



Case Report

1	Case Number	0007/11
2	Advertiser	Independent Distillers Aust (Pty Ltd)
3	Product	Alcohol
4	Type of Advertisement / media	Internet
5	Date of Determination	23/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Images of three young males holding bottles of Three Kings alcohol.

THE COMPLAINT

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

Although the website does ask if you are 18 or over to enter there is no warning about why the site is not appropriate for under 18's on the 'enter' page.

The site is very obviously targeted at youth despite not being 'available' to under 18's. The models do not look over 20 and could certainly be under the age of 18. The activities they are 'modelling' are certainly activities that appeal strongly to under 18's and the site definitely gives the impression that this is a cool product for under age drinkers.

Despite the pathetic attempt for permission to enter the site I feel that this site is strongly targeted to appeal to underage drinkers and should be removed from public access. Perhaps requesting a membership to access to reduce the likelihood that underage drinkers can access the site could at least be considered.

THE ADVERTISER'S RESPONSE

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

Please be advised that the web address is www.threekings.com.au.

We will be rotating the images on this website and they will not be permanent. The viewers of this website are asked to only enter if they 18, as it the standard of the industry.

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 complainants’ concerns that the men in the advertisement are under the legal drinking age and that the advertisement appears to be aimed at under 18s.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of 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 advertisement is placed on the advertiser’s webpage and that before entering the site you are asked to only enter if you are over 18 years old. The Board noted that the issue of under 18s being able to access websites is not something which falls under the provisions of the Code and therefore is not something they can consider.

The Board noted the advertiser’s previous response to ASB Case 536/10 that the three main models used in the Three Kings advertisements are all over the age of 18 years, and considered that whilst they do appear to be young they do look above 18 years and are therefore a legal age to consume alcohol.

The Board noted that there is no depiction of the models consuming alcohol and that the accompanying text concerns the making of the advertisements.

The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.

