prevention and Health Promotion*, [1-2] <www.bag.admin.ch>

¹³ Lavelle, P 'The bat, the ball and the booze' 2005 ABC ONLINE <www.abc.net.au/halth/thepulse/s1330175.htm> at 27 September 2005

¹⁴ Ibid

¹⁵ Lavelle, P above Note 13

¹⁶ De Moore, G 'The Suicide of Thomas Wentworth Wills' (1999) 171 *Medical Journal of Australia* 1999 p 656-658 <http://www.jma.com.au/public/issues/171_11_061299/demoore.htm>

¹⁷ Clews et al, above Note 11

The historical link between alcohol and sport has also arguably led to the development of an alcohol culture within Australian sporting clubs. So much so, that perhaps the drinking of alcohol is greater within the sporting community than the non sporting community.¹⁸ This notion is supported by research regarding the use of alcohol by sports clubs which found that drinking in sports clubs was higher than the national Australian average.¹⁹ In addition, it has been reported that over a quarter of males and females drink at levels that risk short term harm every time they drink at their sports clubs, and that for over $\frac{3}{4}$ of the survey participants, drinking was an important part of club camaraderie, tradition, and a way to relax and celebrate after the match.²⁰ In this way, consuming alcohol is a major part of our sporting culture and heritage, just as having a beer and consuming sport, either “on lounge” or “on ground”, is an established Australian pastime.²¹

This apparent depth of the cultural relationship between sport and alcohol in Australia is supported by recent research conducted by Simone Pettigrew regarding Australian culture and the way in which Australians utilize their leisure time.²² Not only were sport and alcohol reported to be the two most frequently discussed topics, but so close was the interrelationship, that the “two subjects of sport and alcohol appeared to be ‘naturally’ aligned”²³.

Other research by the Australian Drug Foundation (“ADF”) also suggests there is an attitude amongst members of sporting clubs that alcohol is an important part of club culture. The research found 70-80% of sports club members view the consumption of alcohol within sporting clubs positively, with it being important for celebrating; maintaining club camaraderie; facilitating relaxation after matches and training; maintaining the unity of members; enhancing clubs members’ enjoyment of their time at their club; and enhancing family socializing at their club.²⁴

It is thought the above factors above may be stronger in rural areas where “local hotels and clubs are the primary source of entertainment and provide the main

¹⁸ Munro, G.D; Scott, J; and Angelis, G. (July 1999) ‘Creating a New Culture: The Sporting Clubs’ Alcohol Project 1996-7 Public Report (Australian Drug Foundation and Centre for Youth Drug Studies)

¹⁹ Duff, Scealy and Rowland, ‘The Culture and Context of Alcohol Use in Sporting Clubs in Australia: Research into Attitudes and Behaviour’ (2004) as cited in ‘Sport and Alcohol - an Uncivil Union?’ (October 2005) 3 *News and Views: The Newsletter of Alcohol Health Watch* p 1

²⁰ Ibid

²¹ Clews et al, above Note 11

²² Pettigrew, S. ‘Australians and their leisure time’ (2005) 6 *Journal of Research For Consumers* online journal website unknown

²³ Ibid

²⁴ Duff, Scealy and Rowland, (2004) ‘Executive Summary: The Culture and Context of Alcohol Use in Sporting Clubs in Australia: Research into Attitudes and Behaviour’ Centre For Youth Drug Studies, Australian Drug Foundation p 14

venue for community and sporting groups”²⁵. It is further thought that playing sport and/or consuming alcohol are activities that “contribute to community cohesion and identity”²⁶ in rural areas of Australia.²⁷ These cultural traditions are complimented by the proliferation of professional and amateur sporting clubs who are sponsored by alcohol companies or local hotels. Furthermore, many mega high profile national and international sporting events such as the Melbourne Cup and Australian Open are sponsored by large breweries. Such prominent associations between elite sport and alcohol consumption undoubtedly affect the ways alcohol is consumed on more “grass roots” settings in Australia, with numerous studies suggesting that alcohol misuse is all too common among community level sporting clubs.²⁸

Alcohol misuse within the sporting community, according to the Australian Alcohol and Other Drugs Council of Australia (“ADCA”) is merely part of a culture of heaving drinking which bedevils Australian sport at elite and community levels. At amateur and community levels the problem manifests in binge drinking after weekend games to celebrate or commiserate the result, alcohol prizes for on field performance, and end of season trips organized as drinking safaris.²⁹ Whilst, sports clubs provide opportunities for young people to develop social skills and networks outside the primary setting of the family and school, many clubs also contribute to the culture of alcohol within the sporting community by accepting and even promoting excessive drinking and by providing inappropriate role models for young people.³⁰

Marketing of Alcohol Through Sport – Affirming the Relationship Between Sport and the Alcohol Beverage Industry

Apart from the interrelationship that alcohol has in Australian culture and Australian sporting culture, the alcohol beverage industry also has a strong link with sport through the marketing of its product. The various marketing mediums

²⁵ Submission of Bendigo Community Health Services May 2004 as cited in ‘Inquiry into Strategies to Reduce Harmful Alcohol Consumption’ May p 4– Discussion Paper’ (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004)

²⁶ Commonwealth Department of Health and Aged Care (2001) p 6 as cited in Drugs and Crime Prevention Committee, ‘Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper’ (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004), p 11

²⁷ Ibid

²⁸ For example Duff et al, above note 24 p 2

²⁹ Munro, G and Snow P ‘Good Sports Program - Tackling Alcohol in Sports Head On’ (March 2006) 29 Alcohol News, Alcohol and Other Drugs Council of Australia
<<http://www.adca.org.au/publications/news/Issue29march06final.pdf>>

³⁰ Ibid

include advertising within the sport environment, sponsorship of sporting events, clubs and teams, as well as other promotions directly relating to sport.

The proliferation of marketing of by the alcohol beverage industry through sport in Australia is evident throughout all tiers of the sporting community from grass roots community based clubs and local teams to the national sports governing bodies and Australian international representative teams. The association between sport and alcohol and sport is evident through the clutter of logos, products and slogans on player uniforms and sporting grounds around the country. Indeed many commentators have observed the sponsorship of sport by the alcohol beverage industry, along with the consumption of alcohol, is a “pervasive part of Australian culture”.³¹

The great appeal sport has to consumers, from a participant and spectators point of view, whether that be “on ground” or “on lounge” makes it the perfect medium for advertisers and sponsors to align to their promotional messages and images in order to sell their products. This is due to the special appeal that sport holds for consumers, which will be discussed later in this article.

All over the world it is commonplace for sport, at all levels, to attract commercial interest from corporations looking to align themselves and their associated products or services through various forms of marketing mediums such as sponsorship, advertising and broadcast rights and the alcohol beverage industry is no exception.

The alcohol beverage industry has many faces, incarnations and identities. These include breweries, such as Tooheys, Hahn, Carlton & United and James Boags; and their product brands such as Extra Dry, Victoria Bitter, Premium Light and Pure Blonde. Beyond the beer, there are distillers such as Smirnoff, Jim Beam, Bundaberg Rum and Cougar, all with multiple pre mixed and straight variations on their core alcoholic product. Alcohol products such as these are commonly promoted through sport. Beyond the products containing alcohol and the breweries that produce them, sport is also supported by various alcohol establishments such as pubs and clubs who sponsor sport with the aim of increasing the number of patrons through their doors to profit from the sales of alcoholic products. Moreover, more sports associations have, in recent years, attained a liquor licence

³¹ Mendoza, J and O’Riordan D *Young Adults and Alcohol at Sporting Venues* (1995) [no further citation provided] as cited in Munro, G.D; Scott, J; and Angelis, G. (July 1999) ‘Creating a New Culture: The Sporting Clubs’ Alcohol Project 1996-7 Public Report (Australian Drug Foundation and Centre for Youth Drug Studies)

under seemingly relaxed licensing laws and it is revenue from this source as well as those generated from sponsorship that funds the operation of many sporting clubs and organisations. These examples illustrate the multi-faceted faces of the alcohol beverage industry and the differing means utilised by the industry to promote itself and its products. Each of these marketing strategies has its place in the marketing mix.

The Marketing Mix and its Relationship with Sport

There are many ways the alcohol beverage industry uses to market its product or establish its brand, apart from sponsorship and traditional advertising through broadcast or print based mediums. Although it must be recognised that other marketing methodologies are utilised through new age technologies such as the Internet, mobile phones; point of sale promotions and product naming and packaging, this article will primarily focus on advertising and sponsorship.

Marketing is defined as all activities designed to meet the needs and wants of consumers through exchange processes.³² Sport marketing is no different, though simply refers to the needs and wants of sports consumers. i.e. those that consume sport through their involvement or linkage with the industry in varying capacities such as by participating as a player, coach, official or volunteer, or as a spectator.

There are two major thrusts of sport marketing: the first is the marketing of sports products, services and events; and the second is the marketing of products and services other than sport through the use of sports and sport promotion.³³ In the context of this article, we are examining the use of sport to market products and services within the alcoholic beverage industry.

The long held framework for all marketing is the marketing mix, which reasons that all marketing is comprised of four key elements: product, price, place and promotion. When it comes to alcohol marketing, sport is a valuable medium that is used via various promotional strategies. These promotional strategies may include logos and signage displayed on the stadium turf and surrounding billboards, naming rights of teams, logos and branding on athlete clothing, sponsorship of player awards or sponsorship of the telecast of a particular sport series or event. New initiatives are being developed all the time.

