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Submission to

Commercial Television Australia

Review of CTVA Code of Practice

September 2003

Introduction to YMA

Young Media Australia is a unique national community organisation whose members share a strong commitment to the promotion of the healthy development of Australian children. Their particular interest and expertise is in the role that media experiences play in that development.

YMA is committed to promoting better choices, and providing stronger voices in children's media.

What we do

YMA:

- collects and reviews research and information related to children and the media
- provides information and advice on the impact of print, electronic and screen based media on children and young people
- advocates for the needs and interests of children in relation to the media
- conducts and acts as a catalyst for relevant research.

How we do it

YMA:

- provides information to parents and caregivers via the Young Media Australia website www.youngmedia.org.au with over 60 topics relating to children and media use (including movie reviews) These topics are also available in hard copy format.
- provides advice and information via a 24 hour a day / seven days a week , national freecall Young Media Australia Helpline 1800 700 357. Helpline operators come from a strong child development and parenting perspective and can provide callers with research based information about the media. They can suggest strategies both for creating healthy media use and minimising harms.
- represents community concerns about the impact of print, electronic and screen based media on children and young adults to legislators, regulators and the media.

Who we are

YMA:

- is a national not-for-profit community organisation, structured as a company limited by guarantee
- is registered for the GST, has tax deductible status and is a Deductible Gift Recipient (DGR)
- has a national Board representative of all Australian states and its corporate members
- has a comprehensive organisational membership which includes ECA (Early Childhood Australia (formerly AECA Australian Early Childhood Association), ACSSO (Australian Council of State Schools Organisations), AHISA (Association of Heads of Independent Schools of Australia), AEU (Australian Education Union), SAPPA (South Australian Primary Principals Association), Federation of NSW P&C (Parents & Citizens), Mothers' Union in Australia, Gowrie Child Centres.

Australian Council on Children and the Media

*Submission to Commercial Television Australia Review of
Commercial Television Code of Practice*

This submission has been prepared for and on behalf of the Board of the **Australian Council on Children and the Media** by Jane Roberts (President), Elizabeth Handsley (Vice President), and Barbara Biggins (Manager). The ACCM is happy to provide further information in support of this submission, and to take part in any public hearings related to this review.

In this submission, provisions and issues are addressed in the order in which they appear in the draft revised Code of 8 August 2003 ('the Draft Revised Code').

Where no comment appears, this should be taken to mean that ACCM is neutral on the matter.

Children's viewing times

In this submission we frequently make reference to the concept of 'children's viewing times'. Such references should be read as indicating 6.00 to 8.30 am and 4.00 to 8.30 pm on weekdays, and 6.00 am to 8.30 pm on weekends and public holidays.

Children watch a range of different programs, and do not watch only C programs. Effective protection of their interests in relation to commercial television must recognise this fact. Measures aimed at protection of children need to be applied during the times they are likely to be watching, not only during programs primarily directed to them.

It will be noted below, that one of our main submissions relates to the definition of 'G time' for the purpose of the Code. We take the view that the time being proposed in the Draft Revised Code is too restrictive. However, we would like all our other submissions to be interpreted as applying to 'children's viewing time' as defined under this subheading, irrespective of how 'G time' is eventually defined following this review.

Sections 1.10-1.14 – Requirements for Television Commercials

ACCM supports the general thrust of the revised clauses on commercial noise. Our members are concerned that children are particularly vulnerable to the effects of commercial noise and we are pleased to see this issue addressed.

However, it is not clear to us why the details of compliance with the Code should be contained in a separate document (the Operational Practice Note on Loudness of Advertisements). In particular, we are concerned that this Practice Note is not included as an appendix to the Code. This makes access difficult for community members, and therefore runs the risk of rendering monitoring ineffective.

Furthermore, placing the compliance details in a separate document would enable them to be changed at will. This would tend to undermine the parliamentary plan under the *Broadcasting Services Act* to have regulation open to public scrutiny with rules to remain fairly constant from one year to the next.

We therefore submit that the full details of this aspect of the Code should be contained within the Code itself.

