



Case Report

1	Case Number	0050/13
2	Advertiser	Unilever Australasia
3	Product	Food and Beverages
4	Type of Advertisement / media	Billboard
5	Date of Determination	27/02/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualization of children
- 2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Image of a bottle of Lipton Ice Tea Virgin Pina Colada. There are various images depicted on the bottle including one of a young woman riding a bicycle. Above the bottle it says, "Limited Release New Virgin Cocktails" and below, "Enjoy irresponsibly".

THE COMPLAINT

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

The advertisement is grossly irresponsible and anti-social in that it:
exploits and sexualises young females ("new virgins");
links its drink marketing, which is clearly targeting young people and females in particular, to the "sexy" and exotic image of alcoholic drinks, specifically cocktails such as pina coladas (and elsewhere mojitos and daiquiris);
#deliberately mocks advertising campaigns trying to reduce teenage alcohol drinking by employing the tagline "enjoy irresponsibly".

THE ADVERTISER'S RESPONSE

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

The complaint

The complaint alleges that:

- *The advertisement exploits and sexualises young females;*

1. The advertisement makes links to alcoholic drink marketing and mocks alcohol safety messaging.

We now deal with each aspect of the complaint separately:

Response to Complaint

Sexualisation

The complainant appears to believe that the reference to “new virgins” “exploits and sexualises young females”. Firstly, the term “new virgins” is never used in the advertisement, the relevant phrase used in the advertisement is “New Virgin Cocktails”. The reference to “new” refers to the fact that the products are new to the Australian market. Secondly, the term “virgin cocktails” is a common term to describe a non-alcoholic version of a cocktail, also known as a mocktail. Unilever conducted research into the naming of the product and found that more consumers understood the concept of a “virgin cocktail” than a “mocktail”. Google searches for the phrase “virgin cocktail” returns approximately 27,400 results mostly referring to recipes. “Virgin mojito” returns 79,500 results and “virgin pina colada” returns 61,000 results, the vast majority of which are recipes for these drinks. We note that in an episode of the popular television show “Big Bang Theory”, the character known as Sheldon Cooper refers to a coca cola beverage as a “virgin cuba libre”.

We regret that the complainant may have misunderstood the message and we note that the term “new virgins” (plural noun form) could have vastly different connotations and interpretations to the term “new virgin cocktails” (the word “virgin” used in adjectival form).

Further, the term “virgin” is not necessarily a sexualised term. The term is commonly used to refer to purity and unmixed substances, such as “extra virgin olive oil” and “virgin gold”. In Australia, it is also used as a brand on a broad range of products including Virgin Australia airlines, Virgin Money, Virgin Active, and Virgin Mobile, none of which are considered sexualised.

Section 2.4 of the AANA Code of Ethics requires that “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”. The target market for Lipton Ice Tea Virgin Cocktails are adults aged 18 to 24. This particular advertisement is targeted at an adult audience at an inner city train station. We believe that the audience of this advertisement would interpret the phrase “virgin

cocktails” as a reference to a non-alcoholic beverage and not a sexualised reference. We note that we have not received any other consumer complaints in relation to this advertisement being of a sexualised nature.

Alcoholic references

It is important to note from the outset that the Lipton Ice Tea Virgin Cocktails range does not contain any alcohol.

As a non-alcoholic product, it is not subject to the same advertising restrictions as alcoholic beverages simply because consumption of this product does not expose consumers to the same types of risks associated with alcoholic beverages.

As mentioned above, the target audience for this product is both males and females aged 18 to 24. The advertisement prominently communicates that the product is an ice tea product and promotes itself as a pineapple and coconut flavoured ice tea product with no alcohol. The products are given cocktail names to offer a fun and responsible alternative to alcoholic beverages.

The advertisements were intended to reinforce the message that there is a fun alternative to alcohol. There was certainly no intention to mock the safety messaging used on alcoholic beverages and we do not believe that the tag line “enjoy irresponsibly” has this effect. On the contrary, we believe that promoting a non-alcoholic beverage such as Lipton Ice Tea as an option that can be enjoyed in a positive and carefree manner actually reinforces the need to consume alcohol in a safe and responsible manner. Unilever does not sell alcoholic beverages and has no motivation to promote alcoholic beverages. We are proud to be able to offer our consumers a safe and suitable alternative to alcohol.

