



Case Report

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| 1 | Case Number | 0029/11 |
| 2 | Advertiser | Fosters Australia, Asia & Pacific |
| 3 | Product | Alcohol |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 09/02/2011 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.2 - Violence Other

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

A male voice over reads out a letter which begins with, "Dear Tom. By the time this letter reaches you I will of crash tackled you to the ground.." and we see the author of this letter making his way through a busy bar towards his friend, Tom.

Tom is wearing a purple t-shirt and unbuttoned shirt and is being served by a barman who is adding a purple coloured cordial to his beer.

The voice over continues to read the letter and says that all Tom's friends were concerned when he bought the labradoodle, but now he has gone too far by colour coordinating his outfit with is beer, and we see the friend jump up on to the bar, slide down it and knock Tom's beer off the side.

The final shot is of a close up of a glass of beer and a bottle of VB.

THE COMPLAINT

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

I feel that this ad is irresponsible in the values it promotes. This ad promotes violence in bars and also promotes attitudes of intolerance of difference. I fear that this ad could promote homophobia and homophobic violence. In this day and age men should be able to drink what they want and have whatever dog they want and not fear violent retribution from their friends for the perceived manliness of their choices. This reinforces archaic stereotypes of men in our society that belong in the 1950's not 2011.

I am deeply offended by this advertisement as the ad insinuates the main male character is gay and his mates are trying to stop him from being so through manner of violence. The ad is clearly aimed at a demographic of Australian men who may already believe that violence against gay men or homosexuals in general is acceptable behaviour. I also believe the ad may incite violence against gay males especially after a drinking session at a pub contributing to violent behaviour in public.

Living in Melbourne we have had a lot of violence in the city over the past few years and a lot of it has revolved around the Australian drinking culture. I feel strongly that this ad condones violence and homophobia and should be removed from broadcast immediately.

THE ADVERTISER'S RESPONSE

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

Before I address the concerns raised by the complainant, I'd like to give you some background on the advertisement. This advertisement brings to life the idea of saving your mates from superficial behaviour and sits as part of a campaign titled "Real". The VB "Real" campaign (which includes a number of different advertisements) was inspired by broad population research commissioned by Carlton & United Breweries on 'superficiality', which is most often evidenced as heightened vanity and puffery. The advertisements focus on this societal trend and are based on insights including the fact that people are increasingly presenting an image that is not true to who they are. As is often the case in advertising, the campaign brings this to life with much humour and some highly tongue in cheek and exaggerated scenarios.

In the case of "Slide", a man (Tom) is seen purchasing a drink at the bar – he's colour coordinated his outfit to match his beer. He is seen wearing sunglasses inside and is encouraging the bartender to pour red cordial into his beer in order for it to match his polo shirt. His friend (Stevo), upon witnessing this, flies to 'save his mate' from this superficial (and over the top) behaviour. He jumps onto the bar and then leaps dramatically through the air to his mate's aid. The intent is to stop Tom from removing the beer from the bar. A fellow patron steps back and takes his beer with him as Stevo ultimately slides along the bar. The action in the bar concludes with a final frame of Tom taking off his glasses and looking surprised and a little taken back by the turn of events. The actual feat of flying through the air, landing and then sliding along a bar is not realistic or even feasible in real life (made possible here only with the magic of TV) and appears more exaggerated still through the use of a slow motion film technique. The action takes place as a melodramatic voiceover states the following: "Dear Tom. By the time this letter reaches you I will have crash tackled you to the ground. We thought it was just a phase. So the guys let a lot of things slide, like that Labradoodle pup... but you crossed the line when you colour co-ordinated your outfit with your beer. Anyway, we're still here for you mate. Stevo." It's accompanied by low key orchestral music, which transitions into the VB theme song right at the end.

I think it's important to flag a number of general but key points up front: 1/ This is a single complaint about an advertisement that has been viewed 2.6 million times within Australia post 8.30pm (or on weekends only during live sport). As such I don't believe it's reasonable to represent this single view/complaint as representative of its probable impact upon a

reasonable person within the class of people to who the advertisement is directed (or more broadly) 2/ The advertisement in its entirety is incredibly tongue in cheek and light hearted from the tone/words of the letter (read as a voiceover) to the scenario represented (it's clearly exaggerated and theatrical). 3/ Alcohol consumption throughout the advertisement is minimal and importantly there is no depiction of violence.