Clauses 1.18-1.22 – Disclosure of Commercial Arrangements

ACCM welcomes the move to address this set of issues within the Code. It need hardly be pointed out that recent events have raised in a stark way the necessity for broadcasters to declare their interests as envisaged in these draft clauses.

However we wonder whether it is possible to adequately cater to the needs of children under such a scheme. Many children are unable to appreciate the selling intent of any commercials, and their ability to correctly interpret disclosures under this clause is open to great doubt.

Therefore we take the view that, at the very least, no "commercial arrangements" at all should be allowed in relation to programming directed to children.

Moreover, we are aware that children routinely watch many programs that are not primarily directed to them, and so their vulnerability to commercial messages remains a concern even in the context of other programming for example prime time sitcoms (*Friends, The Simpsons*).

We therefore submit that no "commercial arrangements" at all should be allowed, at least in relation to programs broadcast during children's viewing times.

While a system of disclosures might be appropriate for radio, children are not as exposed in that context. The different uses made by children of different media justify different rules.

Clause 1.26 – Premium Charge Telephone Services

The fact that these services are a major issue for Australian families is underlined by the institution of a review by the Australian Communications Authority into 190 numbers.

In the current economic climate Australian families risk crippling telephone bills if their children take up invitations to use these services. We do not believe that the measures proposed in the Draft Revised Code go far enough to protect them from this risk. Children do not necessarily always follow these kinds of instructions, especially if the inducement is framed in a way that is especially attractive to them (for example the chance to win a competition).

Once again we must refer to the inability of children to properly understand the intent behind advertisements and the need to put measures in place to limit, or ideally to eradicate, the risk that their special vulnerability will lead to real harm.

ACCM submits that no invitations to use premium charge telephone services should be allowed during children's viewing times.

Appendix 1: Advertiser Code of Ethics

Definition of advertisement

ACCM notes with interest the use of the term 'other valuable consideration' in this definition. In our view this has been interpreted too restrictively in the past, as it has been held not to extend to 'toy tie-ins'. This expression refers to an arrangement whereby a broadcaster gains access to a program at a reduced rate because of merchandising opportunities associated with it. We believe that this reduced rate should be considered sufficiently valuable consideration to qualify those programs for description as advertisements.

However, as this interpretation has been rejected in the past, we submit that the definition should be amended to expressly include the kind of arrangement just described.

Section 2.4 – advertisements to children

ACCM welcomes the reference to material likely to cause alarm or distress to children.

However we would be happier if the provision spelt out who would be making these judgments and according to what criteria. There are ages and stages of development at which children are alarmed and distressed by different things, and specialised knowledge of child development is necessary in order to determine whether material breaches this section or not.

We therefore submit that provision should be made for the inclusion of a child development expert in any decision-making process under this section.

Appendix 2: Advertiser Code for Advertising to Children

ACCM welcomes this development, and in particular the way that it draws attention to the particular needs and interests of children. The very existence of a separate Code on children is likely to go some way to raising consciousness of their needs and interests. However it also raises a danger that it will be observed closely in the letter, but not necessarily in the spirit. Therefore it is necessary to pay special attention to the letter of the Code, to ensure that it adequately meets those needs and caters to those interests.

It appears that the Advertiser Code is not actually implemented in CTVA Code.

Section 1 (a) definition of advertisement

Please see our comments above in relation to the definition of ‘advertisement’ under the Advertiser Code of Ethics. The same concerns apply here and we reiterate our submission.

Section 1(b) definition of product

This contains a spelling error: ‘principle’ should be ‘principal’.

Section 1(e) definition of premium

ACCM has become aware of certain issues in relation to particular products which would meet the community’s notion of what a premium is, but are held not to be premiums. In particular, meal packages containing toys have been held to be a single product, enabling the broadcast of advertisements focussing heavily on the toy and mentioning the meal only incidentally. We believe that this decision makes a mockery of the provisions on premium offers and that the advertisements in question fall squarely within the spirit of those provisions. Companies which hold themselves out as restaurants, not toy shops, should not be able to advertise their products as if they are (primarily) toys. This is a matter of particular concern in the current climate of an epidemic of childhood obesity. Advertising of food to children needs to be heavily regulated, and companies marketing food products to children should not be able to sidestep this regulation by effectively advertising a toy instead of the food.

