



Case Report

1	Case Number	0017/17
2	Advertiser	Coles
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a man wearing shorts from behind. The voiceover states 'how good are boardies? One minute they're your shorts, next they're your bathers, and you haven't changed a thing'.

The man is then shown joining hands with a woman and jumping into the pool. The voice over continues, 'At liquorland you've gotta love that summer feeling.'

Deals on alcoholic beverages are then shown.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Alcohol and pools don't mix. At a time when drownings and water safety is an issue killing people this ad is in poor taste especially during family television of Big Bash Cricket.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

We refer to your letter advising Coles of a complaint in relation to a Liquorland TV commercial that aired on 1 January 2017 at approximately 9:15pm. We thank you for the opportunity to respond.

The relevant advertisement

The 30 second TV commercial showed 2 images of a packaged alcoholic retail item (Pacific Radler) following a segment depicting adults jumping into a pool and subsequently socialising and relaxing in and around a swimming pool (the Advertisement).

The complaint

You provided the following details of the complaint:

“People jumping into a swimming pool and partying. Then cut to advertising drink specials with pool in back ground”. Was clear association between summer/pool activity and drinking alcohol?”

“Alcohol and pools don't mix. At a time when drowning's and water safety is an issue killing people this ad is in poor taste especially during family television of Big Bash Cricket.”

Response

Coles has been a signatory to the Alcohol Beverages Advertising Code ('the Code') since 2013 and takes its alcohol advertising obligations very seriously and is committed to industry best practice.

Coles is also a key contributor to DrinkWise, an independent, not-for-profit organisation whose “primary focus is to help bring about a healthier and safer drinking culture in Australia”.

Coles has also demonstrated a long-standing commitment to the responsible service, supply and promotion of alcohol. There is a strong focus within Coles on the responsible advertising of alcohol, which is supported by robust internal compliance processes and training, to ensure our teams have the necessary skills to successfully navigate this heavily regulated environment.

In response to the complaint raised via the Advertising Standards Bureau (ASB), Coles provides the following information.

CAD classification details

In line with the Commercial Television Industry Code of Practice, the Advertisement was rated L on 9 December 2016 (FOSV972 CAD No. L43S3ABA and FOSV972H L43S4ABA). The Advertisement was broadcast in accordance with the Code of Practice for Alcohol Advertising.

The Advertisement was also pre-vetted via the ABAC Alcohol Advertising Pre-vetting Service (AAPS) and approved on 8 December 2016 (approval number 15276).

We note that the same commercial ran in January 2016 (with a different product line). This activity was also pre-vetted and approved via AAPS prior to launch and reviewed via the CAD process (CAD No. L2LQBROA and L2LQCROA). Coles is not aware of any concerns raised by the public or other agencies with respect to this commercial.

The complaint against Section 2 of the AANA Code of Ethics

2.1 – Discrimination or vilification

In our opinion the Advertisement does not contain any material that is discriminatory or vilifies any segment of the community.

2.2 – Exploitative and degrading

In our opinion the Advertisement does not contain material that employs sexual appeal in a manner which is exploitative or degrading to any individual or group of people.

2.3 – Violence

In our opinion the Advertisement does not contain material which presents or portrays violence.

2.4 – Sex, sexuality and nudity

In our opinion the Advertisement does not contain material of a sexual nature nor nudity which is out of context or inappropriate with the marketing communication.

2.5 – Language

In our opinion the Advertisement does not contain any language which is offensive or not aligned with acceptable community standards.

2.6 – Health and Safety

Depiction of drinking

The imagery used in the Advertisement is designed to reflect activities associated with the summer season. “Gotta Love Summer” is Liquorland’s catch phrase across its marketing during this period and associated summer imagery and activities are used for this campaign (e.g. BBQs, picnics and other outdoor activities). The Advertisement does not show any person consuming alcohol in or near a swimming pool.

Unsafe behaviour

In our view, the Advertisement does not depict any unsafe or antisocial behaviour in and around water.

