



Proposed restriction of unhealthy food and drink advertising on South Australian buses, trams and trains

Response to discussion paper

7 June 2024

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EXECUTIVE SUMMARY

As the peak body for Out of Home advertising in Australia, the Outdoor Media Association (OMA) recognises the importance of promoting healthy lifestyles and addressing concerns regarding child overweight and obesity rates.

OMA members are committed to responsible advertising that meets prevailing community standards and attitudes. In line with this commitment, the Out of Home industry has worked ahead of other parts of the industry, as the first and only medium in Australia with an industry-specific occasional food and drink advertising policy which members must comply with in addition to the Australian Association of National Advertisers (AANA) [Food and Beverages Advertising Code](#). The OMA reviews its policies annually to ensure that they are contemporary and relevant.

The industry firmly believes that implementing a ban on occasional food advertising on public transit assets will be ineffective and does not address the complex and deeply embedded root causes of overweight and obesity. The OMA is concerned that the proposed restrictions would have a significant economic cost with no meaningful health benefit.

Transit advertising delivery timeframes are longer and the costs of printing and installation are higher than digital outdoor advertising channels. Placing these restrictions only on this channel will make it a more difficult choice for advertisers and weakens the industry's ability to generate government revenue.

The OMA is also concerned about the references to outdated data, such as the 2009 systemic review into the effect of alcohol advertising and a study reviewing complaints from 2015-2020 before the implementation of the AANA [Food and Beverages Advertising Code](#) and [Children's Advertising Code](#) and OMA [National Health and Wellbeing Policy](#).

If a ban was introduced in South Australia it overlays a new classification that would be specific to the state and create increased uncertainty for advertisers in industry. The likely result would be reduced potential investment in South Australia.

The Out of Home industry returns circa 50 per cent of its revenue back to Government landlords through rent and taxes, and subsidises the development, operation and maintenance of public transport and infrastructure. Advertising restrictions would result in a reduction in investment, leaving Government to wear the burden of the cost for this service.

The OMA is of a position that the proposed master branding approach would conflict with key objectives of the Government's Brand SA and *Buy SA. For SA* campaigns. The result is that iconic local brands such as Penfolds, Coopers Brewery, Haigh's Chocolates, Vili's and Never Never Distilling Co. would not be able to advertise at all on government transit assets at a time where local businesses should be supported more, not less.

The proposed policy framework also seeks to restrict the incidental depiction of occasional food in advertisements. This would have an impact on advertising campaigns of industries beyond the food industry.

RESPONSE TO SURVEY QUESTIONS

Question 1: Policy Approach

The proposed approach will be a **mandatory policy**, with policy development, monitoring and enforcement led by the Government of South Australia.

- Advertisements should not contain any unhealthy food or drink products, as defined under the 'food and drink classification system' below.
- Advertisements can contain master branding only when used in combination with the image of healthy food or drink (e.g., an item permitted in line with the food and drink classification system below) and is not the predominant feature of the advertisement.

Do you support, partially support, or not support this policy approach?

OMA Response

The OMA **does not support** this policy approach.

The OMA understands the intention of the proposed policy approach, with members already reducing children's exposure to unhealthy food marketing by complying with the AANA [Food and Beverages Advertising Code](#) and [Children's Advertising Code](#), OMA [National Health and Wellbeing Policy](#) and OMA [Placement Policy](#). OMA media owner members must also comply with the ABAC [Responsible Alcohol Marketing Code](#).

However, the OMA is particularly concerned that the policy objective *Reduce the amount of unhealthy food and drink marketing that South Australians see on Government of South Australia owned public transit assets (buses, trams, and trains)* does not address the complex and deeply embedded root causes of overweight and obesity.

The industry firmly believes that implementing a ban on occasional food and alcohol advertising on public transit assets will be ineffective and result in a significant economic cost with no meaningful health benefit.

Studies of advertising bans abroad have shown that the bans failed to mitigate rising obesity levels amongst children. Simplistic interventions do not address the wider social determinants of health or the political economies of food.

Addressing overweight and obesity requires a systematic focus on improving health education, promoting physical activity, reducing social and economic disadvantage, as well as wider regulatory, accessibility, and food security responses.