³² Mullin, B.J., Hardy, S., & Sutton, W.A. (2001) *Sport Marketing* 2nd Edition Human Kinetics, Champaign

³³ Ibid

For grass roots level sport the promotional strategies may be along similar lines, but on a much smaller scale. Purchasing jerseys, signage at grounds, discounted alcohol, venue for post match celebrations, injection of money for the purchase of club equipment are all methods used by grassroots sponsors to promote their products and services, and create a positive impact on customers.

It is important to understand there are many diverse methods of marketing alcohol through sport. As technology develops and diversifies so too does the manner in which alcohol promotes its product through sport. These new technologies and methods will ultimately need to be considered in terms of regulation, however, it is first important to understand the two most utilised and traditional methods of alcohol promotion through sport, and they are advertising and sponsorship.

Advertising is a “paid communication in which the medium and the message are controlled by the advertiser and can be explicitly linked to the relevant organisation or brand”.³⁴

Sponsorship on the other hand is distinct from advertising because it involves:

*“the provision of resources by an organisation directly to an event, market cause or activity – allowing the providing organisation to then engage in sponsorship linked marketing to achieve either their [the sponsors] corporate, marketing or media objectives”.*³⁵

Advertising and sponsorship are both promotional means used by the alcohol beverage industry to market. Advertising is different from sponsorship because it involves the purchase of promotional space from an organisation. For example, a brewery may purchase a billboard sign at a match and advertise its products with complete control of the billboard content. Sponsorship is subtly different because whilst a sponsor may receive advertising (for example on billboards) as a by-product of a sponsorship arrangement, it is due to a relationship that exists between the organisation and the sponsor and the content is generally decided by the organisation. As such a company can purchase advertising without being a

³⁴ Gross, A and Traylor, M and Shuman, P ‘Corporate Sponsorship of Art and Sports Events in North America’, (1987) 15 *European Research*, 9-13; Javalgi, R; Traylor, M; Gross, A and Lampman, E ‘Awareness of Sponsorship and Corporate Image: An Empirical Investigation’ (1994) 23 (4), ‘Journal of Advertising’, 47-58; as cited in Jalleh, Geoffrey; Donovan, Robert J; Giles-Corti, Billie; and Holman, D’Arcy J, ‘Sponsorship: Impact on Brand Awareness and Brand Attitudes’ (Spring 2002) Vol VIII No 1 *Sport Marketing Quarterly*, 35

³⁵ Lee, M.S., Sandler, D., & Shani, D, ‘Attitudinal Constructs Towards Sponsorship: Scale Development Using Three Global Sporting Events. (1997) Vol 14, No 3 *International Marketing Review*, p159-169 as cited within McKerrow M, ‘The Response of the Australian Rugby Union Community to the Commercialisation of the Code’ Unpublished Masters Thesis, Southern Cross University, 2003

sponsor; and a sponsor receives a number of benefits from its relationship with the organisation it sponsors, which may or may not include advertising.

Alcohol Beverage Industry Marketing and Sport

Although the distinction between advertising and sponsorship is subtle, and arguably decreasing in the modern age, it cannot be disputed that alcohol's usage of both marketing mediums to align itself with sport is a strategy that has been ubiquitous in its utilization. For example, in Australia all of the professional football codes at the national level (notably apart from the newly formed Football Federation of Australia i.e. Soccer), as well as cricket have an alcohol sponsor in some incarnation or another. For rugby union it's Tooheys and Bundaberg Rum, AFL is strongly aligned with Carlton and United Breweries ("CUB"), and for Rugby League its CUB as well as Bundaberg Rum.³⁶ Cricket Australia has a current sponsorship with Fosters after a previous association with both Victoria Bitter.³⁷ These examples are only a hand few of the national level sports and do not account for the extent of alcohol association with other national, state, regional and local level sports organisations and events, a myriad of which are provided with sponsorship via the alcohol beverage industry. These include sponsorship of local sports organisations by community pubs and clubs, and the advertising of bottle shops such as "Local Liquor" on regional television networks whilst major sporting events are telecast.

In addition to sponsorship and advertising through sport, there are a number of promotional campaigns undertaken by the alcoholic beverage industry, seeking to capitalise on special aspects of sport to boost sales and product awareness. A great example in the past year of alcohol promotion through sport was Carlton United's Victoria Bitter "Boonie Doll" campaign in the summer 2005-6 cricket season. The "Boonie" figurines, modelled on ex Australian cricketer David Boon, were only available upon purchase of two cartons of Victoria Bitter. The promotion capitalised on David Boon's place as an icon of Australian sport, as well as his place as a renowned drinker in the eyes of all Australians. The "Bonnie dolls" were sound activated, and phrases such as "I think its time for a beer" were transmitted by the figurines, which proved popular, and encouraged greater beer sales. This example illustrates that sport makes a great promotional medium to drive product sales and brand awareness.

³⁶ <<http://www.nrl.com.au>> 25 September 2006

³⁷ <<http://www.cricketaustralia.com.au>> 25 September 2006

Why do companies sponsor sport?

As media and marketing interest in sport has increased since the advent of television and televised sport, funds generated by the corporate dollar have become increasingly important to the sporting industry. However, the view that sport is a highly effective promotional medium is not a new one. The ancient Greeks demonstrated this many years ago when wealthy aristocrats supported athletic festivals to win favour and political support.³⁸ So why exactly is sport so appealing? Whilst sport has always carried a special appeal for consumers, this is accentuated in the age of professionalised and commercialised sports, where the media and multiple technological advances have increased the quantity and magnitude of promotional mediums that companies have to choose from in using sport to market their products.

One of the most attractive features for corporations is the fact that sport has a number of special features which distinguish it from other industries. Perhaps two of the most distinguishing special features of sport which contribute to its universal appeal are the emotional attachment and irrational passions displayed by fans.³⁹ Indeed, there is no disputing that sport has a brand loyalty like no other industry or product.

This is best explained by considering another industry and product, for example, a carton of milk. A consumer would not continue to purchase a brand of milk that consistently failed to meet his/her expectations in taste, consistency, packaging or storage life. However, if the sports team supported by the same consumer failed to meet his/her expectations on the field, it is not expected that this consumer would switch to supporting another team. Consider the fact that National Rugby League (NRL) team, the Cronulla Sharks has not won a Grand Final Title since its inception to the NRL, or its previous incarnations, in 1967! Yet, despite this record, the club maintains a strong fan base.⁴⁰ The lack of performance based success does not appear to lead to fan depletion, or to fans switching between teams during or between respective seasons. In fact, to do so would be regarded as downright 'un-Australian'. When you support a team, you support it for life, regardless of its level of success. Hence, it is the special features of sport, that make such an attractive medium for a company to align their products with, ensuring a consistent audience, over a longer period of time.

³⁸ Pope, N & Turco, D. (2001) *Sport and Event Marketing* Irwin/McGraw-Hill, Sydney.

³⁹ Smith, A., & Stewart, B. (1999) *Sports Management: A Guide to Professional Practice* Allen & Unwin, St Leonards

⁴⁰ <<http://www.sharks.com.au>> 25 September 2006

Corporations choose to capitalise on sports special features and be associated with sport through sponsorship because of the many associated benefits they receive in return. Benefits for the sponsoring company include increased public awareness; altering or reinforcing public perception of the company; identification of the company with particular a market segment (for example sports relationship with alcohol provides a market segment of drinkers at a sponsors disposal through sponsorship of a club, series or event); building of good will through target market groups, achievements of sales objectives; and the creation of competitive advantage over competitors.⁴¹

Advertising and Promotion Benefit Sport

In addition to the benefits that sponsorship of sport has for sponsoring corporations, the injection of funds from sponsorship and advertising revenue is beneficial to the functioning of sport, particularly at the professional level. Indeed, corporate involvement within sport has progressed to become synonymous with elite level sporting competitions. The relationship between corporations and sport is a mutually beneficial arrangement because sponsorship provides sport with an injection of funds that can be utilised to offer greater benefits to participants, and ensures that sports events and competitions can exist, and exist on the scale that they currently do. In this way sponsorship is intended to have mutual benefit for both the sport and the sponsoring company.

The value to sport of sponsorship by companies was estimated at being about AUS\$1.25 billion in Australia in 2003⁴² and approximately US\$24.8 billion globally.⁴³ A further illustration of the financial significance of sponsorship is the reported total 71% revenue base from sponsorship funds and television rights revenue of the Australian Cricket Board in 1999.^{44 45}

The value of advertising revenue to sport is indicated by reports suggesting the AFL generated a substantial revenue of \$108.4 million in 1999, \$43.1 million (or approximately 40%) of which was comprised of income from television rights and sponsorship.⁴⁶

⁴¹ Mullin et al, above note 32

⁴² Jacobsen, G 'Alcohol ads wet whistle of youth sports clubs' *Sydney Morning Herald* (Sydney) 12 July 2003 <<http://www.smh.com.au>> 17 September 2006

⁴³ Amis, J and Conrwell, B.T (July 2005) *Global Sport Sponsorship* further citation details unknown

⁴⁴ Shilbury, D., & Deane, J. (2001). *Sport Management in Australia*. Deakin University Press, Melbourne.

⁴⁵ Hornery, A. (2001). Motor racing gets the most sponsorship. *The Sydney Morning Herald*, p29.

⁴⁶ Shilbury and Deane, above note 44

Whilst it is clear that sponsorship and advertising makes a significant contribution towards the funding of sport in Australia, there are no identifiable empirical figures available which conclusively detail the proportion of this amount which is provided by the alcoholic beverage industry, at any level of Australian sport. However it has been found “that the sponsorship [and therefore arguably advertising] of popular sports for young people is dominated by gambling, alcohol and unhealthy food”.⁴⁷ Obviously, further research could establish the value of “alcohol dollars” to sport at all levels.