The Advertisement shows a couple jumping into a swimming pool safely. There is no depiction of any activity preceding, during or following this which could be viewed as unsafe (e.g. jumping from a height or structure, jumping into shallow water or water which may have concealed obstacles, running, recklessly diving/'bombing' or shoving/horseplay). All participants are responsibly enjoying being in or around a swimming pool in a normal way and there is no depiction of any person consuming alcohol in this environment.

We do not consider the individuals in the Advertisement to be "partying". Rather, it is a small number of individuals, socialising and relaxing, in a composed manner by a pool. The immediate surroundings show no evidence of a party (e.g. no music, food, drinks or decorations etc.).

In keeping with the summer theme, product line and price inserts are against a backdrop of sand in the foreground and an out-of-focus and non-descript body of water in the background, both partly obscured by the product graphics. Again, the imagery used is purely a reference to 'summer' and there is no association between individuals, water activity, the consumption of alcohol and dangerous and/or anti-social conduct.

Overall health and safety

Further to the above, in our view, the Advertisement meets all relevant legislative requirements, complies with the AANA Code of Ethics, ABAC's Responsible Alcohol Marketing Code and other relevant advertising codes for the following reasons:

- The Advertisement at no point depicts the consumption of alcohol*
- The Advertisement displays no association between individuals, the swimming pool, accompanying water activities and the consumption of alcohol*
- There is nothing to suggest that any individual in the Advertisement is under the influence of alcohol*
- The Advertisement does not depict any unsafe, antisocial or dangerous behaviour*
- The Advertisement only depicts adults (no minors) enjoying the use of a swimming pool in a responsible way*
- The Advertisement is not directed at children*
- The Advertisement shows packaged liquor product as a separate insert*
- In accordance with its classification, the Advertisement was broadcast in accordance with the Code of Practice for Alcohol Advertising.*

Other Relevant Codes

Given the nature of the Advertisement, neither The AANA Code for Advertising and Marketing Communications to Children or the AANA Food and Beverages Marketing Communications Code (which does not apply to alcoholic beverages) are applicable.

Conclusion

Coles is firmly committed to the responsible service, supply and consumption of alcohol and considers that its marketing and advertising has an important part to play in that process.

Coles understands the importance of pool safety and the risks associated with the consumption of alcohol in and near water and does not believe that the Advertisement promotes the consumption of alcohol in a pool environment. Despite variations of the Advertisement having been aired previously, this is the first complaint that has come to our attention.

The theme and behaviours displayed in the Advertisement are in line with prevailing community standards regarding alcohol and safety and the Advertisement is compliant with the AANA Code of Ethics, the ABAC Responsible Alcohol Marketing Code and other relevant advertising codes.

We thank you again for the opportunity to respond to the complaint and we look forward to the Panel's determination.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement depicts alcohol near a pool which is against prevailing community standards.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that this television advertisement features a man wearing board shorts walking and then in a pool while a voiceover talks about how good boardies are and that "at Liquorland you've gotta love that summer feeling".

The Board noted it had previously dismissed similar complaints in case 0098/12 where:

"The Board noted that the advertisement shows people relaxing next to or swimming in a pool whilst other people watch from a distant balcony whilst drinking Strongbow cider.

The Board noted the advertiser's response that they took care to show no open drinks near the pool and that there is no consumption of alcohol by the actors near the pool. The Board noted that the actors on the decking looking over the pool are drinking but considered they were sufficiently far removed from the pool to be considered removed from the pool group. The Board noted that the advertisement does not show the consumption of alcohol by people in or near a swimming pool and considered that the advertisement does not depict or condone the consumption of alcoholic beverages near water."

In the current advertisement, the Board noted that the people in the advertisement are not shown to consume or even hold any alcoholic beverages and considered that while the advertisement does show images of alcoholic beverages in the Board's view the link between a summer activity (playing in a pool) and a drink which can be enjoyed in the summer is not against Prevailing Community Standards on health and safety.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety around water and alcohol.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.