The OMA is also concerned about the references to outdated data, such as the 2009 systemic review into the effect of alcohol advertising and a study reviewing complaints from 2015-2020 before the implementation of the AANA [Food and Beverages Advertising Code](#) and [Children's Advertising Code](#), and OMA [National Health and Wellbeing Policy](#).

Food and drink categories featured in the proposed policy are not as adequate or robust as the Food Standards Australia and New Zealand (FSANZ) Nutrient Profile Score used by the AANA and OMA to determine if a food or drink product is occasional. The proposed policy in its current form could also impact the advertising capacity of related industries since all depictions of occasional food or drink products would be captured by the proposed policy directive.

OMA members are committed to responsible advertising that meets prevailing community standards and attitudes. In line with this commitment, the Out of Home industry has worked ahead of other parts of the industry, as the first and only medium in Australia with an industry-specific occasional food and drink advertising policy which members must comply with in addition to the Australian Association of National Advertisers (AANA) [*Food and Beverages Advertising Code*](#). The OMA reviews its policies annually to ensure that they are contemporary and relevant.

POTENTIAL EMPLOYMENT AND ECONOMIC IMPACTS

The potential employment and economic impacts of introducing a ban on the Outdoor advertising industry and its supporting industries are significant. According to recent research, transit advertising contributed more than \$7 million to the state economy in 2023 (Deloitte Access Economics 2024). Transit advertising includes advertising seen at airports and on buses, ferries, light rail, taxis, trains, trams and platforms and concourses.

Transit advertising delivery timeframes are longer, and the costs of printing and installation are higher than digital outdoor advertising channels. Placing these restrictions only on this channel will make it more difficult choice for advertisers and weakens the industry's ability to generate government revenue.

Further restrictions on the Out of Home industry will result in additional obstacles for advertisers and media agencies, deterring them from investing in South Australia. A policy that specifically targets public transit advertising will also likely shift investment away from publicly owned transit assets to advertising sites on private land, to transit assets in other states, or to other mediums not regulated by state government such as TV, Radio and Online.

The unintended consequence of such a shift takes investment away from a channel that returns circa 50 per cent of its revenue back to Government landlords through rent and taxes, and subsidises the development, operation and maintenance of public transport and infrastructure, leaving Government to wear the burden of the cost for this service.

Such restrictions would deprive the South Australian Government of vital funding for public transport. Impacts to the Out of Home industry's commercial viability put at risk its investments in subsidising public transport and constructing and maintaining public infrastructure, not to mention its commitment to annual health and wellbeing campaigns.

Currently OMA members maintain and service bus shelters, street furniture, pedestrian bridges, public bins, and telephone booths at no cost to taxpayers. State governments reinvest revenue from third party advertising assets into the maintenance and service of public transport assets.

EXISTING PLACE-BASED ADVERTISING RESTRICTIONS

The OMA [National Health and Wellbeing Policy](#) was introduced in 2020 and provides specific guidance on the promotion of occasional food and beverage products. It is supported by the OMA [Placement Policy](#) which restricts the placement of advertisements of certain products within a 150-metre sightline of a school. These products include:

- Occasional food and drink products
- Alcohol and alcohol alternatives
- Adult sexual products and services
- Wagering and gaming products

The place-based policy recognises that schools are a core location where children frequently gather. Since the introduction of its [National Health and Wellbeing Policy](#), OMA members have committed to leverage the reach and frequency of our channel for good and partner with government and public health interest groups to promote healthy eating and lifestyle through an annual campaign.

Earlier this year our members donated more than \$12.3 million in free advertising to promote a healthy eating campaign in partnership with Health and Wellbeing Queensland and Nutrition Australia.

The OMA recognises that Outdoor advertising is not captured in Section 4.C of the [ABAC Responsible Alcohol Marketing Code](#). Placement is addressed in Section 4.A and refers to the OMA's [Placement Policy](#). In saying this, our industry is committed to responsible advertising that meets prevailing community standards and attitudes.

The OMA and its members recognise that Out of Home advertising is visible to a broad audience and as such, the placement of advertising must be taken into account when considering compliance with the self-regulatory codes.

This is particularly important when advertising certain products that are illegal for sale to minors as well as occasional food and drink products.