Therefore we submit that the definition of 'premium offer' should be revised so as to hold companies to a focus on their primary product, and not to allow them to introduce a focus on what is effectively a premium offer simply by packaging two types of product together. This should apply as a general principle in relation to all kinds of products, but especially to food.

Section 2.7 competitions

This provision should apply to all competitions directed to children, including those which appear in exempt non-program segments.

Section 2.8 premiums

See our comments under 1(e) above. Clauses 2.8,1,(a) and (b) would be more effective if they required advertisements to children to make clear to children the nature or content of the product, and that the product to be purchased is the product, and not the premium. This clause should also require the emphasis of the advertisement (in terms of time) to be placed on the product to be purchased.

Section 2.10 food and beverages

This section has failed to address the rising community concern about the advertising of unhealthy food to children.

We regard paragraph (a) as a 'straw person': we are not aware of any suggestions that television advertising has been promoting an inactive lifestyle. While the presence of this paragraph can be seen as doing no harm, we believe it is counterproductive to purport to address what are in fact non-issues. Rather the Code should limit its attention to practical measures for addressing live issues and genuine community concerns.

Paragraph (b) is substantially the same as the provision under the existing Code, which has been shown to be inadequate in catering to the special needs of children. Rather than avoiding misleading information, we submit that advertisers should be required to actively provide accurate information about the nutritional value or otherwise of food they are promoting.

Any practical issues raised by these suggestions can be addressed by the adoption of a ban on all advertising of food and beverages during children's viewing times. We submit that such a ban should be introduced, considering the rising concerns about childhood obesity. ACCM is a member of the Coalition on Food Advertising to Children, and these concerns are spelt out more fully in that body's submission to this review.

COMMENTS ON CODE OF PRACTICE (RESUMED)

Section 2 Classification

ACCM notes clauses 2.1.7, 2.3.1, and 2.6, and 2.7.2.4, which all deal with the presentation of material outside of the appropriate time zones. While applauding the inclusion of a new clause 2.7.2.4, which excludes M or MA (and surely AV) movies from being shown outside their time zone, ACCM submits that children may find all such material, be it news, or fictional dramas equally distressing. The provisions which allow more "adult" material to be shown outside the appropriate time zone are at odds with the obligation that Objective J of the Broadcasting Standards Act 1992 places on broadcasters, which places a unique and high priority on the protection of children.

Clause 2.1.7 programs allowed in lower time zones

ACCM submits that the audience for serious moral or social issues is unlikely to be available in an appropriate time zone.

Clause 2.3.1 Exception for news, current affairs and live sporting programs

ACCM is opposed to widening the categories of programs for which concessions in regard to classification are provided. As at present, such concessions also include widening the types of advertising and program promotions within such programs, and thus increase problems of supervision for parents.

The general expectation of by the community of live (or near live) sporting programs is that they will be "G" type. ACCM cannot see why sporting programs of any type should be excused from the classification requirements, and more particularly, why sporting programs should be permitted to contain advertisements or program promotions not normally permitted within a G program shown before 8.30pm at night.

Further, CTVA should ensure that "current affairs" programs are defined to be commentary on current events, and not just a pot pourri of segments with little connection to events of the day. Again there is little justification for being excused the classification requirements when the segments are not really related to current events.

Clause 2.6 – non-program material

ACCM submits that commercials for certain programs, and which would normally be classified M or PG, should not be shown outside the time slot for PG or M advertisements and promos. See commentary under Clause 2, and Clause 2.1.7 above.

Clause 2.7.1 – news, current events and live sporting programs

YMA is opposed to the widening of the provision relating to sporting programs, for reasons given in **Clause 2.3.1** above.

Clause 2.7.2.4 – material dealing with moral or social issues

ACCM welcomes the new provision excluding films classified M or MA from the exceptions allowing the broadcast of certain material outside the time appropriate to its classification. We take the view that the broadcast of dramatised material outside its appropriate time can never be justified.