Notwithstanding the growth of the sponsorship industry since the above figures were reported, it is apparent that sponsorship has become an integral part of the sport and recreation industry at both the elite level and at the grass roots, and is vital to the funding and growth of the sector.⁴⁸ In many cases, the level of sport available to participants and spectators is a result of sponsor funding, without which sport could not exist on its current scale. Whilst the funding afforded to sport by sponsors has in many cases become a necessity for its operational survival, the issue of sponsorship and associated advertising with sport is often discussed, particularly where alcohol is concerned.

Sponsor Fit / Ethical Considerations

As society is becoming more socially responsible and ethically aware, sports organisations are frequently encouraged to ensure that sponsorship arrangements are mutually beneficial in nature and display an appropriate level of “fit” between sponsor and sponsored. Undoubtedly it is a valuable practice for a sporting organisation to evaluate the “fit” between both the sponsoring company and any paid advertisers and the sport to ensure the product of the company aligns with the intended image and community perception of the sport. Indeed, the message being promoted by the sponsor, in this case, the alcohol beverage industry needs to be consistent with that of the sponsored organisation. Without this level of fit, “negative image transfer” may pass from one party to the other.

With this in mind, sponsors of sport can be categorized as companies that promote products which pose risks to health (such as gambling, fast food, tobacco) and those that promote health supporting products (health insurance, healthy foods, exercise equipment and facilities).⁴⁹ Indeed, an important benefit for commercial

⁴⁷ Maher, A; Wilson, N; Signal, L and Thomson, G ‘ Patterns of sports sponsorship by gambling, alcohol and food companies: an internet survey’ (April 2006) *BioMed Central* <<http://www.biomedcentral.com/1471-2458/6/95>> September 2006

⁴⁸ Sport and Recreation Victoria ‘Sport and Recreation Business Series – Understanding sponsorship in Sport and Recreation’ (2000 no 3

⁴⁹ Maher et al, note 47 above

sponsors is the association with the healthy and positive image of sport, particularly where the product is actually in the category that poses a risk to health. In this way, the health risk issues of the product are obscured by the positive and healthy sport imagery whilst at the same time encouraging increased promotion.⁵⁰ It is a difficult scenario for sports organisations that must source sponsorship in order to survive, particularly on the community level, but ensure that it comes from companies that are in keeping with the image that it seeks to promote to the community.

Consequently, the appropriateness of the fit between sport and the alcohol beverage industry, in all its incarnations, is being questioned, particularly in relation to young people. It is easily concluded that alcohol would be categorized as a product that can pose risk to your health, and portrays an image that a sports organisation may choose not to be associated with. These image issues have particularly come to the fore in recent years with the highly publicised examples of poor behaviour of prominent sports stars directly linked to excessive consumption of alcohol^{51 52} and spectator misbehaviour and crowd violence as a result of intoxication during or after attending live sporting events.⁵³ These examples when combined with the culture of drinking within sporting clubs,⁵⁴ particularly clubs involving sports predominately played by younger men,⁵⁵ leads to questioning of the message alcohol promotion provides to young people. Add into the mix that alcohol advertising and sponsorship is said to have significant effect upon children and teenagers⁵⁶ it is not hard to see the reasons behind the concern with the “fit” of the relationship between alcohol and sport.

Furthermore, many commentators⁵⁷ suggest the alcohol beverage industry deliberately market through sports to reach the young, the captive potential market who are yet to consume alcohol, or in the stage of their lives where they are, or will soon be faced with making decisions about their personal alcohol consumption. It is suggested therefore that the association between sport and alcohol reinforces the

⁵⁰ Maher et al, note 47 above

⁵¹ Eg the widely publicised “Coffs Harbour Escapades” of the National Rugby League Canterbury Bulldogs team, the drink driving offences of Australian Football League team the Richmond Tigers and reported drunken exploits of several Australian Rugby Union players

⁵² Lavelle, above note 13; ABC Radio ‘Call for end to beer ads at sports events’ *AM* 26 August 2003 <<http://www.abc.net.au/am/content/2003/s932023.htm>> at 27 September 2005

⁵³ Levy, above note 12, Lavelle, P above n 13

⁵⁴ Snow, P ‘The Culture of Alcohol: Rural Teenagers and Alcohol: What are Parents Thinking?’ (paper presented at the Getting the Full Bottle on Alcohol Key Stakeholders Seminar, Victoria, 10 December 2004)

⁵⁵ Lavelle, P, above note 13

⁵⁶ Institute of Alcohol Studies ‘Fact Sheet’ (1 March 2005) <<http://www.ias.org.uk/factsheets/advertising.pdf>> 27 September 2005

⁵⁷ Primary Source: Drugs and Crime Prevention Committee, ‘Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper’ (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004)

culture of drinking, and promotes the unhealthy perception that drinking, and moreover, binge and heavy drinking, is a 'normal' part of the 'Australian way of life'.⁵⁸ These marketing images are reported to effect teenage decisions about drinking, and arguably, contribute to youth putting themselves in risk taking and potentially dangerous situations whilst drinking.⁵⁹ On the other hand it is argued that alcohol is healthy in moderation. Regardless of any perceived health benefits, there can be no doubt alcohol is still responsible for a great deal of harm in society.

Levels of Alcohol Use and Related Harm in Society – A Cause for Concern

Alcohol misuse and related harm is a serious health and social problem in Australia.⁶⁰ The social and economic cost is unacceptably high with statistics suggesting the cost to the Australian community to be more than \$7.560 billion per annum.⁶¹

Examination of the impact of alcohol on the health of the community requires that alcohol is defined for reference. "Alcohol, though widely used and enjoyed in Australian society, is a depressant drug".⁶² In low quantities it causes people to become less inhibited, and in higher doses it can cause unconsciousness and death.⁶³ High alcohol consumption increases the risk of heart, stroke and vascular diseases, liver cirrhosis and some cancers.⁶⁴ It also contributes to disability and death through accidents, violence, suicide and homicide.⁶⁵

The difficulty with alcohol is that there have been many documented benefits of moderate consumption of alcohol.⁶⁶ Moreover, given the infiltration of alcohol in society, added difficulty is provided by the fact alcohol is often not regarded as a

⁵⁸ Ibid

⁵⁹ Primary Source: Drugs and Crime Prevention Committee, 'Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper' (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004)

⁶⁰ Mason, Gail and Wilson, Paul R, 'Alcohol and Crime' (April 1989) *Australian Institute of Criminology Trends and Issues in crime* <<http://www.aic.gov.au/publications/tandi/ti18.pdf>> 27 September 2005

⁶¹ Collins, D.J and Lapsley, HM 2002 'Counting the cost: estimates of the social costs of drug abuse in Australia in 1998-9 National Drug Strategy Monograph Series, No 49 Australian Government, Canberra as cited in Australian Bureau of Statistics (25/08/2006) Issue 1 'Alcohol Consumption in Australia: A Snapshot, 2004-05' <<http://www.abs.gov.au/Ausstats/Abs@nsf/>> 17 September 2006

⁶² Australian Bureau of Statistics (25/08/2006) Issue 1 'Alcohol Consumption in Australia: A Snapshot, 2004-05' <<http://www.abs.gov.au/Ausstats/Abs@nsf/>> 17 September 2006

⁶³ Ibid

⁶⁴ Australian Bureau of Statistics, above note 62

⁶⁵ WHO – Global Status Report on Alcohol 2004 in ABS: Alcohol Consumption in Australia

⁶⁶ National Alcohol Strategy 2006-2009 (2006) Ministerial Council on Drug Strategy, Barton, p21

drug.⁶⁷ However, despite the arguable benefits, the statistics indicate there is plenty to be concerned about:

- Approximately 8 Australians die each day as a consequence of alcohol related factors;⁶⁸
- Alcohol is the second largest cause of drug related deaths and hospitalisations in Australia (after tobacco);⁶⁹
- Over 70,000 Australians are admitted to hospital each year due to alcohol misuse;⁷⁰
- At least five million Australians binge drink every month;⁷¹
- 62.3 % (representing approximately two thirds) of all alcohol consumed in Australia is done so at levels that at a high risk level The proportion of Australians drinking at a high risk level has increased over the past three National Health Surveys, from 8.2% in 1995 to 10.8% in 2001 and 13.4% in 2004-5;⁷²
- Alcohol dependence and harmful use was ranked 17th in the 20 leading causes of burden of disease and injury for Australia in 2003;⁷³
- Alcohol is the main cause of death on Australian roads.⁷⁴

⁶⁷ Hamilton M, King T, Ritter A, Drug use in Australia. Preventing Harm. 2nd ed. Melbourne: Oxford University Press, 2004 in Bonomo, Y.A 'Adolescent Alcohol Problems: Whose Responsibility is it Anyway?' (17 October 2005) Vol 183 No 8 *Medical Journal of Australia* 430-432 <http://www.mja.com.au/public/issues/183_08_171005/bon10581_fm.htm> 17 September 2006

⁶⁸ Australian Bureau of Statistics, above note 62

⁶⁹ Australian Institute of Health and Welfare 2005a '2004 National Drug Strategy Household survey: Detailed Finding, AIHW Cat, NO PHE 66, AIHW, Canberra as cited in Australian Bureau of Statistics (25/08/2006) Issue 1 'Alcohol Consumption in Australia: A Snapshot, 2004-05' <<http://www.abs.gov.au/Ausstats/Abs@nsf/>> 17 September 2006

⁷⁰ Premier's Drug Council Prevention Report, 'Getting the Full Bottle on Alcohol: Key Stakeholders Seminar (Melbourne 10 December 2004)' <<http://www.health.vic.gov.au/pdpc/reports/htm>> 27 September 2005