On its own initiative, the OMA tested the audience data of a sample of live campaigns via its audience measurement system, MOVE, in preparation of the application of the revised ABAC Responsible Alcohol Marketing Code from 1 August 2023.

The OMA and MOVE teams were satisfied that the audience of Outdoor advertising is reasonably expected to comprise of at least 80% adults.

The OMA can share this data report if requested.

AUSTRALIAN CAPITAL TERRITORY CASE STUDY

The Australian Capital Territory (ACT) Government introduced a policy in 2016 to restrict “junk food, fast food and unhealthy food and drinks (as defined by the Australian Dietary Guidelines and Australian Guide to Healthy Eating) advertising” or alcohol on government-run bus services and light rail.

Recent [health data](#) released by ACT Government (2023) suggests that the advertising ban did not materialise in reducing overweight and obesity.

In fact, the proportion of overweight children (5-17 years) in the ACT increased from 12.7% in 2015/2016 to 19.2% in 2021. And the proportion of obese children (5-17 years) in the ACT increased from 7.6% to 10.2% in the same period. There was also an increase in obese adults from 18.8% to 26.7% from 2015/2016 to 2021.

TRANSPORT FOR LONDON CASE STUDY

In February 2019, Transport for London introduced a ban on high fat, salt and sugar (HFSS) food advertising across their estate – London Underground, London Bus, London commuter rail, most bus shelters and approximately 15% of billboards.

This followed the Out of Home industry’s voluntary adoption of a 100m exclusion zone for HFSS, alcohol, and gambling advertising from all school nationally.

Despite the ban by Transport for London, studies have shown limited impact on reduced obesity rates, highlighting the complexities of addressing public health challenges through regulatory interventions alone (Francis, 2022).

While the bans restricted the visibility of occasional food advertisements on public transport, they neglected to address other factors that contribute to overweight and obesity such as increasingly sedentary lifestyles of children and access to healthy and affordable food options.

The ban “did not translate into a reduction in childhood obesity” (SLG Economics, 2022) and further [NHS data](#) “shows child obesity rates, which the advert ban was introduced to tackle, have increased in London faster than average since the start of the junk food advertising ban” (Francis, 2022).

Purchases of HFSS products in London and the North of England increased after the Transport for London’s advertising restrictions on HFSS food were introduced (SLG Economics, 2022).

The Transport for London case study demonstrates that an advertising ban failed to mitigate rising obesity levels amongst children and significantly underestimated the complexity and multifaceted nature of overweight and obesity.

The OMA is concerned that advertising restrictions would have a large economic cost in exchange for no meaningful health benefit.

Question 2: Food and Drink Classification System

The proposed food and drink classification system to be used for this policy is the Council of Australian Government (COAG) Health Council National interim guide to reduce children's exposure to unhealthy food and drink promotion.

Do you support, partially support, or not support using this classification system?

OMA Response

The OMA **does not support** using this classification system. The OMA recommends using the Food Standards Australia and New Zealand (FSANZ) Nutrient Profile Score.

The OMA and the AANA use the FSANZ score because it accurately and comprehensively calculates the nutrient content of a food or drink. This score was developed by experts at an independent statutory agency part of the Australian Government's Health portfolio.

Nutrient profiling is an international standard used to classify foods based on their nutrient content and can help to identify healthier foods. The numerical algorithm consists of four negative nutrients, two positive associate nutrients and a proportion of fruit, vegetables, nuts and legume ingredients.

The calculator is user friendly and provides an objective score for a food or beverage product on its health claim compliance.

The NPSC is believed to be more comprehensive than the Health Star Rating which only utilises four nutrient aspects (Health Star Rating, 2024).

The NPSC is also considered to be more accurate than the COAG model which only applies to examples of occasional food without any actual consideration of nutrient content (Department of Health and Aged Care, July 2022).

If the COAG interim guide was introduced in South Australia it overlays a new classification that would be specific to the state and thus creating increased uncertainty for advertisers in industry. The likely result would be reduced potential investment in South Australia.

Question 3: Master Branding

In line with the *COAG Health Council National interim guide to reduce children's exposure to unhealthy food and drink promotion*, the master brand should not be the predominant feature of an advertisement and can only be used in combination with the image of a healthy food or drink.