In relation to section 2.1 we find Edition Nine of the Ad Standards Newsletter provides a useful list of elements/themes that must be present for an advertisement to be considered in breach. Given our commercial represents an example of the diverse behaviour found in the broader community (it does not reference any one identifiable group), it incorporates many positive themes (mates looking out for mates) and it is clearly light hearted and comedic, we believe we do (importantly) support section 2.1 and so too the AANA Code of Ethics in its entirety. It was never our intention for the scenario presented in the TV commercial to represent stereotypical homosexual behaviours. Our view is that the character and scenario is far removed from the stereotypical and one dimensional depictions of gay men, which are often very camp or sexualised. It's also important to note that the complainant's view of the ad targeting "the perceived manliness of their choices" is not what I believe is represented. This advertisement is about not feeling the need to have flashy accessories, costly designer dogs or expensive, overly complicated drinks – it's about blokes staying true to who they are. In relation to section 2.2, the demeanour of Stevo, combined with the voiceover (which is heartfelt in nature and articulates the motivation for his actions), clearly illustrates that his behaviour is motivated by what he thinks is best for his mate and his desire to save him from his superficial behaviour versus being driven by aggression or anger. It's clear that Stevo is a mate who is concerned about Tom and wants to stop him from taking his superficial behaviour too far - so in this instance his plan is to literally stop him from removing his beer (with extra colour added to match his outfit) from the bar. Stevo needs to make an impact (both on Tom and also the viewers) so he goes about the intervention in a dramatic and unexpected (but completely safe) fashion. The crash tackle reference should not be taken out of context as the entire 'letter', the way it's spoken and the fact the letter ends with "we're here for you mate" completely neutralises (at the very least softens) the term. Furthermore there is no depiction of violence. The advertisement ends before you see Stevo successfully grab the beer from his mate's hand plus there is no physical contact between Stevo and Tom nor are any of the patrons impacted. At the very start of the advertisement, the blokes are seen having a quiet beer (a stubby and pot respectively) and it's clear that 'saving his mate' has motivated his slide down the bar (rather than excessive alcohol consumption). In fact no alcohol is seen to be consumed by Stevo in the advertisement, and any consumption that may be perceived to have happened is minimal given his stubby is more than half full and he is clearly sober looking and sounding. I believe the advertisement in its entirety with all its elements in combination - the music, the voiceover, the slow motion film technique and the sequence of events – leave the impression of a light hearted advertisement as opposed to one that has any heavy, aggressive or violent feel.

In relation to section 2.6, as stated previously the intervention takes place in a dramatic and unexpected – as is often the case with advertising - but completely safe fashion. It is very clear that the behaviour of Stevo is motivated by a desire to intervene in a situation where his mate is exhibiting extreme superficial behaviour (sunglasses inside and colour co-ordinating his beer to outfit) versus being motivated by aggressive/violent tendencies or alcohol misuse. His demeanour and physical actions (whilst dramatic) are controlled and his voice (represented in the voiceover) is calm and sober sounding. No-one in the advertisement is impacted, harmed, inconvenienced or troubled by his actions. The advertisement also shows only "responsible and moderate consumption of alcohol beverages" as is required by ABAC section a) iv).

The CUB team takes our responsible marketing responsibilities very seriously and both the Alcohol Beverages Advertising Code (ABAC) and the AANA Code of Ethics were carefully considered during the VB campaign development. This advertisement was also prevetted by the independent Alcohol Advertising Prevetting Service – the AAPS number is 10532. I hope the above satisfactorily covers the issues raised by the complainant in relation to the AANA Code of Ethics.

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’ concern that the advertisement promotes homophobia and violence.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ...sexual preference...”

The Board noted that the advertisement features a male voice over intending to ‘crash tackle’ a friend.

The Board noted the advertiser’s response that this is a tongue in cheek, theatrical advertisement and considered that most reasonable members of the community would understand that it is clearly a fantastical situation. The Board noted the complainants’ concerns that the advertisement promotes homophobia however the Board considered that the emphasis is on Tom being superficial and that there are no references made towards his sexual preferences.

The Board determined that the advertisement did not discriminate against or vilify men on account of their sexual preference, and that the advertisement did not breach section 2.1 of the Code.

The Board then noted section 2.2 of the Code which requires that ‘advertising or marketing communications not use violence unless it is appropriate in the context of the advertised product or service.’

The Board noted that the advertisement depicts a man sliding across a bar to knock another man’s drink out of the way. The Board noted the complainants’ concerns that the advertisement depicts and condones violence, however the Board considered that there is no physical contact between the men and that the actions of the man sliding across the bar are not aggressive, and this is reinforced by the orchestral background music. The Board

considered that most members of the community would interpret the actions of the man sliding across the bar as a mate looking out for another mate by making him realise that cordial should not be added to beer.

The Board determined that the advertisement did not breach section 2.2 of the Code as it does not depict or condone violence and nor does it make any association between alcohol consumption and violence.

The Board determined that the advertisement does not use violence and does not breach section 2.2 of the Code.

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