⁷¹ Roy Morgan [poll – further citation unknown] as cited in McKenzie, N 'Sports figures to attack culture of drinking in sport' ABC PM transcript 16 September 2004 18.43.05 <<http://www.abc.net.au/pm/content/2004/s1200980.htm>> 17 September 2006

⁷² Australian Bureau of Statistics, above note 62

⁷³ Australian Institute of Health and Welfare, above Note 69

⁷⁴ Ridolfo, B and Stevenson, C (2001) 'The Quantification of Drug-caused Mortality and Morbidity in Australia, 1998, Drug Series No. 7 AIHW Cat. No PHE 29, AIHW Canberra as cited in Australian Bureau of Statistics (25/08/2006) Issue 1 'Alcohol Consumption in Australia: A Snapshot, 2004-05'

The harmful effects of alcohol on youth

A review of current literature by the authors revealed many harmful health social and economic consequences of alcohol misuse and related harm affecting both the individual and society, but by far the largest area of concern appears to be the issues surrounding youth and adolescent drinking. Indeed, the “harm experienced by young people through the heavy and unsafe use of alcohol”⁷⁵ is one of two current priority issues for the ADF and has been the basis for a number of other health initiatives such as the Good Sports Program and the Community Alcohol Action Network.^{76 77}

The concern for teen and youth drinking stems from the fact, teen drinking and intoxication puts young people at a greater risk of harm from accidents violence and unsafe sexual behaviour and is more likely to lead to social disruption, alcoholic and other disorders.⁷⁸ These assertions are supported by the results of various research which has reported Australian youths are now consuming alcohol at any earlier age than ever before,⁷⁹ and rates of misuse are seen to increase throughout adolescence;⁸⁰ approximately 75% of Australian teenagers drink before the legal age of 18;⁸¹ a fifth of young people aged 16-24 years drink to intoxication most times they drink;⁸² between 20 and 40% of young people report alcohol related violence⁸³; around 30% of youth report alcohol related sexual risk taking,⁸⁴ and 40% of male and 30% of female frequent teen drinkers were early school leavers⁸⁵ with approximately 15% becoming parents by age 24⁸⁶.

⁷⁵ McClean, R ‘Consultation on Underage Drinking: Response to the Department of Health and Ageing by the Australian Drug Foundation (October 2004) <http://www.adf.org.au/article_print.asp?ContentID=2004?10_10sub> 17 September 2006

⁷⁶ “CANN is an advocacy program assisting the community to respond to inappropriate alcohol marketing and supply issues” McClean, R ‘Consultation on Underage Drinking: Response to the Department of Health and Ageing by the Australian Drug Foundation (October 2004) <http://www.adf.org.au/article_print.asp?ContentID=2004?10_10sub> 17 September 2006

⁷⁷ McClean, above note 75

⁷⁸ Snow, above note 54

⁷⁹ Ibid

⁸⁰ Snow, above note 54

⁸¹ Snow, above note 54

⁸² Snow, above note 54

⁸³ Snow, above note 54

⁸⁴ De Moore, above note 16

⁸⁵ Snow, above note 54

⁸⁶ Snow, above note 54

Young People and Sport

It has been suggested that if young people engage in sport the likelihood of drug associated harm will be minimised.⁸⁷ However, with the established culture of alcohol consumption within Australian society, and the Australian sporting community, the reverse may in fact be true. As noted earlier in this article, drinking competitions and end of season trips are part of many sports club traditions,⁸⁸ which expose the young to alcohol and may place them at greater risk of harm. There is also evidence to suggest that underage drinking occurs on the premises of sports clubs who hold liquor licences due to the culture within sporting clubs, difficulties with enforcement or by turning a blind eye to its occurrence.⁸⁹

Research undertaken by the ADF as part of its Good Sports Program indicates that there is a definitive link between sports clubs and the consumption of alcohol by young people. This research reported that 42 per cent of people, mainly young males under 29, drink five or more drinks during each visit to a sporting club; 25 per cent drink seven drinks or more; 7 per cent drink 13 drinks or more, and for the under 20s this figure is 13 per cent.⁹⁰ As reported earlier in this article, another survey regarding the culture and context of alcohol use in community sporting clubs reported drinking at sports clubs to be higher than national averages.⁹¹

Factors Contributing to Youth Drinking

So why are young people drinking? There are many factors which may contribute to alcohol misuse including individual factors such as a genetic predisposition to alcohol problems⁹² and emotional or behavioural problems; familial factors such as ineffective parenting strategies and poor familial relationships; and social factors such as the prevalent availability of alcohol and the responsibility of alcohol providers.⁹³

⁸⁷ Munro, G Changing the Culture and Alcohol (2000) 11 *International Journal of Drug Policy* 199 -202 as cited in as cited within Drugs and Crime Prevention Committee, 'Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper' (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004), at p 46

⁸⁸ Snow, above note 54

⁸⁹ Lawson and Evans (1992) Mendoza and O'Riordan (1995) Gliksman et al (1995) as cited in Munro at p 49

⁹⁰ Munro, G and Snow P above note 29

⁹¹ Duff et al, above note 19

⁹² Kaij L, Dock J 'Grandsons of alcoholics (1975) 32 *Arch Gen Psychiatry* 1379-1381 as cited in Bonomo, Y.A 'Adolescent Alcohol Problems: Whose Responsibility is it Anyway?' (17 October 2005) Vol 183 No 8 *Medical Journal of Australia* 430-432 <http://www.mja.com.au/public_issues/183_08_171005/bon10581_fm.htm> 17 September 2006

⁹³ Bonomo, Y.A 'Adolescent Alcohol Problems: Whose Responsibility is it Anyway?' (17 October 2005) Vol 183 No 8 *Medical Journal of Australia* 430-432 http://www.mja.com.au/public_issues/183_08_171005/bon10581_fm.htm> 17 September 2006

However according to recent research, the central place that alcohol holds in Australian culture is the most significant contributor to how and why alcohol is used and misused in Australian society.⁹⁴ It is also suggested that it is the pressure of “our alcoholic culture”, the belief that Australians are among the heaviest drinkers in the world (if not the heaviest), that leads young Australians to see excessive alcohol consumption as patriotic duty.⁹⁵ It is further argued that it is the infiltration of alcohol culture throughout Australian society, and in particular Australian sporting society that almost educates our youth to drink as a result of exposure to adults indulging, and often overindulging in alcohol. It is little wonder then Australian youth view alcohol use to be a sign of maturity, and the associated overindulgence, a rite of passage into adulthood.⁹⁶

This reasoning is supported by the fact that both sport and alcohol sponsors are beginning to question the ‘fit’ of the relationship with the other. Whilst at the very least sport should realise that it isn’t acceptable for alcohol related sponsorship to be connected with junior sport there are other initiatives aimed at changing the culture of excessive drinking associated with sport such as the education programs for both clubs and players through initiatives such as the Good Sport Program run in partnership with the ADF. This initiative encourages clubs to introduce strategies to reduce alcohol consumption by players. John Rogerson, the director of the program stated: “by sending a message of responsible alcohol, clubs can increase their sponsorship, broaden membership and improve relations with the police and the community”.⁹⁷

There are a number other initiatives that have been introduced in recent years in an attempt to reduce the ill effects and misuse of alcohol. In terms of sport, most, if not all, sporting venues now only carry light beer, set limits on the number of alcoholic beverages that may be purchased by an individual at any one time, and have designated “alcohol free” zones where non drinking patrons and families can be seated. Education campaigns concerning drink driving, binge drinking, underage drinking and alcoholism have featured heavily in all forms of mass media. Regulations concerning the responsible service and promotion of alcohol have been implemented,⁹⁸ and lock in and lock out curfews have been instigated through out the country to restrict entry of patrons to licensed premises after a specific time and to stop intoxicated person travelling between venues in the early hours of the morning.⁹⁹

⁹⁴ Australian Drug Foundation below note 141

⁹⁵ Ibid

⁹⁶ Bonomo, Y.A, above note 93

⁹⁷ Lavelle, Peter, above note 13

⁹⁸ For example the NSW Liquor Industry Code of Practice for the Responsible Promotion of Liquor Products

⁹⁹ Premier’s Drug Council Prevention Report, above note 70

Whilst these initiatives are showing encouraging results, various research suggests that, “alcohol advertising [has] an effect on drinking behaviour as well as an effect on attitudes towards drinking and levels of alcohol related harm”.¹⁰⁰ Consequently it is implied that it is the way in which alcohol is promoted that leads to increased consumption levels and therefore is related to the level of alcohol misuse and related harm in the community. Accordingly, because the alcohol beverage industry is so strongly aligned with sport in Australia many advocates are maintain the relationship between sport and alcohol should to be subject to greater regulation or perhaps banned altogether.

So what’s the problem with Alcohol Promotion?