Do you support, partially support, or not support this Master Branding approach?

OMA Response

The OMA **does not support** this Master Branding approach.

Master branding, or marketing of a brand without referring to a specific product, aims to promote brand awareness and preference. It is used to build trust and encourages competition between brands. South Australia is home to globally recognised food brands, wineries and craft beer and spirit producers.

The proposed master branding approach would conflict with key objectives of the Government's "*Brand SA*" and "*Buy SA. For SA*" campaigns.

The result is that iconic local brands such as Penfolds, Coopers Brewery, Haigh's Chocolates, Vili's and Never Never Distilling Co. would not be able to advertise at all on government transit assets.

The OMA [*National Health and Wellbeing Policy*](#) aims to limit particular master branding within a 150m sightline of schools where "*Master branding advertisements will be acceptable on condition that no occasional food or drink products are depicted or referenced.*"

This Policy identifies occasional food and drink products as "*those with an FSANZ Nutrient Profile Score (NPS) that is less than the threshold for that product category, as defined in section 6.4.*" These thresholds outlined are determined by the Food Standards Australia and New Zealand.

The proposed policy does not provide a clear criterion of what should be considered "food company brands synonymous with less-healthy products".

For example, many local bakeries would sell foods with added confectionery, sweet snacks and savoury pastries listed in the proposed policy's food and drink category table.

The proposed policy is also unclear on whether advertising creatives featuring logos of "food company brands synonymous with less-healthy products" sponsoring major events would be allowed or banned.

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Examples of recent Out of Home advertising transit campaigns that would be banned under the proposed policy framework.

Question 4: Policy Scope

The scope of this policy only applies to advertising on South Australian government owned transit assets (buses, trams and trains).

However, consideration will be given to future opportunities that may strengthen and widen the remit of this policy goal.

Do you support, partially support, or not support this initial policy scope?

OMA Response

The OMA **does not support** this initial policy scope.

The Outdoor advertising industry already has robust policies and monitoring systems in place to restrict the amount of exposure and persuasiveness of food marketing to children. This has proven to be successful with no complaints to Ad Standards about occasional food advertising in 2023 (Ad Standards, 2024).

To combat the persuasiveness of occasional food and beverage marketing OMA members abide by the AANA [Children's Advertising Code](#) and [Food & Beverages Advertising Code](#).

The AANA [Children's Advertising Code](#) includes a measure where adverts targeting children 'should not undermine the authority, responsibility or judgment of parents or carers'. The [Food & Beverages Advertising Code](#) includes measures where 'advertising of occasional Food or Beverages Products must not target children' and 'Advertising of Food or Beverage Products featuring a promotional offer of interest to Children must not create a sense of urgency or encourage the purchase or consumption of an excessive quantity'.

The existing advertising industry guidelines already effectively limit the amount and persuasiveness of occasional food and beverage advertising to children.

The OMA has consistently demonstrated its commitment to address community concerns efficiently and responsively by implementing improvements to self-regulation policies. Compared to legislation, it is also more effective and efficient to amend self-regulation policies and guidelines as new health concerns and trends arise.

For example, in 2020 the OMA updated its [Advertising Content Policy](#) to include "OMA members will reject campaigns which feature smoking or smoking products, including electronic personal vaping products, and/or which advertise business names which feature connotations to smoking or smoking products" in response to rising concerns of vapes in our community, particularly amongst young people. The *Public Health (Tobacco and Other Products) Act 2023* was enacted from 1 April 2024.

The OMA also has rigorous copy advice service that considers advertising compliance across self-regulation and legislation. The OMA has processed more than 965 creatives from our members in 2023 and 2024 to date.

This service is free for OMA members and helps eliminate the likelihood of a breach and helps ensure that Out of Home remains a responsible medium. Self-

regulation also empowers the industry and bestows a greater sense of responsibility and ownership.

The Outdoor industry is leading the way with only 12 complaint cases considered by Ad Standards relating to Out of Home advertising in 2023. There were no complaints about Outdoor advertising of occasional food and drink products last year. Similarly, ABAC considered 8 complaint cases and found no breaches.

In the event of a breach, the OMA member will take immediate steps to facilitate the removal of the advertisement that is subject to the breach.

