Alcohol Change Australia

30 March 2023

Ms Katherine Jones PSM
Secretary
Attorney-General's Department
Australian Government

Dear Ms Jones,

We welcome the opportunity to provide a submission to the Attorney-General's consultation on the Government response to the Privacy Act Review Report. Our submission relates to the impact of privacy reforms on digital alcohol marketing practices, particularly the collection and use of people's data by digital platforms and alcohol companies to aggressively promote and sell alcohol.

Digital technologies can provide the community with benefits that support health and wellbeing, including social connectivity, access to learning opportunities, and flexible working opportunities. However, digital platforms are currently operating in a way that enables harmful marketing for unhealthy products, including for alcohol. Higher standards for how unhealthy products are marketed on digital platforms are urgently needed to better protect the community. The review of the Privacy Act is an important opportunity for the Australian Government to create safe digital environments where people's privacy, health, and wellbeing is upheld.

About Alcohol Change Australia

Alcohol Change Australia is a small group of health and community organisations working to prevent and reduce alcohol harm in Australia. Formerly the National Alliance for Action on Alcohol, Alcohol Change Australia encourages policy change to improve the health and wellbeing of our community. While our submission focusses on digital alcohol marketing, our recommendations are applicable to the marketing of other unhealthy products that cause harm including gambling, tobacco, and unhealthy foods.

Alcohol-fuelled harms in Australia are unacceptably high

Alcohol takes a significant toll on our communities, fuelling violence, injuries, and deaths. Every day, 15 people die from alcohol-related harm in Australia.[1] In 2018, alcohol contributed to 4.5% of the total burden of disease and 15% of the overall burden of injury.[2] Alcohol use is causally linked to over 200 disease and injury conditions,[3] and causes at least seven types of cancer. Some of those most at harm from alcohol include children and young people, unborn babies, those living in rural and remote areas, high risk drinkers, and people living with mental illness.

Alcohol marketing on digital platforms is causing harm

The expansion of digital platforms has given the alcohol industry the opportunity to market products in ways that are highly targeted, time-relevant, and interactive. The extensive amounts of personal data used in digital marketing allows alcohol companies to profile and target people based on particular behaviours and

[1] Lensvelt, E et al. Estimated alcohol-attributable deaths and hospitalisations in Australia 2004 to 2015. National Alcohol Indicators, Bulletin 16. 2018. Perth: National Drug Research Institute, Curtin University.
[2] Australian Institute of Health and Welfare. Alcohol, tobacco & other drugs in Australia, Health impacts - Australian Institute of Health and Welfare. December 2022. Available from: https://www.aihw.gov.au/reports/phe/221/alcohol-tobacco-other-drugs-australia/contents/impacts/health-impacts
[3] Rehm J et al. The relationship between different dimensions of alcohol use and the burden of disease—An update. Addiction. 2017;112(6):968-1001.

characteristics, meaning the alcohol industry can specifically target heavy users of alcohol at the same time as recruiting new consumers in a range of markets and demographics.

This online tracking, profiling, and data collection enables harmful marketing of alcohol.[4] A clear example was during the height of the COVID-19 pandemic, when the alcohol industry seized opportunities to increase sales by aggressively promoting rapid delivery services and drinking at home online.[5] Alcohol companies are bombarding the Australian community with 40,000 alcohol ads a year on Facebook and Instagram alone.[6] Of serious concern, digital platforms continue to collect the data of children and young people for marketing purposes. Advertising technology companies collecting over 72 million data points on a child by the time they are 13 years old.[7] Meta has been found to have flagged children as being 'interested' in harmful products, including alcohol.[8] It has also been found to use personal data collected to create profiles of young people with harmful or risky interests, including 13- to 17-year-olds interested in alcohol, smoking, and gambling. Even worse, Meta allowed advertisers to buy access to the young people profiled as having harmful interests.[9] These are just a glimpse of the harmful marketing practices that occur on digital platforms. The lack of transparency and visibility of online marketing means the true extent of harms is unknown.

