



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0018/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Fosters Australia, Asia &amp; Pacific</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Pay 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

The VB “Sweat” television advertisement (30 seconds) is a compilation of images of Aussie blokes doing activities ranging from mowing at home to chopping wood to digging dirt with a shovel in a building site. It shows the men drinking VB at the end of the advertisement once they have finished their jobs.

### THE COMPLAINT

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

*It clearly shows workmen on site drinking beer in a plumbing trench. It is not safe to drink alcohol on any worksite especially in a trench. They are encouraging workers to drink on the job and this is against all workcover guidelines and is a bad image to project especially to kids who have just left school to work. The ad also shows a bobcat and could imply that it is being operated. The ad in no way demonstrates that the work day is over the just sit in an open trench (this is not best practice, again see workcover) and drink beer. The other ads in the series also show people drinking at worksites such as the shirt and hands ads but the sweat ad was the worst in my opinion.*

### THE ADVERTISER’S RESPONSE

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

*Thank you for your correspondence in relation to three (3) unique complaints (one complainant saw the television commercial on free to air, pay TV and on the internet) received that relate to a VB TV advertisement titled "Sweat". The complaint reference numbers are: 0017/13, 0018/13 and 0019/13.*

*Before we address the specific complaints I'd like to provide some background on VB's current advertising. VB is running various creative on a number of media channels based on a theme of "For a Hard Earned Thirst". This theme brings to life the Aussie tradition of working with your hands/working up a sweat and knocking off with a VB.*

*The television campaign has three advertisements and with "Sweat" VB is celebrating hardworking, capable blokes. Also running is an extensive radio campaign based on "Knock off drinks". Whilst I don't wish to labour the point, I do want to be very clear that our approach with "Sweat" was not to show drinking whilst on the job at a building site. We do not condone this kind of alcohol consumption and it was never our intention for the television advertisement to be perceived in this way. In fact a Safety Supervisor was on set to ensure that all scenes were realistic but also followed Occupational Health and Safety (OH&S) guidelines where relevant.*

*In terms of the VB "Sweat" television advertisement (30 seconds), it is a compilation of images of Aussie blokes doing activities ranging from mowing at home to chopping wood to digging dirt with a shovel to a building site. All images are standalone – that is they do not tell a sequential story with one image setting the scene for the next. It is best described as a compilation of different images accompanied by a voice over that references sweat (see Appendix A). The majority of scenes have no alcohol consumption with only the two final frames depicting this.*

*The scene in question ("Trench") shows a private backyard – you see a weatherboard house in the background. The father and son are dressed in civilian clothing and are sitting in a shallow trench (600mm deep). It's a home improvement/do it yourself (DIY) job. Tools are deliberately laid down in order to act as an indicator that work is finished. It's late afternoon (there is no sunlight). They have a beer in hand. "Trench" is the second last frame in the television advertisement. The next frame shows a close up of a VB can being consumed. The complainants state that the "Trench" scene is a worksite but in fact it's not. It's a couple of blokes who have completed work in their backyard and who are now 'admiring' their hard work and enjoying a quiet beer. We believe that showing blokes enjoying a beer after hard physical activity is reasonable (and a common practice amongst our target market) and that they don't need to leave their own backyard to do this.*

*The "Trench" scene is also at the end of the advertisement and in doing so signifies that the work is done. The advertisement then concludes. It might seem obvious to state but no-one at the end of the advertisement is working (when the drinking is happening) and given the advertisement ends I don't believe it's feasible to extrapolate that they then go 'back' and start working – particularly given we don't show this. Again "Trench" represents a backyard job versus a building site.*

*There was also a reference to a bobcat in one of the complaints – I’ll call that scene “Bobcat”. This scene shows a building site. “Bobcat” and “Trench” represent different scenes – one a busy building site and the other a private residence with a home improvement/DIY project. To this end, “Bobcat” was shot at a different location (a building site that was in progress), on a different day and with different talent to the “Trench” scene (shot in the backyard of a private residence). Importantly in “Bobcat”, there is no alcohol consumption. As previously stated we do not condone alcohol consumption whilst on the job at a building site and we are disappointed the TV commercial has been perceived in this way. We recognise the importance of a considered approach to alcohol consumption in the workplace and we have our own CUB Alcohol Policy in relation to the consumption of alcohol at our various sites.*

*A complaint was also made in relation to a scene where a man holds two screws in his mouth - it’s a quick close up shot (two seconds) of just his face. The complainant references a case where a cyclist punctured his lungs from swallowing a thumbtack. Whilst this is tragic and extremely unfortunate, it’s vastly different to what we show in the “Sweat” advertisement. To our knowledge ‘holding screws in your mouth’ is not considered a no go area by the community nor does it go against OH&S guidelines. Our aim was to show how everyday Aussie blokes approach their jobs and using your mouth in this way (to hold a screw or keys etc.) is pretty common. This two-second shot, and really the whole advertisement, depicts very ordinary every day activities and we don’t believe it has a strong sense of encouraging emulation.*

*As stated at the beginning of this letter, one complainant has referenced three different media channels where they viewed the television advertisement and we have been asked to comment on its placement. We believe that the advertisement is appropriate for various media including free to air, pay TV and also on-line. “Sweat” is rated L (FOSV376 – CAD # LWSDNABA) and in terms of free to air TV it was played in line with the guidelines outlined in the Commercial Television Industry Code of Practice for alcohol advertising.*

*We also believe that the advertisement is compliant with the AANA Code of Ethics in its entirety. In support of this, there is a complete absence of violence, discrimination, nudity, obscene language and any sexual themes. For your information this television commercial was also prevetted via the independent alcohol advertising prevetting service.*

*The CUB team take their commitment to responsible marketing of our products seriously and if we can provide further information or assistance, please let me know.*

## **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 unsafe behaviour in and around a work site.

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 various scenes of adult men performing manual, laborious tasks like mowing, digging and chopping wood and working up a sweat. The voice over describes how sweat is something to be proud of and that “there’s nothing wrong with a bit of sweat”.

The Board noted the complainants concerns that one of the men is shown holding two screws in his mouth and at the end of the advertisement two men are shown sitting on the edge of a trench opening a beer.

The Board noted that there is a genuine community concern for workplace health and safety including construction sites and around the home and that much community education and workplace compliance has attempted to improve safety and eliminate unsafe practices on commercial building sites. The Board further noted that the consumption of alcohol while operating heavy machinery is against the law.

The Board viewed the advertisement and firstly discussed the image of the man holding the screws in his mouth. The Board considered that although this may not be the preferred manner in which to hold screws, it is a very common behaviour carried out by many tradesmen as well as home renovators in order to make the particular task easier to manage. The Board considered that most reasonable members of the community would consider this behaviour as common practice and that the advertisement is not encouraging or promoting this type of behaviour.

The Board then considered the scenes of the men sitting on the edge of the trench. The Board noted that the advertisement is intended to draw the attention of the viewer to the types of hard work and manual labour that encourages a sweat and that after performing these types of tasks a reward is often sought. In this situation the men are seen opening a beer at the completion of the day’s work.

The Board noted the advertiser’s submission that the ‘trench’ scene is not filmed in a commercial worksite, but depicts a home renovation.

The Board considered that the advertisement is not encouraging or condoning the consumption of alcohol while still performing tasks or while using machinery and does not portray material which is contrary to prevailing community standards on workplace safety.

The Board noted that the particular advertisement was also considered as aired on Free TV (ref: 00017/13 and the Internet (ref: 00019/13) and was dismissed in these cases also.

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.