Both the OMA and AANA have significant industry codes and policies in place that successfully promote responsible advertising and protect consumer interests.

In addition, to improve children's dietary intakes and physical activity, OMA members have proactively committed to leverage the channel for good by partnering with government to promote healthy eating and lifestyle by offering a free-media annual campaign.

EDUCATION AND EMPOWERMENT IS MORE EFFECTIVE THAN REGULATION

The OMA and SA Government have a shared passion, responsibility and history of working together for positive community health outcomes. Out of Home advertising is one of the most trusted channels used for broadcasting government and community awareness messaging.

Key health advocacy groups have all recommended high-impact, sustained public education campaigns promoting a healthy diet and increased physical activity. This position is supported by research and international best-practice.

The OMA notes that the [*National Preventive Health Strategy 2021-2030*](#) supports promotion of healthy eating through educational awareness campaigns.

The OMA's annual Healthy Eating campaign to encourage Australians to eat more vegetables is a clear demonstration of our support for the Government's commitment to curtailing obesity.

The OMA has concerns with the direction of the draft policy, as there is no certainty that restricting public transit advertising will reduce child overweight and obesity. Our 2024 *Fresh veg, deliciously affordable* national campaign was the biggest one yet, valued at more than \$12.3 million. More detail about this campaign is included on page 14 and 15 of this document.

The OMA welcomes the opportunity to work with Preventive Health SA and the SA Government on delivering *Strategy 2.2 Use social marketing to foster healthy social and cultural norms, reduce weight stigma and help people make healthy choices* of the [*National Obesity Strategy 2022-2032*](#).

WE ARE A RESPONSIBLE MEDIUM WITH A HIGH COMPLIANCE RATE AND ROBUST INDUSTRY EDUCATION FRAMEWORKS

Considering the above initiatives and the adherence to our own strict regulatory policies, the industry is disappointed that the Government would seek to impose additional regulations on the Out of Home industry.

The rationale for the additional changes is not supported by evidence that such changes would be effective, nor by the fact that only 12 complaints to Ad Standards (2024) and 8 complaints to ABAC (2024) were made against our industry last year (Ad Standards, 2024). None were concerned with occasional food or drink advertising and no alcohol advertising breached the ABAC Code.

The OMA conducts policy-specific training sessions covering the topics of occasional food advertising, alcohol advertising, wagering advertising and political advertising. There was a collective attendance of 559 members across 26 organisations and recordings are uploaded to the OMA Member Portal with no expiration date.

The OMA also provides a free Copy Advice service to our members. The Copy Advice service helps eliminate the likelihood of a breach by determining whether the proposed advertisement is compliant and meets community standards.

The OMA has processed more than 965 creatives from our members in 2023 and 2024 to date. They say that “prevention is better than cure” and the OMA believes that its proactive training schedule, in addition to our free copy advice service, has contributed to our members’ high compliance rate.

Any other comments:

Do you have any further comments on any other areas of the policy framework?

OMA ANNUAL HEALTHY EATING CAMPAIGN

Since 2020, the [*National Health and Wellbeing Policy*](#) has played an active role in limiting the exposure of occasional food and drink advertising to children.

The industry also pledged over \$3 million in donated advertising value each year to an Out of Home campaign that promotes healthy eating and influences positive behavioural change. The OMA seeks to partner with a government health agency every year to help achieve their policy objectives.

The first healthy eating campaign donated by the members of the OMA was *Add an extra handful of veggies* in partnership with the Australian Government Department of Health.

Our 2024 campaign *Fresh veg, deliciously affordable* focussed on encouraging Australians to make healthy choices with the consideration of cost-of-living pressures. The *Fresh Veg, deliciously affordable* campaign came to life in partnership with Health and Wellbeing Queensland and Nutrition Australia.

In 2024, members donated a record \$12.3 million in advertising value and the campaign featured on more than 18,250 advertising signs across every state and territory in Australia over a four-week period from 28 January 2024 to 24 February 2024. The campaign was displayed in office lobbies, gyms, cafes, retail shopping centres, bus stops, roadside billboards, train stations, electric vehicle charging stations and public transport.

Fresh veg, deliciously affordable sought to inspire and educate Australians on how to make a healthy swap, benefiting both their health and hip-pocket.