Further, we note that contrary to the complainant’s assertions, the phrase “enjoy responsibly” line is not part of “advertising campaigns trying to reduce teenage alcohol drinking”. It is a statement used by one alcoholic beverage manufacturer as part of promoting alcoholic beverages for consumption. In fact it is a registered trade mark of Carlton United Breweries. In a recent study published in August 2012, the “enjoy responsibly” tagline appeared in only 11% of alcohol advertising and was specific to Fosters / CUB. Although the tagline is often linked to the alcohol awareness groups, it is not consistent with the warnings and logos used by alcohol awareness groups and is not endorsed by these groups. Unilever is fully supportive of the work done by alcohol awareness groups and was careful not to use variations of any their logos.

Addition note relating to bicycle rider

In addition to the above, we note that the advertisement contains an image of a bike rider. The bike rider is not wearing a helmet.

Bicycle helmet rules in Australia are set out in the Australian Road Rules which are adopted by enabling legislation in each State and Territory. The Australian Road Rules apply to the use of vehicles (including bicycles) on roads and “road related areas”.

A “road related area” is defined under Section 13 of the Australian Road Rules as:

(a) an area that divides a road;

(b) a footpath or nature strip adjacent to a road;

(c) an area that is not a road and that is open to the public and designated for use by cyclists or animals;

(d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles.

We believe that the cyclist is not depicted riding a bicycle on a road or a “road related area”. The cyclist is shown in a bottle of ice tea with imagery consistent with the “underwater party” scenes used throughout the substantial advertising campaign for Lipton Ice Tea Virgin Cocktails.

We note that the complainant has not raised this concern and we have not received any consumer complaints with respect to the cyclist.

On the basis that the activity does not breach the Australian Road Rules and that no consumer complaints have been received on this aspect of the advertisement despite substantial public visibility, we believe that the depiction is not contrary to Prevailing Community Standards on health and safety.

Conclusion

We are confident that the advertisement complies with all aspects of the AANA Code of Ethics.

Please contact me should you require any further information.

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 exploits and sexualises young females, encourages underage drinking and undermines responsible drinking messages.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the advertisement features an image of a bottle of Lipton Ice Tea and the text, “New Virgin Cocktails....Enjoy irresponsibly”

The Board noted the complainant’s concerns that the reference to “new virgins” is not appropriate and that the text actually reads, “New Virgin Cocktails”. The Board noted that the

word virgin is a term used, in connection with alcohol drinks, to refer to the non-alcoholic version of the drink and that most members of the community would consider that in this instance the word 'virgin' is being used to describe a beverage which does not contain any alcohol.

The Board noted that the bottle of the Lipton Ice Tea contains an image of a young woman riding a bike and considered that there is no suggestion that this young woman is representative of a virgin and the advertisement is not making any references to the sexualisation of young women, or young people in general.

The Board considered that that the advertisement does not contain sexualised content and that the reference to 'virgin' is made in the context of a non-alcoholic beverage and that the advertisement does not exploit or sexualise young females.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board then 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 the phrase, "Enjoy irresponsibly" and that the complainant believes this message is mocking the alcohol industry's safe alcohol consumption messages. The Board noted that the advertised product is a non-alcoholic beverage and considered that the phrase, "Enjoy irresponsibly" is a light hearted reference to the fact that unlike alcoholic cocktails, in this instance the cocktail does not contain alcohol and can therefore be consumed without having to take in to consideration the health and safety issues surrounding alcohol consumption.

The Board noted that Lipton Ice Tea is a widely recognised soft drink product and considered that the use of the phrase, "drink irresponsibly" in the context of the advertised product is not a breach of prevailing community standards.

The Board noted that the image of the girl on the bottle depicts her as riding a bicycle without a safety helmet and considered that the image is clearly a fantasy depiction of a woman inside a bottle and is not a breach of prevailing community standards on health and safety.

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

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