



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0028/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Brown Forman Australia</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/02/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety      within prevailing Community Standards  
2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

Image of raised arms waving in the air, with text to the right reading, "Raise your Jack. It's summer. Responsibility is always in season. Jack Daniels. A summer tradition." In the centre of the advertisement is a picture of a bottle of Jack Daniels.

### THE COMPLAINT

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

*The advertisement suggests that the consumption of the beverage is essential to maintaining a social mood (that of summer); the word "jack" also has some sexual connotations.*

### THE ADVERTISER'S RESPONSE

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

*No response as of 23 Feb 2011*

## **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 references sex and suggests alcohol consumption is essential to maintaining a social mood.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement is for an alcoholic beverage, Jack Daniels, and features an image of a bottle of Jack Daniels with a photo of arms raised in the air (similar to a crowd photo taken at a music concert) and accompanying text which reads, “Raise your Jack. It’s summer.”

The Board noted the complainant’s concerns that the word ‘Jack’ has sexual connotations. The Board considered that as the advertisement is for Jack Daniels, the most likely interpretation of the use of the word Jack is to refer to the drink being advertised. The Board noted that the only body parts we can see in the photo are raised arms and considered that most reasonable members of the community would consider the phrase “Raise your Jack” to refer to raising a glass of Jack Daniels in a toast.

The Board determined that the advertisement was not sexually suggestive and that it did not breach section 2.3 of the Code.

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 the complainant’s concerns that the advertisement suggests alcohol consumption is essential to maintaining a social mood. The Board noted that nowhere in the advertisement is a reference made between alcohol consumption and social mood and considered that this would be an unlikely interpretation. The Board also noted that the advertisement clearly states, “Responsibility is always in season”.

Based on the above, 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.