The primary issue with the manner in which the alcohol beverage industry promotes its brands and products, particularly in relation to advertising and sponsorship, is the concern such promotion reinforces cultural attitudes and approaches toward alcohol. Moreover it is suggested the proliferation of alcohol advertising throughout the media saturates society with alcoholic brands and products and therefore makes alcoholic beverages a “normal integral part of young people’s lives and cultures”.¹⁰¹

It is also thought that the alcohol beverage industry intentionally targets young people in its promotions in an attempt to influence young people’s intentions to drink, drinking behaviour and beliefs about drinking.¹⁰² Indeed, the 2001 Regional Director of the World Health Organisation (WHO) Dr Marc Danzon asserts:

*“Young people across the globe live in environments characterized by aggressive and ubiquitous efforts encouraging them to initiate drinking and to drink heavily”.*¹⁰³

As a consequence, many commentators maintain advertising and sponsorship by the alcohol beverage industry serves to reinforce and continually normalise Australian cultural notions of heavy and binge drinking.¹⁰⁴ The problem is that the

¹⁰⁰ Hill L and Casswell, S ‘Alcohol advertising and sponsorship: commercial freedom or control?’ 2001 as cited within Alcohol and other Drugs Council of Australia, ‘Submission’ (NSW Alcohol Summit Alcohol: Advertising and Promotion, Sydney 2003) <http://www.adca.org.au/policy/submissions/NSW_Alcohol_summit_advertising.pdf> 27 September 2003

¹⁰¹ Casswell 2004 ‘Alcohol and Alcoholisms’ as cited in Alcohol marketing – Key Issues (NZ report – further citation unknown)

¹⁰² Ibid

¹⁰³ Action on Liquor Legislation Alcohol Healthwatch Briefing Paper 2003 The Advertising of Alcohol in Support of Increased Restrictions p12

¹⁰⁴ Australian Drug Foundation (2002) Analysis of Alcohol Promotion and Advertising May 2002 Melbourne

influences and therefore negative consequences of alcohol advertising are difficult to establish through empirical research because of the sheer level of promotion within society.¹⁰⁵ However it is noted that “advertising is a major factor influencing attitudes and values with respect to products, consumption and lifestyle”.¹⁰⁶ Thus, the likelihood that alcohol advertising has an impact upon attitudes towards alcohol, is more likely than not.

The alcohol beverage industry rejects this, instead suggesting that:

“[i]t is likely other forces, especially parental and peer influences, play a more significant role and that drinking patterns among young people are more likely to be influenced by the prevailing culture around alcohol, than by advertising”.

Despite the methodological difficulties with conducting such research there is a growing body of research which concludes constant exposure to alcohol advertising “is at least reinforcing drinking among the young”,¹⁰⁷ encourages positive attitudes towards drinking¹⁰⁸ and increasing the likelihood of heavier drinking.¹⁰⁹ Several studies also suggest the marketing of alcohol has a “small but influential effect”¹¹⁰ on young people, to the manner in which they drink and amount of alcohol they consume.¹¹¹ For example, the amount of money spent on advertising targeted at youth is alleged to be related to greater instances of youth drinking; the rate of exposure to televised alcohol advertisements in the age range of 11-13 is thought to be associated with greater consumption of alcohol;¹¹² alcohol use by young people is said to be linked to recall of advertisements,¹¹³ and in addition, the extent of exposure to alcohol promotion at sports and cultural events allegedly is related to greater adolescent drinking.¹¹⁴ Research also suggests alcohol advertising has a direct impact on underage drinking, alcohol misuse and

¹⁰⁵ Alcohol Marketing – Key Issues (NZ Report) further citation unknown

¹⁰⁶ Drugs and Crime Prevention Committee, ‘Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper’ (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004), at p 77

¹⁰⁷ Cook 2002 (further citation unknown) as cited within Drugs and Crime Prevention Committee, ‘Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper’ (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004)

¹⁰⁸ Babor et al 2003: a Who Sponsored Review as cited in Alcohol Marketing – Key Issues (NZ Report) Further citation unknown

¹⁰⁹ Ibid

¹¹⁰ Babor et al, above note 108

¹¹¹ Ibid

¹¹² Stacey et al 2004 Am J Health Behav 28:6 as cited within Casswell 2004 ‘Alcohol and Alcoholisms’ as cited in Alcohol marketing – Key Issues (NZ report – further citation unknown)

¹¹³ Unger et al 2003 Addiction Research and Theory 11.3 as cited within Casswell 2004 ‘Alcohol and Alcoholisms’ as cited in Alcohol marketing – Key Issues (NZ report – further citation unknown)

¹¹⁴ Synder et al 2006 Arch Paediatric Adoles Med 160:1 as cited within Casswell 2004 ‘Alcohol and Alcoholisms’ as cited in Alcohol marketing – Key Issues (NZ report – further citation unknown)

drink driving,¹¹⁵ and that the exposure to alcohol brands and products is higher for teenagers than adults.

Although the specific impact of promotion by the alcohol beverage industry upon young people may be difficult to conclusively determine, the concern relates more to the degree of influence various promotional mechanisms may have upon youth in a time when opinions are being formed. It is therefore important that promotion by the alcohol beverage industry is regulated to limit the associated negative affects, regardless of how large or small they may be, both on young people and to society as a whole.

Regulation

There are three main ways the regulation of marketing by alcohol beverage industry may occur. These are:

- (i) by statutory imposed regulation (for example by imposing legislative standards or prohibiting certain types of conduct);
- (ii) by industry self regulation (e.g. by the development of industry codes of practice); or
- (iii) by a combination of both statutory regulation and self regulation.

Whilst Australia has a system of almost complete self regulation, few systems in Europe follow the same trend. Most have a combination of self regulation and statutory regulation. However there are countries such as France and Sweden that are governed entirely by statutory regulation.

Regulation in Australia

At present the marketing of alcohol in Australia through sponsorship and advertising is permitted almost without regulation.¹¹⁶ There does not appear to be any formal or informal regulation of the sponsorship of sport by the alcohol beverage industry and the regulation of alcohol advertising is wholly self regulatory.

¹¹⁵ Atkin 1992 as cited within Casswell 2004 'Alcohol and Alcoholims' as cited in Alcohol marketing – Key Issues (NZ report – further citation unknown)

¹¹⁶Alcohol and other Drugs Council of Australia, 'Submission' (NSW Alcohol Summit Alcohol: Advertising and Promotion, Sydney 2003)

Self regulation is based on the premise that by establishing a set of rules and best practice guidelines, advertisements can be prepared with “a sense of social responsibility to the consumer and to society as a whole, but with due respect to rules of fair competition”.¹¹⁷ In this way it is suggested that self regulation is the “best method or responding quickly, efficiently, and effectively to consumers’ concerns about advertising”.¹¹⁸

Up until 1996 the Media Council of Australia and the Advertising Standards Council of Australia were primarily responsible for administering the self regulatory system as it then existed. This has evolved as the advertising and alcoholic beverage industries are now the responsible for this regulation. This joint responsibility is reflective of division in self regulation of advertising between:

- (i) the Advertising Standards Bureau (the advertising industry); and
- (ii) the ABAC – the Alcohol Industry system.

Advertising Standards Bureau (The ASB)

The ASB is responsible for the administration of a national system of advertising self regulation through the Advertising Standards Board and the Advertising Claims Board.¹¹⁹ Each has mechanisms for the resolution of complaints regarding advertising. In doing so the ASB oversees a number of codes which the advertising industry voluntarily agrees to be bound by such as the:

- (i) The Advertising Association of National Advertisers (“AANA”) Code of Ethics which contains requirements for advertisements regarding issues such as discrimination, sex, vilification, sexuality, nudity, violence, alarm and distress to children, language and health and safety;¹²⁰ and
- (ii) The AANA Code for Advertising to Children, which stipulates that advertisements to children must “not be for, or relate in any way to, alcoholic drinks or draw association with companies that supply alcoholic drinks”.¹²¹

¹¹⁷ AANA Advertiser Code of Ethics <<http://www.aana.com.au>>

¹¹⁸ <<http://www.adstandards.com.au>>

¹¹⁹ <<http://www.adstandards.com.au>>

¹²⁰ AANA Advertiser Code of Ethics <<http://www.aana.com.au>>

¹²¹ AANA Code of Advertising to Children <<http://www.aana.com.au>>

These codes are complemented by the Broadcasting Tribunal Standards concerning the hours within which alcohol advertisements may not be broadcast, for example, during the screening of classified children's television programs.¹²²

Despite the restrictions for advertisements themselves, the restriction does not extend to the exposure of alcohol products or associated sponsorship signage and clothing via the footage of a televised sporting event during children's programming time.¹²³ As such, the many marketing and promotional by-products of sponsorship arrangements between the alcohol beverage industry and sport are not subject to any quality control or statutory regulation. This means subliminal brand messaging by strategic product placement of alcohol beverage industry brand products or logos, is essentially permitted in the broadcast of sport, news features and within programs during the hours children are more likely to view television.

Consider for example the number of times one has viewed winners of many sporting events popping a champagne cork and spraying champagne in celebration of a victory. Recent examples include podium winners of the Tour de France, and several surfing and motor racing events throughout 2006.

Alcohol Beverage Industry

The Alcoholic Beverages Advertising Code ("ABAC") was introduced in 1998 in response to concerns in the early 1990's about the advertisement and marketing of alcoholic beverages. It was also updated in 2004 in response to further concerns raised by the National Health Medical and Research Council (NHMRC) and to account for the "growing use of internet advertising and promotional events for alcoholic beverages".¹²⁴

The ABAC consists of a Code (which stipulates the standard advertisements must maintain), the Alcohol Advertising Pre-Vetting System (AAPS) (which regulates alcohol advertisements for compliance with the Code at the storyboard (pre production) stage) and the Complaint Management System (which deals with complaints regarding the advertising of an alcohol beverage). The ABAC is managed by a management committee made up of representatives from both the Australian government and the Advertising Federation of Australia, together with

¹²² Alcohol and other Drugs Council of Australia, above note 116

¹²³ Ibid

¹²⁴ The ABAC Scheme – The Alcohol Beverages Advertising Code (ABAC) and Complaints Management Scheme – An information brochure prepared by the Principals of the ABAC: Australian Associated Brewers Inc; Distilled Spirits Industry Council of Australia; Liquor Merchants Association of Australia Ltd; Winemakers Federation of Australia - In Association with Advertising Federation of Australia at p 2

representatives from each of Australia's four major alcohol beverage industry associations; the Australian Associated Brewers ("AAB"), the Distilled Spirits Industry Council of Australia, the Winemakers Federation of Australia and the Liquor Merchants Association of Australia.