While takeaway and fast-food prices experienced sharp increases in recent months, the cost of seasonal fresh fruit and vegetables has declined (Australian Bureau of Statistics, 2024).

The OMA commissioned an independent post-campaign survey. Results demonstrated that the *Fresh veg, deliciously affordable* campaign encouraged behaviour change, sparked conversations, and drove action.

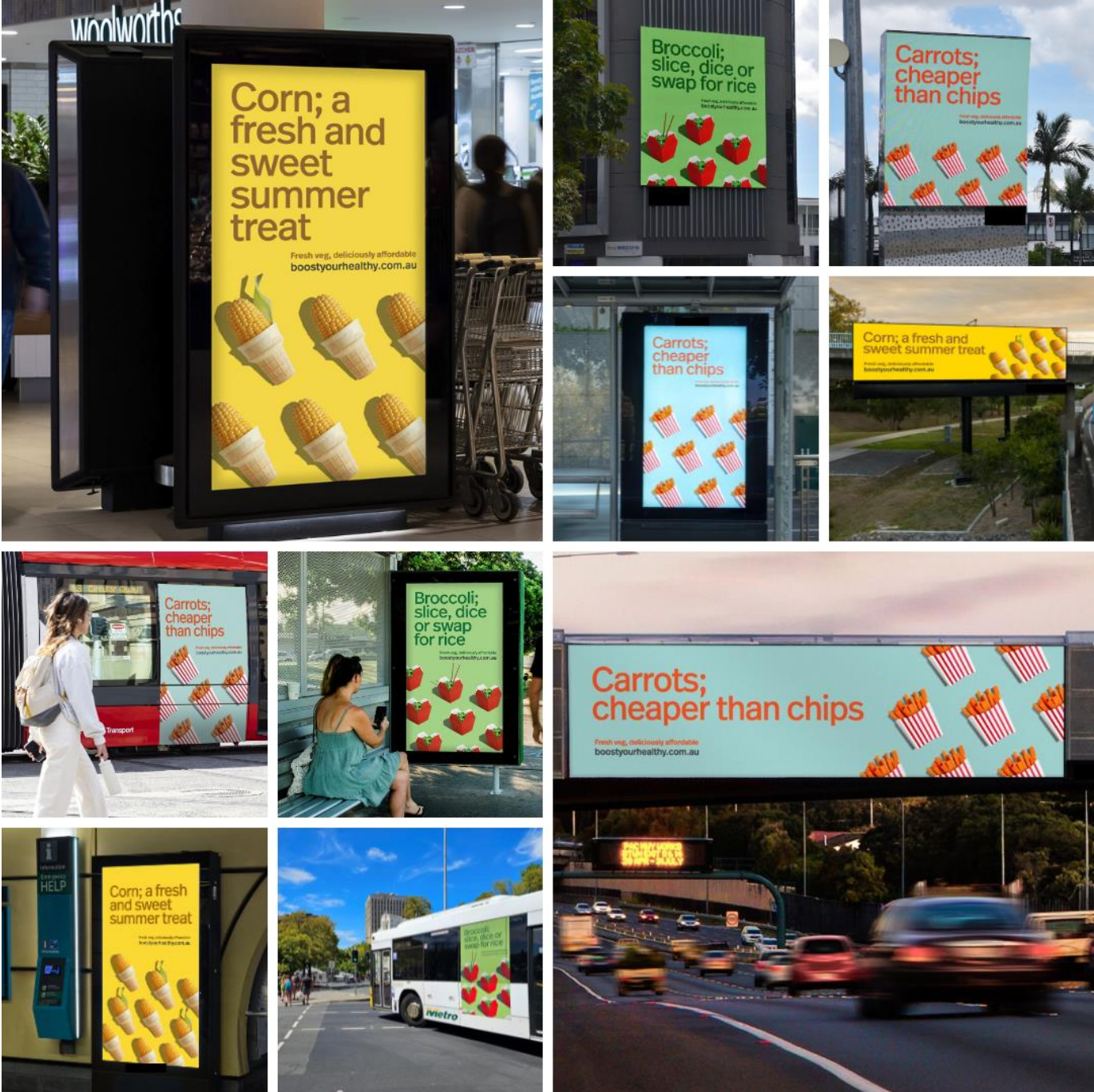
1 out of 3 people remembered the campaign, and out of those who remembered:

- 82% were encouraged to lead a healthy lifestyle
- 79% were encouraged to consider vegetables as the cheaper and healthier alternative to junk food
- 77% were encouraged to purchase vegetables
- 69% were encouraged to find more information
- 54% talked to someone about the campaign

And for the Australian parents who remembered seeing this campaign:

- 91% were encouraged to include vegetables in meals, lunchboxes or snacks
- 88% were encouraged to make healthier choices for their child/children
- 83% were encouraged to learn to cook vegetables/ vegetable meals tailored to children's taste

The survey results highlight how government and Out of Home can work together to deliver positive behaviour change campaigns.



ACHIEVING POLICY OBJECTIVES TOGETHER

The OMA supports an approach that is collaborative, educational and positive, with government and industry working together to deliver outcomes.

The Out of Home industry is an active member of the Australian community, from provision of public infrastructure to donations of space and services for use by not-for-profit groups.

Outdoor advertising is a cost-effective way to promote health initiatives to diverse audiences. It is one of the most trusted channels used for broadcasting government and community awareness messages, including public health campaigns. Now, with the opportunity of Digital Out of Home, the channel is even more accessible, enabling real-time communication to inform and interact with the community.

Outdoor advertising also offers location-based promotions, which will allow the Government to effectively target priority communities. The OMA welcomes the opportunity to discuss with Preventive Health SA and the Department of Premier and Cabinet on a co-designed campaign to empower and educate South Australians on how to stay as healthy as they can be.

CONCLUSION

The OMA recognises the importance of promoting healthy lifestyles and addressing concerns regarding child overweight and obesity rates.

The Outdoor advertising industry is a compliant and responsible medium. This is demonstrated by no complaints received in 2023 and 2024 (so far) regarding occasional food advertising (Ad Standards, 2024).

The OMA is also concerned that the proposed restrictions would have a large economic cost in exchange for no meaningful health benefit.

The industry firmly believes that implementing a ban on occasional food advertising on outdoor advertising assets does not address the complex and deeply embedded root causes of overweight and obesity.

There is no evidence that advertising restrictions of occasional food and drink products will reduce obesity. This is seen in the ACT and in three countries (Canada, UK and Chile) where they have imposed advertising restrictions, obesity continued to climb.

Considering the above initiatives and the adherence to our own strict regulatory policies, the industry is surprised that the Government would seek to impose additional regulations on the Out of Home industry.

Instead, the OMA proposes that the government consider investment in a multi-media campaign to educate and empower Australians with the skills and knowledge to live healthier lives.

The OMA looks forward to ongoing engagement with Preventive Health SA to ensure Government understands the potential impact of the proposed policy.

We also welcome the opportunity to work closely to co-design a campaign to empower and educate Australians on how to stay as healthy as they can be, an ambition outlined in the [*National Obesity Strategy 2022-2032*](#).

Please contact our Senior Policy Advisor Jessie Nguyen on (02) 9357 9900 or jessie.nguyen@oma.org.au for further information.

ABOUT THE OMA

The Outdoor Media Association is the national peak industry body that represents companies that display advertisements, own signs, and provide services to the industry.

Out of Home advertising is seen outside the home on a variety of signs (e.g. billboards, light rail wraps, bus shelters), across various locations (e.g. roads, airports, shopping centres).

The OOH advertising industry is a \$1.2 billion industry and a significant contributor to the Australian economy.

There are currently 54 OMA members with 16 members operating in South Australia. Many of the OMA's media display members are small to medium businesses and most are Australian owned and operated.

Government is a major beneficiary of Out of Home advertising, with the industry returning approximately 50 per cent of profits back to government in rents, taxes and profit share.

The Out of Home industry also contributes to the construction and maintenance of much needed public infrastructure including bus shelters, street furniture, pedestrian bridges, public bins and telephone booths.

Out of Home advertising is one of the most trusted channels used for broadcasting government and community awareness messaging.

These assets play a significant role in connecting various charitable organisations and government campaigns to broad audiences.

In 2022, OMA members generously donated over \$126 million to over 218 organisations in donated advertising space.

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