



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

1	Case Number	0509/11
2	Advertiser	Fosters Australia, Asia & Pacific
3	Product	Alcohol
4	Type of Advertisement / media	Billboard
5	Date of Determination	18/01/2012
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.4 - Sex/sexuality/nudity     S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

A photo of a yak in a field. The area around his genitalia is pixilated and the text reads, "Fat Yak Pale Ale".

### THE COMPLAINT

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

*I am offended by the advertisement as it is deliberately using an animal's sexuality and genitals to promote alcohol consumption which is totally inappropriate. There are people who sexually abuse animals and I believe portrayal of an animal in this manner for advertising of alcohol is disturbing and ridicules the animal.*

*This pertains to section 2 of the AANA code of ethics regarding 'portrayal of sexuality'. If the advertiser is attempting to suggest the 'Fat Yak Pale Ale' is some type of aphrodisiac then I feel that this would be contrary to the ABAC Scheme (Alcohol beverages advertising and packaging code): 'Part 1 c point 1: ...must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of .... Sexual or other successes.*

## THE ADVERTISER'S RESPONSE

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

*Carlton United Brewers (CUB) has an excellent advertising compliance track record. We take our obligations in relation to responsible marketing extremely seriously and believe that the advertisement in question (Fat Yak Pale Ale) does not breach the AANA Code of Ethics. We disagree with the comments made in the complaint.*

*The advertisement was pre-vetted via Alcohol Advertising Pre-vetting Service (application number 552/11 and approval number #11114). The complaint has also been dismissed by the ABAC Complaints Panel (ref: 115/11).*

*Matilda Bay is an irreverent brand that carries a sense of humour through its communication to balance its premium product messages. To Matilda Bay's consumers, beer is about discovery and fun. This tongue-in-cheek attitude is evident in Matilda Bay's product names, each having its own story, for example Dogbolter Dark Lager, Alpha Pale Ale, Bohemian Pilsner, Dirty Granny Cider and Fat Yak Pale Ale.*

*The advertisement in question is a photo of a yak, standing proud, in a field by himself. The area around his genitalia is pixilated. The image alludes to a Yak that is well-endowed, not one with erect sexual organs. That the advertisement represents erect sexual organs is a subjective observation on the part of the complainant.*

*We appreciate that this advertisement has a theme of innuendo, with a subtle joke linked the name of the beer.*

*However, we feel strongly that this creative is inline with prevailing community standards on taste and decency, and does not breach the AANA Code of Ethics. The advertisement has been in use in billboard and magazine placements in all states over the past two years. We estimate an audience in excess of five million impressions for this campaign, with this the first complaint received. This fact provides us significant confidence that we are within the boundaries of socially acceptable humour.*

*RE section 2.3 of the AANA Code of Ethics.*

*Section 2.3 calls for sensitivity in regards to sex, sexuality and nudity. The advertisement is of a yak, not a human. We feel that there is no transfer from animals to humans under the Code in regards to this section. Regardless, the use of pixels demonstrates sensitivity as required by the Code. There is no actual nudity displayed, nor is the image sexual in nature.*

## 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 uses an animal's sexuality and genitals to promote alcohol and is inappropriate.

The Board noted that the complaint about this advertisement would also be considered by the Alcohol Beverages Advertising Adjudication Panel against the Alcohol Beverages Advertising Code (ABAC) that contains alcohol specific advertising standards.

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

The Board considered whether the advertisement complied with Section 2.4 of the Code. Section 2.4 states: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience.'

The Board noted that the advertisement features a yak standing in a field with its genitals pixilated out.

The Board noted that the practice notes for Section 2.4 only cover human genitals and not animal genitals. The Board noted that the animal's genitals, although not precluded through the practice note, are pixilated out and that the double entendre reference to a mating male yak is very subtle and unlikely to be understood by many viewers..

The Board noted that there are no other references to sexuality in the advertisement and considered that the advertisement did treat sex, sexuality and nudity with sensitivity and that it did not breach Section 2.4 of the Code.

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