Clause 2.11 – the G classification

The proposed new guidelines constitute a blending of the new Office of Film and Literature Classification ('OFLC') guidelines with the explanatory notes from CTVA's former Code. While ACCM strongly believes that it is in the public interest for all media outlets to use a common classification system (which increases public understanding of the system), ACCM regretfully submits that there are deficiencies in the newly established OFLC Code which mitigate against ACCM's support of the adoption of these, without addition or amendment.

The inclusion of the Notes as a clarification of the OFLC classification criteria have some validity, in that the CTVA Code lacks the context supplied in the OFLC's explanatory "Using the guidelines: essential principles" section of their new Classification Guidelines document. The Notes in the CTVA Code have the overall impact of strengthening the Code in a way which we fully support. For example, the note to the effect that G material must not be unsuitable for children to watch without supervision is missing from the OFLC guidelines, whereas we consider it is an essential

component of the general community understanding of what ‘G’ means, and therefore of what parents expect of G programs. Therefore we would be dismayed at any move to omit the explanatory notes.

ACCM notes some disjuncture between the provision at 2.11.1 (Themes) and the accompanying note. The provision itself refers to ‘threat or menace’ and only the note, by referring to social or domestic conflict, picks up a further concern we have with material likely to disturb or upset children. We submit that the latter category should be included in the provision, in terms, and not referred to, partially and obliquely, in the accompanying note.

ACCM applauds the inclusion of the requirement that violence must be infrequent in 2.11.2, given that the OFLC guidelines have omitted it.

On the other hand, we query the usefulness of the limitation that the use of weapons etc must be strictly limited to the story line or program context. This part of the note makes it fairly easy to justify violent elements simply by introducing a violent story line. No doubt damaging violent elements will be caught under other parts of the note, but we are concerned that the ‘story line’ part could obfuscate matters and appear to provide some protection to programs with inherently violent story lines. We therefore submit that it should be removed.

Clause 2.12 General classification zones

The Draft Review Code proposes a dramatic cut in the G zone from 4.00-7.30 pm on weekday evenings and 6.00 am-7.30 pm on weekends to 4-5 pm on weekdays and 6 am-8.30 am on weekends. (The morning G zone from 6.00-8.30 am is not proposed to be changed.) The current total weekly G zone is 57 hours; the proposals would reduce it to 22.5 hours.

Such a drastic reduction, in our view, needs clear and compelling support. No such support is offered.

Our concerns over this proposed cut are heightened by the existing concessions to news, current affairs and live sport which already seriously erode the suitability of a sizeable chunk of the programming allowed during G time. The experience of our Parent Media Help Line shows that Australian parents have serious and widespread concerns about the impact of news reporting on children, especially around traumatic events such as bombings and war. If the regular times at which such programming is broadcast were changed to PG instead of G, there would be no need for broadcasters to even consider the interests of small children. Rather than there being a concession requiring a balancing of interests, there would be open slather.

It would simply be unrealistic for Australian families to quarantine their small children, at what is for many the only few hours of the day when a family can be together, in order to watch prime time television. Parents should not be forced to choose between watching television at prime time and having their young children in the room, even if such a choice were possible.

We feel sure that CTVA did not intend to introduce such a family-unfriendly policy and we welcome the opportunity to make these observations about it.

We turn now to CTVA’s own justifications for its proposal.

First, CTVA argues that the change is needed to keep pace with the diversification of viewing options in Australian homes. The technologies listed are by no means available in all Australian homes, and it need hardly be mentioned that those where they are available are more likely to be in the affluent middle class social stratum. In any event, it is well known that the industry has been disappointed in Australian with the low level of take-up of at least two major technologies, namely pay TV and digital TV. The CTVA Code needs to be formulated with a view to the situation and interests of all Australian homes, not just a privileged few.

In spite of the introduction of other viewing options, commercial television remains the most pervasive and powerful. Nothing in technological development has in any way challenged this basic assumption of parliament’s plan for media

regulation set up in the *Broadcasting Services Act 1992*. In an important sense it does not matter what happens in other media, there is a strong case for closer regulation of commercial television than of any other medium.

