# Case Report

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| **1. Case Number :** | **0097-23** |
| **2. Advertiser :** | **The Foreshore Hangout Lounge** |
| **3. Product :** | **Bars/Clubs** |
| **4. Type of Advertisement/Media :** | **Billboard** |
| **5. Date of Determination** | **24-May-2023** |
| **6. DETERMINATION :** | **Dismissed** |

**ISSUES RAISED**

AANA Code of Ethics\2.6 Health and Safety

**DESCRIPTION OF ADVERTISEMENT**

This advertisement is a mural on the outer wall of a venue and depicts UFC fighter Tai Tuivasa drinking from a shoe.




**THE COMPLAINT**
Comments which the complainant/s made regarding this advertisement included the following:

*The mural is right in the centre of Geraldton and is a common place to walk past. The mural glamourises excessive drinking of alcohol and young people are especially influenced by this type of alcohol promotion. There are many harms caused by alcohol and this mural promotes excessive drinking.*

*Research shows that images depicting drinking of alcohol in celebration promotes the normalisation of drinking culture, suggests alcohol and celebration are intrinsically*

*linked and promotes the social expectation to drink alcohol. Promotion of alcohol specifically linked to appealing images of alcohol to good times, feelings and success, can be dangerous when viewed by young people, who are still developing their critical thinking skills (Jernigan et al., 2017). Furthermore, there is a strong association between exposure to alcohol advertising and young people's drinking (Roche et al., 2008). Alcohol use is a specific problem within the Midwest with 34% of adults (16 years and over) drinking alcohol at high risk levels for long term harm, which is significantly higher when compared to the state (WA Country Health Service, 2022). On a personal note, as a mother, I want to protect my two-year-old from alcohol imaging. Already when we walk past, he asks 'why a man is drinking out of a shoe?' I know of many parents who have had the same conversation with their children and can only imagine there would be many more. It is hard to avoid the area as it is located central of the Geraldton foreshore area, next to Rocks Lane Way, where there is high foot traffic and lots of events are held for children and young people. A local Geraldton group comprising alcohol and other drug stakeholders sent a complaint to the owner of The Foreshore. The Foreshore got local media involved and received a lot of publicity and support in favour of the mural. Geraldton LDAG then sent a letter to the owner on 27 April, 2023, offering to cover the costs to amend or redesign the mural so it had a positive influence on the community. The owner declined the offer.*

**THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

**THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement features unsafe drinking behaviours.

The Panel reviewed the advertisement and noted that the advertiser had not responded.

**Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the complainant's concern that, "*depicting drinking of alcohol in celebration promotes the normalisation of drinking culture, suggests alcohol and celebration are intrinsically linked and promotes the social expectation to drink alcohol".* The Panel considered that the promotion of alcohol is not itself against

prevailing community standards, however excess consumption could be considered under this section of the Code.

The Panel noted that the advertisement depicted a scene which would be well known to UFC supporters, in which the man depicted drinks a beer out of a shoe following a win. However the Panel considered that many members of the community would be unfamiliar with the reference and would simply see an image of a person drinking from a shoe.

The Panel noted that the text on the image is 'The Foreshore' with a letter crossed out, so the text reads 'The Foreshoe". The Panel considered that this text in combination with the image clearly indicates that the man is performing a 'shoe-y', an act in which alcohol is consumed from a shoe.

The Panel considered that given the size of the shoe and its position against his mouth, it is unlikely that the man is able to reach a high level of alcohol consumption, and noted that as the advertisement is a still image there is no suggestion that he is drinking to excess.

The Panel considered that the advertisement does not depict people drinking in an unsafe manner or suggest that alcohol should be consumed in excess.

**Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

**Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.