



# Case Report

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|----------|--------------------------------------|--------------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0053/16</b>                 |
| <b>2</b> | <b>Advertiser</b>                    | <b>Barwon Heads Wine Store</b> |
| <b>3</b> | <b>Product</b>                       | <b>Alcohol</b>                 |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Internet - Social</b>       |
| <b>5</b> | <b>Date of Determination</b>         | <b>24/02/2016</b>              |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>               |

## ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

This advertisement appears on the Barwon Heads Winestore Facebook page and is a photo of a recent A-frame advertisement they had placed on the street. The text on one side of the A-frame reads, "Keep your fluids up! (There's plenty of water in wine) and the other side reads, "...or walk into the winestore".

## THE COMPLAINT

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

*Promotes drinking irresponsibly using health (water) to promote alcohol.*

## THE ADVERTISER'S RESPONSE

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

*As a small, independent local business, we seek to engage with the Barwon Heads community; humour is a key element of this and to date our signage has been well received by locals. Our temporary blackboard A-Frame is changed daily and our signs are meant to be light-hearted musings. We are sorry that the complainant took exception to our humour on the day of the Cadel Evans Great Ocean Road Bike Race event. The blackboard on display for the day trade only, and was changed the next day to reflect a different message.*

*Barwon Heads Winestore is a small, independent retail wine shop on the Bellarine Peninsula. We are a family run business supported by our local residents and holiday makers. Our temporary black board A –Frame is our main advertising point to people passing our shop. The messages on our black board are changed daily. In response to this complaint, we certainly never meant for this, nor any other examples of our signage to be taken seriously. Our temporary sign was not intended to promote excessive drinking and in no way was meant to suggest rehydration could be obtained by drinking wine.*

*Our blackboard A Frame is used as a communication tool. Our advertising thus far, including the sign under discussion, has never been discriminatory nor has it vilified, exploited or degraded anyone in any way. We have never promoted violence, sex, sexuality or nudity nor have we used foul language. We genuinely do not believe that our light-hearted message has undermined the health or safety of the general public.*

*Given the number of people who visited our town during the event, it seemed appropriate to cite the race to engage with our supporters. It was undertaken in, and complementary to, the very commercial spirit in which international cycling operates.*

*It was in the spirit of this mutually beneficial relationship between business and cycling that we traded on the day of the race; as did all other local businesses that rely on seasonal and event trade in order to remain viable and provide a service to our community throughout the year.*

*I appreciate the opportunity to respond to the complaint regarding our signage and look forward to a favourable outcome.*

## **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 concern that the advertisement promotes the irresponsible drinking of alcohol.

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 that this Facebook advertisement features an image of an A Frame advertisement which was placed outside the advertiser’s wine store with the slogan, “Keep your fluids up! (There’s plenty of water in wine)”.

The Board noted that the slogan in the advertisement was used on the day of a bike race but that the complainant's concern is about its placement on the advertiser's Facebook page.

The Board noted that the advertisement makes a link between drinking fluids and the fact that water is in wine but considered that the overall tone of the advertisement is tongue-in-cheek rather than an actual suggestion that a person should use wine as their source of fluid intake. The Board noted that wine is different to beer in terms of how it is drunk and in what quantity and considered that most reasonable members of the community would understand that the advertisement is not encouraging or condoning the drinking of wine in the same manner as water would be drunk.

The Board noted that Facebook is targeted at persons aged over 13 years of age and considered that a Facebook page for a wine store clearly has a targeted audience of adults. The Board considered that the placement of a tongue-in-cheek comment about wine and water is not inappropriate in the context of the relevant audience of a wine store's Facebook page.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards of the responsible use of alcohol and determined that the advertisement 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.