



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0007/13</b>
<b>2</b>	<b>Advertiser</b>	<b>BCF</b>
<b>3</b>	<b>Product</b>	<b>Leisure and Sport</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>30/01/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Two men who are both comparing their new food / drink storage options. One product being an icebox and the other being a portable fridge freezer. The man with the icebox is obviously bragging to his friend about his new purchase only to be outdone by his friend who has recently acquired the obviously better portable fridge. The scene is depicted aboard a small trailer boat that is moored at a jetty.

### THE COMPLAINT

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

*In this ad the man at the helm of the boat opens a bottle of beer. This is ILLEGAL. I trust that the Bureau will look into this and deal with it accordingly.*

### THE ADVERTISER'S RESPONSE

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

*In regard to advertising complaint reference 0007/13 BCF Australia expresses the wish to respond to the complaint raised under Section 2 of the AANA Advertiser Code of Ethics for review by the Advertising Standards Board.*

*BCF have been running the 'This is Living' campaign for over four years in an array of*

*mediums, including Television, Radio, Print and Online. The strategic position of the campaign has always been intended, given the nature of the business, to encourage people from all walks of life that 'life is better in the outdoors'. Past times such as boating, camping and fishing, as depicted by the campaign as a whole, are suggested to be healthy outdoor pursuits that promote healthy work life balance. Such pursuits are constructive, wholesome activities that are available to all members of the community and are believed to genuinely have a positive lifestyle influence.*

*The advertisement described, refers to a moment when two men exchange words about their new icebox and portable fridge freezer they have both recently acquired. The icebox depicted contains food and two soft drinks. The portable fridge scene shows one of the men reaching into the fridge and removing a soft drink from the unit. The complaint references that the drink is actually a bottle a beer. As BCF always strives to portray safety and responsibility when involved with boating, the decision was consciously made at time of filming to use a lemon soft drink that is readily available from supermarkets and corner stores in Australia. This is suggested to be quite obvious as the bottle is actually of a longer neck length and also has a screw top with a safety seal that is much larger than those used in beer bottles. To quantify the size of the bottle top, an average beer bottle top would be approximately 5mm in height whereas a soft drink bottle top would be approximately three to four times this size at 20mm in height. The same soft drinks are in the ice box shown first in sequence and provide a clearer depiction on screen.*

*The complainant refers to the notion that there may be some illegal behavior in this advertisement however BCF Australia disputes this. Staying hydrated on the water by using non alcoholic products is suggested to be an important safety message and is something often neglected when at sea (supported by state marine authorities around Australia) and by having the correct equipment by means of an ice box or portable fridge facilitates quality food and drink storage.*

*BCF Australia regrets any offence taken by the complainant pertaining to this advertisement however suggests that the advertisement is inline within the AANA code of ethics as it is expected that the campaign is inline with community standards that a reasonable person would not infer any reference to an alcoholic product.*

## **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 illegal behaviour of drinking while on a boat.

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 the advertisement features two men on a boat comparing their new food / drink storage options of an ice chest and a portable refrigerator.

The Board noted the complainants concerns that one of the men opens and drinks from a bottle that appears to contain alcohol.

The Board noted that there is a genuine community concern for safety on the water and that like driving on the road, the excess consumption of alcohol while in command of a boat is against the law.

The Board noted the advertisers response that the bottle of drink removed from the on board fridge is a bottle of soft drink and not an alcoholic beverage. The Board viewed the advertisement and agreed that on close examination, the twist top lid of the bottle and the visible label and size of the bottle could be identified as a non-alcoholic beverage.

The Board noted that the advertisement is intended to draw the attention of the viewer to the types of cooling options available at the store and that the rivalry between the men is humorous and lighthearted.

The Board considered that the advertisement is not encouraging or condoning the consumption of alcohol while in command of a boat and does not portray material which is contrary to prevailing community standards on safe boating.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.