The ABAC requires all advertisements for alcohol beverages, produced for publication or broadcast in Australia to:

- (i) present a mature and responsible approach to the consumption of alcohol beverages by not encouraging excessive consumption or abuse of alcohol, underage drinking, the promotion of offensive behaviour or the excessive consumption, misuse or abuse of alcohol beverages;¹²⁵
- (ii) not have a strong or evident appeal to children or adolescents. As a result there are requirements on the age of people appearing in advertisements;¹²⁶
- (iii) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment. Accordingly, amongst other things advertisements must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting sexual or other success;¹²⁷
- (iv) not depict any direct association between the consumption of alcohol beverages, other than low alcohol beverages, and the operation of a motor vehicle, boat or aircraft or the engagement in any sport or potentially hazardous activity;¹²⁸
- (v) not challenge or dare people to drink or sample a particular alcohol beverage, other than a low alcohol beverages, and must not contain any inducement to prefer an alcohol beverage because of its higher alcohol content;¹²⁹
- (vi) comply with the AANA Code of Ethics;¹³⁰ and

¹²⁵ Ibid at p 3

¹²⁶ The ABAC Scheme p 3, above note 124

¹²⁷ The ABAC Scheme p 3, above note 124

¹²⁸ The ABAC Scheme p 3, above note 124

¹²⁹ The ABAC Scheme p 3, above note 124

¹³⁰ The ABAC Scheme p 3, above note 124

- (vii) not encourage consumption that is in excess of, or inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.¹³¹

Whilst the ABAC also requires advertisements to comply with the AANA Code of Ethics, the ABAC does not cover product names and packaging, sponsorship (and therefore the sponsorship of sport), point of sale advertising and associated materials. Moreover, only since the 2004 reforms has the ABAC applied to promotions at community events and activities and to the internet.

Flux between the Two Codes

Whether or not a complaint regarding advertising is determined by the ABAC Complaints Panel or the ASB is largely dependant upon the nature of the complaint. This is fundamentally because all complaints regarding advertising are first directed through the ASB. The rationale being that the ASB provides a single contact point for the public. Whilst the ASB assess the complaint in relation to the codes it administers, the ASB also provides a copy of the complaint to the ABAC Chief Adjudicator, whose role it is to determine whether the complaint raises issues under the ABAC. As a result a single complaint relating to alcohol advertising is likely to be assessed by both the ABAC and the ASB, but only in instances where the ABAC Chief Adjudicator considers the complaint may contravene the ABAC.¹³²

Is Self Regulation Working?

The authors were unable to locate any commentary or evidence suggesting self regulation within Australia is effective to manage advertising and promotion by the alcohol beverage industry apart from the alcohol beverage industry itself. For example, the AAB in its submission to the Victorian Inquiry into Strategies to Reduce Harmful Alcohol Consumption cited low complaint numbers, community support and the fact that 1 in 5 advertisements are rejected at story board stage (i.e. before production) as reasons for the effectiveness of the ABAC.¹³³ Notably, the ABAC itself professes its own effectiveness is demonstrated by the fact it has been adopted a method of regulation in other countries around the world.¹³⁴ The ability of the alcohol beverage industry to remain impartial has also been criticised. Many believe that it's only natural for the industry to support its bottom line.

¹³¹ The ABAC Scheme p 3, above note 124

¹³² <<http://www.aana.com.au>>

¹³³ Drugs and Crime Prevention Committee, above note 106

¹³⁴ The ABAC Scheme, above note 124 at p 6

The overwhelming attitude over the last decade that is abundantly clear from a reading of the wealth of literature available on the topic, is that the community and other constituent groups concerned about alcohol misuse and related harm, such as health professionals, police, and rural community based action groups is that self regulatory responses are piecemeal and inadequate and have done little to control the marketing of alcohol products.¹³⁵ The reasoning is largely centred on current statistics for youth alcohol misuse and related harm, the lack of regulations for marketing mechanisms apart from advertising and the level of successful complaints against alcohol advertisements.

A number of these concerns were captured by the ADCA in its submission to the 2003 NSW Alcohol Summit. The ADCA viewed the main issues with the then ABAC Code as being the¹³⁶:-

- (i) fact that the ABAC doesn't apply to product names, packaging, the internet, sponsorship and point of sale promotions;
- (ii) number of alcohol advertisements that appear to breach the ABAC;
- (iii) apparent low awareness of the ABAC with the community and even sections of the alcohol industry;
- (iv) lack of sanctions in place to deter breaches of the ABAC;
- (v) small number of health experts appointed onto relevant regulatory committees; and
- (vi) the lack of transparency of the adjudication process (presumably when the ABAC is contravened).

The criticism of the effectiveness of self regulation for the advertising of alcohol, led to the appointment of a committee by the NHRMC to review the operation and effectiveness of self regulation of advertising in Australia. As such, the National Committee for the Review of Alcohol Advertising (NCRAA) was formed and undertook a review which led to the release of a report in August 2003. The report considered many of the issues concerning self regulation including the ability of the advertising and alcohol beverage industry to self regulate, the effectiveness of the self regulation, particularly in relation to complaints, the marketing by the

¹³⁵ Ibid

¹³⁶ Alcohol and Other Drugs Council of Australia, above note 116

alcohol beverage industry to under 18 year olds and the compliance of internet advertising with the codes.

The NCRAA found that dealing with complaints regarding inappropriate advertising was largely “unwieldy and counterproductive”¹³⁷. Many alcohol advertising complaints were not even being referred to the ABAC for review as the ASB was the first point of contact for complaints and they related to matters under the Code of Ethics.¹³⁸ Moreover, of the 361 complaints since 1998 regarding alcohol advertisements that were being handled by the ASB, none were upheld.¹³⁹

The recommendations of the report were to amend the ABAC to broaden the definition of advertising to include the internet; include public health experts on complaints adjudication panels; provide more transparent reporting; conduct adjudication of complaints more quickly; and for the ABAC adjudication panel consider all complaints regarding alcohol advertising.¹⁴⁰ Resultantly the ABAC was amended to its present day form.

Still critical of amended code

Despite the recommendations of the NCRAA, and the subsequent amendment of the ABAC in April 2004 to address a number of the concerns, there are many who continue to argue the current self regulatory system is not at all effective.

For example, the ADF maintains the regulation of alcohol marketing and sponsorship needs stronger intervention, particularly in relation to sport. Indeed, only 6 months after the revised code was released, the Victorian Health Promotion Foundation in its submission to the Inquiry into Strategies to Reduce Harmful Alcohol Consumption stated:

“[t]he current practice of self regulation of alcohol advertising is ineffective and greater controls on advertising need to be considered as priority. As a minimum, the pre-vetting phase of ABAC requires urgent review”.¹⁴¹

Although it is not known if that comment was made with the amended ABAC in mind, the view remains within the community that the current self regulatory codes

¹³⁷ National Committee For the Review of Alcohol Advertising ‘Minister for Health Victoria - Report to the Ministerial Council of Drug Strategy – Review of the Self-Regulatory System for Alcohol Advertising at p

¹³⁸ National Committee For the Review of Alcohol Advertising, above note 137

¹³⁹ National Committee For the Review of Alcohol Advertising above note 137

¹⁴⁰ National Committee For the Review of Alcohol Advertising above note 137, p vii - ix

¹⁴¹ Australian Drug Foundation as cited in Drugs and Crime Prevention Committee, ‘Inquiry into Strategies to Reduce Harmful Alcohol Consumption – Discussion Paper’ (Parliament of Victoria – Drugs and Crime Prevention Committee, Melbourne 2004),

are not "... sufficiently sophisticated and flexible to respond to the fast evolving and fleeting promotional strategies being developed".¹⁴²

It is believed that as greater regulatory controls are developed, the alcohol beverage industry is merely becoming more creative by developing 'cutting edge marketing techniques'.¹⁴³ Whilst this issue may be a catalyst of rapidly developing technology, and thus promotional mediums, advertising and promotional techniques such as SMS-based campaigns and internet games, animations, quizzes and give-a-ways are not covered by the ABAC.

Another issue with the ABAC, and self regulation in general, is that there are usually no other deterring penalties for breaching the code other than a removal of the advertisement.¹⁴⁴ Hence, repeat offenders may not be treated differently than one off or first timers. This issue is also exacerbated by the likelihood that a particular promotional campaign is likely to be finalised by the time a direction has been issued to remove the advertisement.¹⁴⁵ Moreover, as the systems effectiveness is largely dependant upon complaints, the numbers of complaints are often low.¹⁴⁶ Although such statistics are often purported to be by the alcohol beverage industry as measures of effectiveness, the saturation of society with a multitude of advertising may mean advertisements that contravene the ABAC become a normalised part of society and therefore the awareness of the impact upon society of such advertising is low.¹⁴⁷ Another problem with the ABAC is the alcohol beverage industry is responsible for its implementation, review and adjudication. Many critics also consider the alcohol beverage industry has had its chance to self regulate and that it has proven itself as being incapable to continue to be the judge, jury and executioner of its own advertising.

Given the extent of alcohol misuse and related harm amongst young people, and the effect marketing is said to have upon young people critics, maintain it is important that regulation of the alcohol beverage industry's advertising is enforced, and socially relevant by meeting society's expectations. The issues raised by the critics of self regulation suggest the current regulatory practices probably don't meet these criteria. As such, it must be asked, what can be done to address these issues?

