



Case Report

1	Case Number	0053/17
2	Advertiser	Coles
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This 15 second television advertisement shows adults standing around a BBQ. One individual attends to the BBQ while another pours wine into their glass and then places the bottle on a non-functioning wok burner. This is followed by an image of three Wolf Blass bottles of wine.

The same commercial (with a Jacob's Creek product insert) is being aired at the same time.

THE COMPLAINT

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

The person pouring from a bottle of wine placed the bottle on a non-active wok burner next to the BBQ being used to cook food. I am concerned that even though the script mentions that no-one uses the Wok burner, the bottle of wine is still near a working BBQ and could easily be tipped over where it was placed if someone knocked it. I believe this is a safety issue for those near the working flames of the BBQ. The visual image could override the verbal warning. I do NOT object to the alcohol advertisement as such - safety is the issue.

This is a terrible and dangerous example to set. People must be careful with flammable liquids around open flames, especially things like open bottles which could easily be tipped over.

THE ADVERTISER'S RESPONSE

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

We refer to your communications advising Coles of complaints in relation to a Liquorland TV commercial airing in January 2017. We thank you for the opportunity to respond.

The relevant advertisement

The 15 second commercial (the Advertisement) shows adults standing around a BBQ. One individual attends to the BBQ while another pours wine into their glass and then places the bottle on a non-functioning wok burner. This is followed by an image of three Wolf Blass bottles of wine.

We note that the same commercial (with a Jacob's Creek product insert) is being aired at the same time.

Response

Coles has been a signatory to the Alcohol Beverages Advertising Code since 2013. Coles Liquor takes its alcohol advertising obligations very seriously and is committed to industry best practice.

Coles has demonstrated a long-standing commitment to the responsible service, supply and promotion of alcohol. We maintain robust internal compliance processes in relation to liquor advertising and have a strong culture of compliance training embedded throughout the business to ensure our teams have the necessary skills to successfully navigate this heavily regulated environment.

Coles is also a key contributor to DrinkWise, an independent, not-for-profit organisation whose "primary focus is to help bring about a healthier and safer drinking culture in Australia".

CAD classification details

In line with the Commercial Television Industry Code of Practice, both Advertisements were rated L on 17 January 2017, with CAD details as follows:

- *Wolf Blass – CAD No. LL0441NAT3A*
- *Jacob's Creek – CAD No. LL0441NAT8A*

The Advertisements were broadcast in accordance with the Code of Practice for Alcohol Advertising.

The Advertisements were also pre-vetted via the ABAC Alcohol Advertising Pre-vetting Service (AAPS) and approved as follows:

- *approval number 15334 on 17 January 2017*

- approval number 15346 on 18 January 2017

No changes were made to the Advertisements following approval. Copies of the approvals are enclosed for your reference.

The complaint against Section 2 of the AANA Code of Ethics

2.1 – Discrimination or vilification

In our opinion the Advertisement does not contain any material that is discriminatory or vilifies any segment of the community.

2.2 – Exploitative and degrading

In our opinion the Advertisement does not contain material that employs sexual appeal in a manner which is exploitative or degrading to any individual or group of people.

2.3 – Violence

In our opinion the Advertisement does not contain material which presents or portrays violence.

2.4 – Sex, sexuality and nudity

In our opinion the Advertisement does not contain material of a sexual nature nor nudity which is out of context or inappropriate with the marketing communication.

2.5 – Language

In our opinion the Advertisement does not contain any language which is offensive or not aligned with acceptable community standards.

2.6 – Health and Safety

In our view, the Advertisement meets all relevant legislative requirements, complies with the AANA Code of Ethics, ABAC's Responsible Alcohol Marketing Code and other relevant advertising codes for the following reasons:

- *The Advertisement shows a standard drink being poured into a glass and there are no signs of excessive amounts of alcohol being consumed.*
- *There is nothing to suggest that any individual in the Advertisement is under the influence of alcohol, thereby compromising their alertness, physical co-ordination or their safety.*
- *The barbecue has a guard which is clearly visible.*
- *There are no exposed flames and the hotplate (a solid piece of metal) sits behind the guard.*
- *The bottle, when placed on the unused wok burner is not full.*

- *Even if the wine bottle were to tip or fall towards the barbecue, the amount of alcohol leaving the bottle would likely be small (i.e. a splash) and unlikely to make its way over the guard and into the grill's heat source (particularly given the presence of the hotplate).*
- *The lowest temperature at which wine can form enough alcohol vapour to ignite (the flash point) is approximately 52 degrees Celsius. The conditions depicted in the Advertisement are not conducive to this flash point being reached and therefore it is highly unlikely that the wine would ignite. As white wine is likely to be chilled, or at least room/ambient temperature the wine is well below its flash point (the temperature at which a compound ignites with the aid of a naked flame).*
- *There are no exposed flames which is a requirement for ignition at or above the flash point and the solid metal hotplate sits behind the guard.*
- *In the unlikely event that wine were to make contact with the heat source, it would be unlikely to catch fire as the alcohol content of the wine in the footage (ABV) is 12.5% and the ethanol vapour from the small amount likely to spill would dilute/evaporate in the air.*

Other Relevant Codes

Given the nature of the Advertisement, neither The AANA Code for Advertising and Marketing Communications to Children or the AANA Food and Beverages Marketing Communications Code (which does not apply to alcoholic beverages) are applicable.

Conclusion

Coles remains committed to the responsible service, supply and consumption of alcohol and considers that its marketing and advertising has an important part to play in that process.

Coles recognises that alcohol marketing should not encourage unsafe practices and understands the importance of not associating alcohol consumption with activities where a degree of alertness or physical co-ordination is required to ensure safety.

Nevertheless, Coles is of the view that the Advertisement is in line with prevailing community standards regarding alcohol and safety and that the Advertisement is aligned with the ABAC Responsible Alcohol Marketing Code and the AANA Code of Ethics.

We thank you again for the opportunity to respond to the complaint and we look forward to the Panel's determination.

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' concerns that the advertisement features a man placing a bottle of wine on a BBQ's wok burner which is dangerous and should not be encouraged.

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 this television advertisement shows a man placing a bottle of wine on a BBQ's wok burner while a voiceover says that no-one uses the wok burner so it can be put down there.

The Board noted that the voiceover in the advertisement says that no-one uses the wok burner and considered that the visuals in the advertisement confirm that this particular wok burner is not being used. The Board noted the complainants' concerns that even having a bottle of alcohol near the BBQ's grill can be dangerous as flammable liquids and open flames do not mix. The Board noted the advertiser's response that all the adults in the advertisement are behaving in a responsible manner – there is no suggestion of excessive consumption of alcohol – and there are no naked flames for the alcohol to come in to contact with. The Board noted that even if the bottle of wine did fall over it is extremely unlikely that the flash point could be reached as white wine is usually chilled and the alcohol content is low enough that any ethanol vapour would likely evaporate and considered that while people should take care when drinking near a BBQ in the Board's view the advertisement does not depict, condone or encourage unsafe behaviour.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards 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 complaints.