Secondly, it is claimed that parents monitor their children's viewing. ACCM agrees wholeheartedly with the proposition, supported by ABA research quoted in the explanatory notes, that parents should monitor their children's viewing.

However, it need scarcely be pointed out that there is a long distance between 'should' and reality. Few parents have the time or the wherewithal to fulfil this function effectively, especially at the end of the day when there are multiple demands including the preparation of the evening meal and helping children with homework. This is another example of family-unfriendliness in the proposed changes, which we are sure CTVA did not intend.

Moreover, few parents have sufficient expertise in child development and related fields to replace the monitoring that comes with effective regulation. The average Australian parent, even if he or she does have time between 5.00 and 7.30 pm to keep a close eye on what small children are watching, cannot gauge or anticipate the impact of particular viewing choices. They often find out only when it is too late, for example when they have to get up in the middle of the night to comfort an upset child after a nightmare. Any change which places greater responsibility on parents, and less on institutions which have vastly greater access to the necessary information and expertise, will have the effect only of watering down the protection children receive.

Thirdly, YMA has long taken the view that the PG classification is poorly constructed for getting the message out that parents need to supervise young children *while* watching PG material. Certainly the PG classification has a high degree of recognition in the community, but this does not translate into usefulness or usability. Many parents simply assume that PG material is suitable for all children, without appreciating the crucial developmental difference between children of different ages in terms of their ability to cope with the elements that counsel classification as PG rather than G. This is particularly so considering the paucity of consumer advice which accompanies PG material. Parents need much more detail about which classifiable elements are present in order to make effective choices and effectively monitor their children's viewing.

Fourthly, CTVA advances the further argument that an anomaly arises around school holidays. This argument does not, however, explain why the 'anomaly' should not be corrected by tighter regulation in school holidays, rather than a loosening during the other 40 weeks of the year. The community has been prepared to accommodate the fact that most school holidays happen at different times across Australia, and to live with the minor concession of disallowing M programs between 12.00 and 3.00 on weekdays during those periods. This needs to be recognised as the compromise which it is, not an anomaly and certainly not a justification for the further dilution of the protection children receive.

CTVA's observations on this point read as if large numbers of Australian children were left at home unsupervised on weekdays during school holidays. Such a proposition seems to belong to a time when there was no such thing as vacation care. These days, if children of an age where likely to be affected by PG material are being left home unsupervised, this could almost constitute a kind of neglect. If CTVA seeks to rely on the proposition that it goes on, this needs to be supported with empirical evidence.

Fifthly, CTVA claims that the extension of PG time will increase diversity and quality. ACCM supports any change to the Code which can increase the quality and diversity of programming. However, it disagrees with the implication in the explanatory notes that quality and diversity cannot be increased without exceeding the bounds of the G classification.

ACCM reminds CTVA that its members are in a privileged and powerful position, with their industry oligopoly being protected by government legislation. Commercial television remains a highly lucrative industry for this reason. Therefore it is not unreasonable to expect broadcasters to devote resources and expertise to the task of developing quality and diversity in ways that do not create risks to children.

In any event, CTVA offers no evidence that the community is currently dissatisfied with the quality or diversity of material shown at the times sought to be cut out of the G zone. Moreover, YMA seriously doubts that the community will be willing to trade off more 'exciting' programming for the increase in risk to children from the screening of unsuitable material. Certainly YMA's members are not so willing.

YMA draws attention to the objects of the *Broadcasting Services Act*: while it is true that they include the promotion of high quality and innovative program material (s 3(1)(f)), they also include the protection of children from exposure to program material which may be harmful to them' (s 3(1)(j)). Moreover, this latter objective is stated to be a high priority, whereas the former is not. We therefore conclude that in any area where

‘quality’ and the protection of children come into tension, the tension must be resolved in favour of the protection of children.

2.13 The PG classification

2.13.1 Themes

Note: ACCM is pleased with the inclusion of the note that "social and domestic conflict should be carefully handled", as it constitutes an expansion of the wording of the first part of 2.13.1. ACCM is concerned that themes which can disturb children do not always have "threat or menace" as the disturbing element.