¹⁴² Ibid

¹⁴³ Ibid

¹⁴⁴ Caswell, S 'Regulation of Alcohol Marketing : A Global View' (2005) <http://www.findarticles.com/p/articles/mi_qa4020/is_200501/ai_n15349643/print>

¹⁴⁵ Ibid

¹⁴⁶ Caswell, S above note 144

¹⁴⁷ Caswell, S above note 144

Increased Regulation of the Relationship Between Sport and Alcohol?

There is no doubt from the criticism discussed about that the current regulatory mechanisms in Australia that there is support for 'improvement'. Improved regulation is generally expressed in terms of greater regulation regarding advertisements on television, at cinemas and in the print media; point of sale promotions; internet and radio advertisements; the sponsorship of sporting and other youth events; labelling of alcohol beverages with health messages about safe consumption; a review of product placement in the media; or a further review of the self regulatory codes.¹⁴⁸

Most strategies suggested for improving regulation of promotion by the alcohol beverage industry, focus on the traditional forms advertising in the media, such as electronic, print and outdoor formats, rather than the full marketing mix. However, "[t]he breadth and interwoven nature of the wide variety of media and marketing approaches now involved with the contemporary marketing mix suggests the need for a single body with oversight and responsibility for all forms of marketing".¹⁴⁹

Many proponents of increased regulation often hold up complete or partial bans of the marketing of alcohol as the solution. The history of tobacco regulation is therefore touted as an example from which many lessons can be learnt.¹⁵⁰ This is because, "we know that a complete ban on advertising and sponsorship had a significant impact on reducing smoking rates."¹⁵¹

It is pertinent to point out that alcohol and tobacco, although similar in many respects are different. The fundamental distinction is that the consumption of tobacco at any level is not in any way safe. On the other hand, alcohol is purported to be when consumed in moderation, not only for the individual, but for those in close proximity to the drinker. Moreover it could probably be established that alcohol is far more entrenched in the national Australian psyche by its entrenchment in Australian culture and Australian sporting culture, than tobacco ever was. Furthermore, the ultimate goal for alcohol regulators is to reduce alcohol related harm not, and change the culture of consumption from heavy and binge drinking to moderate drinking; not to cease consumption of alcohol altogether. As such alcohol is distinct from tobacco and, accordingly it is more likely than not, the strategies that will ultimately lead to long term reduction in alcohol misuse and

¹⁴⁸ No primary source: these issues raised in the majority of sources cited within this paper

¹⁴⁹ Caswell, S above note 144

¹⁵⁰ Caswell, S above note 144

¹⁵¹ Caswell, S above note 144

related harm will differ from those employed in relation to tobacco, fundamentally because of the differences between alcohol and tobacco.

Although the experiences of tobacco regulation over the past 20 years would certainly be worth considering, other research is needed. The “strength of the tobacco control model is the integration of research (behavioural, social and economic...the coordinated approach taken ensures that actions are undertaken in a strategic, integrated manner....”¹⁵²

Herein lies an important point, tobacco regulation emanated from a body of well rounded research over a lengthy period of time. Accordingly, for alcohol regulation to be most effective, changes in regulation should emanate from a breadth of research across all cross sections. A quantification of the true value of the funds provided to sport by the alcohol beverage industry at all levels, elite through to grass roots level, would be an appropriate place to begin this research. With an indication of this contribution, it may be that alcohol dollars are not as significant to sport as might be thought. Alternatively, they may prove so entwined that a complete ban would simply be untenable.

Global Issue

In the era of globalisation where traditional and historical boundaries of culture, geographical, language etc are now no barrier to commercialisation and thus marketing of products, alcohol's relationship with sport is portrayed around the world. This process is made all the more easier through various marketing mediums including television and the internet, particularly when in conjunction with global sporting events.

The WHO makes no secret on its views of self regulation, maintaining that self regulatory codes do not function effectively and should be subject to greater control, especially in relation to youth. The WHO therefore recommends “...all legislative steps necessary are taken to ensure young people are not exposed to promotional messages about alcohol...”¹⁵³

Consequently it is of little surprise that by far the most common strategy or mechanism proposed to combat the issues surrounding sport and its relationship with alcohol through sponsorship and advertising is increased regulation to be effected through complete or partial bans of sponsorship of sport by the alcohol beverage industry. Indeed, the ADF and Vic Health are both supportive of

¹⁵² Caswell, S above note 144

¹⁵³ Caswell, S above note 144

legislative restriction on alcohol advertising on televisions, in cinemas and in the print media, and furthermore of excluding sponsorship of events where the direct or indirect aim of the sponsorship is to promote alcoholic beverages. All of these restrictions would impact on sport in some way.

It seems support for greater restrictions on advertising and sponsorship in Australia is not only due to the criticisms of the ineffectiveness of the current self regulatory model and the statistics for youth alcohol misuse and related harm, but the results of several overseas studies which report that “greater restrictions on alcohol advertising impact in reducing overall levels of consumption as well as in reducing consumption in specific subcultures....”.¹⁵⁴

The results of studies of countries with bans on spirits advertising indicate that they have 16% lower consumption of alcohol than countries without bans. Furthermore, a country with bans on beer and wine advertising has 11% lower consumption than countries with bans on spirits advertising only.¹⁵⁵ Of further significance is the fact that the same studies indicate that car deaths are 10% lower when spirits advertising is banned and 23% lower when beer, wine and spirit advertising is banned.¹⁵⁶ Whether or not this advertising considered the relationship between advertising and sport is not known.

For example, in France alcohol advertising on television, including televised sporting events during which consumers can view such advertisements has been banned; Belgium prohibits alcohol advertising on radio and commercial television; Denmark has banned advertising of spirits on television and on banned other broadcasting linking alcohol with, amongst other things driving or sport; Greece has restricted the number of alcohol related advertisements in any 24 hour period; In Ireland spirit advertising is no longer permitted on television and other alcohol advertisements may not be shown before televised sporting events; Portugal has outlawed advertising of beer and spirits on billboards, in cinemas and during sporting events; and in Sweden advertising of alcohol products such as beer wine and spirits with a 2.25% abv is prohibited apart from trade magazines and at point of sale.¹⁵⁷

¹⁵⁴ Caswell, S above note 144

¹⁵⁵ Edwards, G Note 156 below

¹⁵⁶ Edwards, G (WHO Conference on Young People and Alcohol, Ministry Health and Social Affairs, Sweden) cited in Munro, Geoff, *New Ways of Marketing Alcohol within the Premier's Drug Prevention Council Report, 'Getting the Full Bottle on Alcohol: Key Stakeholders Seminar'* (Melbourne 10 December 2004) <<http://www.health.vic.gov.au/pdpc/reports.htm>> 27 September 2005

¹⁵⁷ Principle Source: *Drinks Advertising in the European Union, Just-Drinks.com* February 2004 as cited in Institute of Alcohol Studies 'Fact Sheet' (1 March 2005) <<http://www.ias.org.uk/factsheets/advertising.pdf>> 27 September 2005

Despite the regulatory efforts of a number of countries individually, evidence suggests that self regulation by the alcohol, advertising and media industries is ineffective on a worldwide scale. The global nature of the marketing [of alcohol] demands a response at international, national and local levels. This is due to globalisation transcending national and international borders, and anything short of a global response will continue to be ineffective, providing loopholes for savvy marketers to continue to promote their products and brands. This is in keeping with The WHO Charter that implores strict controls on direct and indirect advertising of alcoholic beverages, and that every effort should be made to “ensure that no form of advertising is specifically addressed to young people, for instance, through the linking of alcohol to sports”.¹⁵⁸ The WHO also maintains:

*“all children have a right to grow up in an environment protected from the negative consequences of alcohol consumption and, to the extent possible, from the promotion of alcoholic beverages”.*¹⁵⁹

In a global effort in the last three months, many organisations from 43 countries around the globe have grouped together in a group submission to demand FIFA, the world governing body of Football and thus the Football World cup, who had Anheuser-Busch the world’s largest brewer and producer of Budweiser as an Official Partner of the 2006 FIFA World Cup, to ban the promotion of alcohol in conjunction with the world cup. Director of the Washington Alcohol Policies at the Centre for Science and the Public Interest, George Hacker insists, “[i]t’s time to break the tie between alcohol marketing and high profile sporting events”.¹⁶⁰ According to Luciana Michelin, coordinator of Gruppi di Solidarieta in Italy this is because:

“Children are massively over-exposed to advertising and promotion for alcoholic beverages. Sensible values and a profound respect of young people’s future dictate that the world’s most popular sporting event should end its alcohol sponsorship”.

¹⁵⁸ Ibid

¹⁵⁹ Saffer H, and Dave D ‘Alcohol Consumption and Alcohol Advertising Bans (2002) 30 *Applied Economics* 1325-34 as cited within Hope, A. ‘Alcohol Policy and Young People’ (paper presented at the Alcohol Conference in the contest of an enlarged Europe: Bridging the Gap: Warsaw, 16-19 June 2004)

¹⁶⁰ Media Release - Give Bud the Boot from World Cup, Groups Say – Global Resolution Urges FIFA to Eliminate Alcohol Promotion in World Cup Events CSPI Newsroom – Center For Science in the Public Interest June 22 2006 <<http://www.cspinet.org/new/200606221.html>> 12 September 2006

It is felt such a measure would "...demonstrate a commitment to promoting the health of youth and sports fans worldwide".¹⁶¹

Restriction of Advertising and Sponsorship by the Alcohol Beverage industry in connection with sport - Will it Work?