Online marketing benefits digital platforms and the alcohol and advertising industries, but comes at a cost to the community. The more children and young people are exposed to alcohol advertising, the more likely they are to start using alcohol products at a younger age, and to drink more if they are already using alcohol.[10] This impact is seen with digital marketing, with young people's exposure to alcohol marketing online linked to increased alcohol use.[11] Research has found 'liking' or following alcohol marketing pages on social media is associated with riskier alcohol use among young Australians.[12]

The constant flow of pro-alcohol messages is confronting and difficult for people with lived experience of alcohol harm. A recent survey of Australians who were trying to reduce or stop their use of unhealthy products found 83% agreed or strongly agreed that digital marketing makes it more difficult for them to reduce their use of alcohol, gambling, and unhealthy foods. Almost 9 in 10 people would prefer to see less or no online marketing for alcohol.[13]

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[4] Davidson D. Facebook targets 'insecure' young people. The Australian. 2017 May 1. Available from: https://www.theaustralian.com.au/business/media/facebook-targets-insecure-young-people-to-sell-ads/news-story/a89949ad016eee7d7a61c3c30c909fa6- .

[5] Foundation for Alcohol Research and Education and Cancer Council Western Australia: An alcohol ad every 35 seconds. A snapshot of how the alcohol industry is using a global pandemic as a marketing opportunity. May 2020.

[6] Hayden L, Brownbill A, Angus D, Carah N, Tan XY, Dobson A, Robards B. Alcohol advertising on social media platforms – A 1-year snapshot. Canberra: Foundation for Alcohol Research and Education, 2023 Mar.

[7] Collins D. How much data do adtech companies collect on kids before they turn 13? Superawesome2017. Available from: https://www.superawesome.com/blog/how-much-data-do-adtech-companies-collect-on-kids-before-they-turn-13/

[8] Hern A, Ledergaard F. Children 'interested in' gambling and alcohol, according to Facebook. The Guardian UK. 2019 Oct 10. Available from: https://www.theguardian.com/technology/2019/oct/09/children-interested-in-gambling-and-alcohol-facebook

[9] Williams D, McIntosh A, Farthing R. Profiling children for advertising: Facebook's monetisation of young people's personal data. Sydney: Reset Australia, 2021.

[10] Jernigan D, Noel J, Landon J, Thornton N, Lobstein T. Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. Addiction. 2017; 112 Suppl 1: 7-20.

[11] Noel, J, Babor, T, & Robaina, K. Industry self-regulation of alcohol marketing: a systematic review of content and exposure research. Addiction. 2017;112(Suppl 1), 28–50.

[12] Carrotte E, Dietze P, Wright C, Lim M. Who 'likes' alcohol? Young Australians' engagement with alcohol marketing via social media and related alcohol consumption patterns. Aust NZ J Public Health. 2016; 40(5):474-497.

[13] Foundation for Alcohol Research and Education and VicHealth. Experiences with online marketing of alcohol, gambling, and unhealthy food: A survey. January 2023. Available from: https://fare.org.au/experiences-with-online-marketing-of-alcohol-gambling-and-unhealthy-food-a-survey/

Privacy reforms are urgently needed to better protect the community

Digital marketing utilises extensive amounts of personal data to profile and target people's demographic, psychosocial and behavioural characteristics. This enables the alcohol industry to exploit people's predispositions and susceptibilities and means that people who are most at risk of harm are targeted the most. Personal data should not be collected and/or used (including storage, sharing and disclosure) for alcohol marketing unless the person has provided expressed, informed, and freely given opt-in consent. It is particularly unethical for children's data to be collected and used to develop intimate insights into children's lives for commercial exploitation. Children's personal data should never be collected or used for commercial marketing purposes.

We strongly support the Australian Government taking the following actions via reforms to the Privacy Act:

1. Prohibit the collection, use and disclosure of personal information for commercial marketing purposes unless a person has provided active, informed, voluntary and non-incentivised opt-in consent.
2. Even when consent is provided for the collection and use of a person's information for marketing purposes:
    a. Prohibit the collection, use or disclosure of sensitive information, which should extend to indicators of a person's use of alcohol or whether they have accessed support for their alcohol use, and
    b. Require a fair and reasonable test to be met whereby it is ensured that the risk of adverse impact and harm are minimised.
3. Prohibit the tracking, profiling, monitoring, or targeting of children for commercial purposes.
4. Prohibit the collection, use and disclosure of children's personal information for commercial marketing purposes, particularly by, or for, companies selling or marketing alcohol.

Thank you once again for the opportunity to contribute to this consultation. Any questions regarding our submission, please contact Hannah Pierce, Executive Officer – Alcohol Change Australia, at hannah.pierce@adf.org.au.

Yours sincerely,

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Chair, Alcohol Change Australia

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