ACCM urges the removal of the second part of the Note, viz "supernatural or mild horror themes may be included".

2.13.2 Violence

ACCM does not agree with the Note that that "More leeway may be permitted when the depiction is stylised rather than realistic." There is no evidence that stylised violence per se, is any less likely to disturb children than realistic violence, especially when animation techniques can create really scary images, well beyond reality. Further, there is good evidence that glamorised stylised violence by heroes raises the risks that children will choose to use violence themselves, ie is a harm to children. (See for eg National [US] Television Violence Study Volume 3 *Executive Summary* p7-10, 1998).

2.13.5 Drug use

ACCM is of the view that illegal drug use should not be depicted in PG TV programs.

2.15 The M classification

2.15.2 Violence

ACCM' s earlier comments regarding the use of the words "strictly justified by the storyline", apply here also. This allows the use of high levels of violence if the storyline calls for it. A better test is whether the story cannot be told without the use of violence at that level. [DEVELOP THIS UK HAS A WORD FOR IT]

Further, ACCM opposes the change (in the Notes) to the inclusion of high impact violence. The previous Code excluded depictions of high impact violence. The new one refers to "high impact overall". In ACCM' s view there should be no incidents of high impact violence in M.

ACCM urges CTVA to consider the findings of the US National Television Violence Survey Vol 3 Executive Summary pages 7-10. 1998, where the types of contexts most likely to increase the risk of young people using aggressions to solve conflict are identified. This study, and many others, clearly identify "glamorised violence" as the most problematic context.

"Glamorised violence" is violence done by a hero, who is justified, rewarded and applauded or being best at the violence, and has few real life consequences, and often in a comic context. This type of violence abounds in many M films, as it is not reflected in present classification criteria. YMA submits that CTVA should consider its obligations to consider this evidence given the requirements of Object j in Section 3 of the *Broadcasting Services Act 1992*.

2.15.5 Drug use

YMA is of the view that depictions which show of the use of illegal drugs of any sort (intravenous, sniffed or smoked), in an approving manner, should not be given an M classification.

2.17. and 2.19 MA, and AV Classifications

ACCM urges CTVA to change the description given to these classifications, viz, "suitable for viewing only by persons aged 15 years and over". This is not sufficiently different from the meaning given to the M classification, viz "M is recommended for viewing by persons aged 15 years and over".

The intent of the M, MA and AV classifications would be much clearer if the OFLC descriptions were adopted, viz "M is not recommended for those under 15 years of age", and for MA, and AV, "Material classified MA is considered unsuitable for persons under 15 years of age".

2.26 Consumer advice

2.26.1 Classification text

See ACCM' s comments above, re the meanings given to M, MA and AV, and our recommendations for change.

2.26.2.2 Violence

ACCM, as above, urges the removal of consumer advice that suggests that "stylised violence" is equivalent to "mild violence".

2.28 Press advertising

YMA strongly supports the changes proposed here.

Section 3 Program promotions

3.3.3 "substantial numbers of children"

ACCM submits that this definition of what constitutes substantial number of children should be reassessed, against the ABS Statistics on the percentage of the population that children represent. Any audience that contains children in a greater percentage than occurs in the population at large, should constitute "substantial " numbers of children .

The placement of program promotions is the area most complained about by parents of young children. Parents believe that if they have chosen programs classified P,C, G, or PG, they should not be ambushed by promotions of programs, or films, that are of a higher classification, regardless of the actual content of the promotion.

If a parent chooses to take a child to the cinema, or hire a video, they can have reasonable confidence that the laws which prohibit the screening of promotions for films of a higher classification, with films of a lower classification, will ensure that they are not ambushed in the way that presently happens on TV. The requirements of the Section 3 Object J of the *Broadcasting Services Act 1992* (which places a high priority on the protection of children) surely place a similar restraint on telecasters.

ACCM recommends that this section of the Code be revised in its entirety to require that no promotions for M, MA, or AV programs occur in, or adjacent to, any P, C, G or PG program which is screened before 8.30pm, nor in programs excused from the classification requirements, such as news.