Given the criticism of Australia's self regulatory systems, and the support for regulation throughout the world, it seems likely that it is merely a matter of time before greater regulation of the alcohol beverage industry occurs. Accordingly, the question, "what would happen if alcohol related sponsorship and advertising were regulated within Australia?" must be posed. Would it be the ultimate demise of sport? Would sport merely find other corporations to sponsor their sport?

It is all well and good for the restriction of alcohol sponsorship and advertising to be held up as 'the solution', but will it work? Apart from the studies discussed above, there seems to be little empirical data to cement, an arguably extreme measure, as being either the only option or the best option. However such data may be difficult to obtain. The apparent lack of statistical evidence may be attributed to the same methodological issues that research attempting to quantify the degree of influence advertising and sponsorship have because of the extent of alcohol advertising and sponsorship, within Australia and around the world. In simple terms, it is almost impossible to sample a population who has not been exposed to alcohol marketing and compare the effects against a sample that has.

Regardless of the lack of 'hard facts', advocates believe that a total or partial ban of alcohol advertising and sponsorship in connection with sport is "...vital in achieving a reduction in alcohol related harm",¹⁶² and that it will have a positive impact on attitudes towards alcohol consumption and harm associated with drink driving.¹⁶³ As noted above, there is at least some evidence supporting these assertions.¹⁶⁴

Conversely, defenders of alcohol marketing suggest that:

¹⁶¹ Ibid

¹⁶² Premier's Drug Prevention Council Report, 'Getting the Full Bottle on Alcohol: Key Stakeholders Seminar' (Melbourne 10 December 2004) <<http://www.health.vic.gov.au/pdpc/reports.htm>> 27 September 2005

¹⁶³ Alcohol and other Drugs Council of Australia, above note 116

¹⁶⁴ Saffer H and Dave D 'Alcohol Consumption and Alcohol Advertising Bans (2002) 30 *Applied Economics* 1325-34 as cited within Hope, Ann, 'Alcohol Policy and Young People' (paper presented at the Alcohol Conference in the contested of an enlarged Europe: Bridging the Gap, Warsaw, 16-19 June 2004)

*“banning alcohol beverage commercials would be ineffectual and counterproductive; tightened restrictions and increased prevention information offer more promising approaches for addressing drinking problems.”*¹⁶⁵

Those opposed to the regulation, especially in terms of a complete ban in connection with sport are not so convinced, and maintain that whilst there is no empirical evidence (whether or not this is entirely accurate is unknown) of a causal link between alcohol consumption and misuse and the association between sport and the alcohol beverage industry, such regulation is unjustifiable.¹⁶⁶

It has also been suggested that a ban may not be the best strategy for the following reasons:

- (i) the negative side of alcohol may no longer permitted (i.e. from “responsible alcohol advertisements”);
- (ii) it may remove media outlet for anti alcohol groups;
- (iii) the alcohol beverage industry may merely change the way in which they market their product – because after all they still have a product to sell; and
- (iv) the loss of dollars may lead to a reduction in free to air televised sports – “dependent on a source of advertising income”.

The end of funding for sport?

Despite the uncertainty surrounding the effects of the association between sport and alcohol sponsorship and advertising, it is quite clear that in recent times sports have relied heavily on funding received from sponsorship and advertising.¹⁶⁷ It is also apparent that funding from this revenue source is important for sport. Accordingly, it easy to conclude that increased regulation and perhaps outlawing of the relationship between the alcohol beverage industry and sport may lead to funding issues for many sporting organisations. Brewing company Lion Nathan believes that “such an action would actually deprive many sports clubs and many small sports clubs of valuable dollars, without making any impact whatsoever on

¹⁶⁵ Atkin, C.K ‘On Regulating Broadcast Alcohol Advertising’ (Winter, 1993) *Journal of Broadcasting and Electronic Media* Broadcast Education Association p 107

¹⁶⁶ Smith, D.I. “Prevention of Alcohol Related Problems, with Particular Reference to Australian Youth in Department of Employment, Education and Training, Youth Bureau 1988, *Young Australians and Drugs: Options for Strategies*, (1987) Commonwealth of Australia, Canberra as cited within Mason, Gail and Wilson, Paul R, ‘Alcohol and Crime’ (April 1989) *Australian Institute of Criminology Trends and Issues in crime* <<http://www.aic.gov.au/publications/tandi/ti18.pdf>> 27 September 2005

¹⁶⁷ Refer to earlier examples within this paper

alcohol misuse”.¹⁶⁸ Tony Cochrane, head of the V8 Supercars organising body in 2003, goes further than Lion Nathan, “[i]t’s simple; a ban on alcohol advertising would bankrupt the sport”.¹⁶⁹

Evidently the primary rationale behind totally banning advertising of alcohol would be a decrease in alcohol misuse and related harm that is said to be caused, either directly or indirectly, by varying advertising mediums. Of course a ban would “make a difference” or “bring about a reduction”, but for how long and to what extent? Would it create further issues for sport?

Whether or not the end of the association between the alcohol beverage industry and sport would be as dramatic as the ultimate demise for sport is unknown. Logically, the significance of the effect would depend on a number of factors including the proportion of funds received by sport from the alcohol beverage industry at each level of sport, and whether or not funds could be sourced from other avenues, such as alternate corporate sponsors or government funding. Although there is little empirical evidence, comparisons may be able to be made between the reported AUS\$100 million loss suffered by the sports industry in the aftermath of the collapse of the Ansett airline.¹⁷⁰

Tony Cochrane’s suggestion is that a ban on alcohol advertising for sport may be an extreme reaction. However, it could be said that the banning of alcohol sponsorship and advertising in conjunction with sport is an extreme measure, and with extreme actions come extreme consequences. In reality, the demise of sport in totality is unlikely, at least at the elite end of the sporting pyramid. Elite sport has become so commercial that if the alcohol beverage industry was forced to end its relationship with sport, there would be other corporations keen to capitalise on the special features of sport, lining up to fill the void.

Reflection on both tobacco and Ansett are two illustrations where ‘new’ corporations previously filled a void. However, in the same situation community level ‘grass roots’ sport may not be so fortunate. Another distinction between alcohol and tobacco is that the tobacco industry was not so intimately linked to community level sport as the alcohol beverage industry currently is in various incarnations - pub, club, brewer, distiller or promoter. Funding of sport at this level is already a concern for many sports, and to remove what is likely to be a large contributor to operational funds could therefore be devastating. A tax driven

¹⁶⁸ Lavelle, above note 13

¹⁶⁹ ‘V8s can’t survive without the grog’, *Sydney Morning Herald*, (Sydney) 2 September 2003 <<http://www.smh.com.au/cgi-bin/common/popupPrintArticle.pl?path=articles/2003/09>> 26 September 2005

¹⁷⁰ Sports Industry Australia’s estimation cited within Anderson, F. ‘Sponsors go cold on forking out for sporting glory’. *The Courier-Mail* (Brisbane), 6 October, 2001.

funding response effort by governments is one suggested remedy to this situation. Whether or not government would be willing or able to provide such funding is unknown.

Cultural Change

Even if statutory mechanisms are implemented, it may not be enough to have desired long term effect. Given the depth and extent of the interrelationship between sport and its many sub-cultures, effective strategies are needed to bring about cultural change. Given that alcohol plays such a strong part in Australian culture, it seems apparent that to truly bring about a change in the way in which alcohol is both viewed and consumed in the Australian community, whether in the connection of sport or otherwise, will require somewhat of a cultural revolution. Although this may seem a arduous task, campaigns such as the Quit Campaign (smoking); the Slip Slop Slap Campaign (sun protection); and other campaigns such as those related to drink driving, and the wearing of seatbelts, are testament that fundamental shift in Australian attitudes is achievable.¹⁷¹

Conclusion

Alcohol and sport have been battling partners since early in Australian history. There is a tradition of heavy drinking within Australian sporting culture, and a great deal of research exists demonstrating the link between sport and excessive consumption.¹⁷² Whilst alcohol is synonymous with sport in Australia, regulation of the relationship between Australia's two greatest consuming passions is imminent, aimed at the addressing the wider community health issues surrounding excessive consumption and alcohol related harm, particularly where youth are concerned.

The use of sport as a promotional medium for the alcoholic beverage industry has been a resounding success for sponsors and advertisers. It has brought a great deal of revenue to sport, allowing elite level events right through to small community competitions and teams to exist on their current scale. There are however, wider

¹⁷¹ Premier's Drug Prevention Council Report, above note 162

¹⁷² Munro et al, above note 18

health concerns that warrants action by government in Australia to greater regulate this promotional practice.

It is for two reasons that any proposed regulatory mechanism must be carefully considered; to address the culture of excessive consumption and alcohol related harm in Australia in a focused, meaningful and effective way; and to ensure that sport is not denied the necessary funding that assures its survival in achieving this. In order for these objectives to be met, a greater amount of research beyond that which already exists must be undertaken, particularly to establish the true value of “alcohol dollars” to sport, at all levels. Whilst several commentators and health promotion industry groups believe the answer is a complete ban on alcohol advertising and sponsorship of sport, as has been implemented with tobacco, the differences between tobacco and alcohol, should be noted.

It would be near impossible to imagine Australian life without either alcohol or sport, and moreover, without the pair in partnership. It is therefore envisaged the “on ground” and “on lounge” consumption of both sport and alcohol will continue to be two of Australia’s greatest consuming passions for a great many years into the future. As such, it is hoped that any future regulation of the relationship between alcohol and sport achieves its aims in addressing the issue of alcohol related harm to society, whilst preserving the special place that these consuming passions hold in the Australian way of life.