ACCM has lodged several complaints over the past year in relation to the content of promos for M programs, shown in G programs. Some are yet to be decided by the ABA, but the continuing level of complaint to ACCM by the community, and the outcome of a complaint recently, do not give ACCM a sense of confidence that the networks are successfully creating G style promos for M programs.

Further, there should be no promotions of news and current affairs programs or sporting programs within C programs, in the breaks adjacent to C and P programs, nor in G programs such as cartoon programs, or in G programs promoted to, or which are likely to attract substantial numbers of children.

Further, ACCM is opposed to the concessions (content, advertising, and promos) presently allowed to news and current affairs programs and live sporting programs, being extended to all sporting programs. There is no justification, for excluding from classification requirements, programs such as wrestling, for example.

Section 4 News and current affairs programs

4.3.5.1 ACCM commends the new provisions designed to provide greater protections to children' s privacy

Section 5 Time occupied by non-program matter

5.5.1 ACCM is opposed to prize, competition or information segments which refer to commercial products or services, being considered to be "exempt non-program matter", in programs directed to children, or which can be expected to attract significant numbers of children. These segments are promoting products, and often in ways which make the task of children in distinguishing between ads and programs much more difficult. They should be counted as advertising.

5.5.2.2 For the same reasons, ACCM is opposed to the inclusion of references to companies or commercial brands in community service announcements shown in programs directed to children, (or which will attract substantial numbers of children), which are other than discreet, and clearly subsidiary to the main message.

5.5.11 ACCM can see no justification for the inclusion as exempt non program matter, promotions etc for digital television. This is a commercial product being sold for profit as much as any other.

Section 6 Classification and placement of commercials and commodity service announcements

6.7 Commercials which advertise alcoholic drinks

ACCM is opposed to the advertising of alcohol in live sporting events, as the association of the drinking of alcohol with being a sporting success is not a healthy message for the young. ACCM is particularly opposed to the expansion of this concession, to be able to advertise alcohol during *any* sporting event.

6.10. The definition of live sporting event

ACCM submits that this should be retained.

6.20 Advertisements to children for food and/or beverages

6.20.1 This new provision should be unnecessary as most commercials do not promote an inactive lifestyle. See our comments at Appendix 2 Advertising to children. Further, it does not address the main objections to food advertising directed to children.

6.20.2 This continuing provision has never been particularly useful, as most food ads don't contain any information about the nutritional value of a food or beverage.

ACCM supports the view of the Coalition on Food Advertising to children that the only effective remedy is the banning of food ads shown during children's viewing hours (as defined above by ACCM).

6.22 Premium Charge telephone services

ACCM is of the view that the promotion of premium charge telephone services should not be permitted in or adjacent to P, C or G programs directed at children, nor during children's viewing times (as defined by ACCM). CTVA should consult with the Aust Communications Authority about these issues, given the recent ACA inquiry into 190 services, and the widespread community concern about large and unexpected phone bills incurred by families who cannot afford to pay them.

Section 7 Handling of complaints

Clause 7.6 The need for a free call complaints service: ACCM submits that the handling of complaints would be much enhanced (from a viewer perspective) by the provision of a national free call number provided by CTVA. This was mooted in the context of the last Code Review, and was the subject of comment in the Government's 1998 response to the *Senate Select Committee on the portrayal of violence Report 1997*, but appeared not to have eventuated. This service should collect phone complaints that relate to the Code of Practice, and hand them on to the relevant telecaster for resolution. The present complaint system is still slow and cumbersome, and not at all viewer-friendly.

Clause 7.8.2 The referral of complaints to the Advertising Standards Board

ACCM submits that the Advertising Standards Board only deals with issues of taste and decency. Many complaints about advertisements fall outside this area. For eg a complaint about the claims made in a commercial for food directed to children may be more concerned with issues of the covert claims in the ads, and not about taste and decency. Further the ASB is an industry body under the auspices of the AANA, with members appointed by the AANA. If this proposal is to be accepted, the ASB membership should be considerably widened, and regular public reports disseminated as to the proceedings of the Board.

END