



Case Report

1	Case Number	0057/15
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	Billboard
5	Date of Determination	11/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement that is the subject of this complaint is an outdoor poster for XXXX. The poster depicts a 4X4 4WD going across outdoor terrain with two men in the 4WD. The tag line at the bottom of the poster says "The Daily Commute". To the bottom right of the image is the XXXX Gold sign.

THE COMPLAINT

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

The billboard links driving (irresponsibly) with drinking....as if this is a great idea and a fun recreational activity.

THE ADVERTISER'S RESPONSE

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

The information requested in your email and additional supporting information is set out below. To confirm, the Outdoor Advertisement was pre-vetted internally at Lion and externally by AAPS (ABAC), receiving approval from both before going into market.

Advertisement Description

The Advertisement that is the subject of this complaint is an outdoor poster for XXXX. The poster depicts a 4X4 4WD going across outdoor terrain with two men in the 4WD. The tag line at the bottom of the poster says "The Daily Commute". To the bottom right of the image is the XXXX Gold sign.

The men in the advertisement are not drinking and alcohol does not feature in the advertisement except for the branding at the bottom right of the image as outlined above.

Response to Complaints

Lion does not consider that the Advertisement breaches any section of the AANA code of ethics or any other official Australia advertising code.

As noted in further detail below:

(i) Lion takes its advertising responsibilities extremely seriously and has a strong compliance track record in this regard;

(ii) Lion has a number of strict internal and external processes against which any proposed advertisement is considered; and

(iii) The Advertisement was approved through each of these processes prior to Lion's decision to broadcast it.

In response to the complaint:

Does the advertisement breach Section 2 of the Advertiser Code of Ethics, namely the following:

2.1 - Discrimination or vilification

2.2 - Exploitative and degrading

2.3 - Violence

2.4 - Sex, sexuality and nudity

2.5 - Language

2.6 -Health and Safety – (specially this part as this was highlighted in the complaint attached)

2.6 of the code states that the following must not be depicted in an advertising or marketing communication:

Images of bike riding without helmets or not wearing a seatbelt will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable. Advertisers should take

care not to depict behaviour that children may imitate.

Motor vehicle advertisements are subject to the health and safety section. This means that a motor vehicle advertisement cannot depict images contrary to public health and safety notwithstanding the images being unrelated to the motor vehicle advertised.

Bullying – the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards.

More care must be taken when the people depicted in an advertisement are children or if there is an unequal relationship between the people in the advertisement, eg student and teacher, manager and worker.

The XXXX GOLD OOH campaign is based on the idea that there are multiple everyday occurrences that are tackled a little differently depending on your location. The images shown in the campaign depict the differences between an everyday 'city occurrence' as opposed to how the same occurrence may unfold in a regional/rural area, or whilst on holidays. In Lions view, the XXXX "daily commute" advert is very similar to sponsoring a sport's team (V8, NRL and Cricket); it is associating a brand with a way of life, brand or image, not suggesting you consume alcohol while participating in any particular activity.

There are three (3) billboards in the series, that demonstrate this difference through titles of 'Working Late', 'Peak Hour Traffic' & 'The Daily Commute' which is the execution in question. Some points to clarify this particular execution;

- At no point does this image show alcohol in shot, nor does it suggest that the driver or his passenger have consumed alcohol before entering the vehicle or whilst in the vehicle. There is no direct implication or visible implication that alcohol is consumed before the activity, during or after this activity.

- The driving isn't reckless, in the context of a 4WD adventure and the rear wheels of the 4WD are placed firmly on the ground & the front are raised as they are going over a bump in the road on the dirt track.

- The headline 'The Daily Commute' does not suggest any link to alcohol consumption or have any correlation with drink driving. It highlights, again, that there are many forms of commuting and this depends on location and lifestyle and that city commuting is not the same as regional or rural/outdoor commuting.

- There is no sign of distress, no sign of reckless driving and nowhere on the image is it suggested to drink and drive.

There is nothing in the advertisement to show or suggest that any of the behaviours or images in this advertisement are in breach of any part of Section 2 of the AANA Code of Ethics

Lion's Commitment to ASB and ABAC

As a responsible advertiser, Lion has demonstrated a long-standing commitment to supporting and adhering to the ABAC Responsible Alcohol Marketing Code (ABAC) and

Advertising Standards Bureau (ASB).

In acknowledgment of Lion's position of support for ABAC and ASB, Lion maintains strict internal and external processes. As well as upholding the standards outlined within these advertising codes, Lion maintains internal best practices which often exceed these requirements

As part of Lion's marketing approvals process, this Advertisement for XXXX was subject to:

Review and advice from external creative agencies well-versed and experienced with ABAC and ASB requirements;

Independent legal review and advice from an external legal team specialising in FMCG marketing and advertising compliance and interpreting the relevant advertising codes and legislation;

Review by Lion's internal marketing compliance team to ensure its adherence to Lion's internal best practice policies;

Review and approval through the AAPs pre-vetting service at both concept and final stages to ensure its compliance with community standards and relevant advertising codes.

I can confirm that each of the above requirements was complied with in relation to the Advertisement, prior to its broadcast.

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 links drinking alcohol with driving a motor vehicle.

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 advertisement features a 4WD vehicle driving across outdoor terrain with an image of the XXXX Gold logo and the text, "The Daily Commute".

The Board noted it had previously dismissed a similar complaint against the same advertiser in case 0508/12 where:

“The Board noted the advertisement features four bottles of Budweiser and the tagline, “Grab some Buds”.

The Board noted that this product is legally allowed to be advertised and considered that the placement of an advertisement on a highway billboard does not amount to an encouragement to stop and do whatever the advertisement is depicting.

The Board noted the tagline is “Grab some Buds” and considered that this tagline is suggesting that next time you buy some beer, grab some Budweisers. The Board considered that most members of the community would not consider the advertisement to be encouraging you to grab some Buds and start drinking whilst you are driving.

The Board noted that the background to the advertisement is a nature setting featuring a river and some trees and considered that as the advertisement does not feature or mention a driving scenario the advertisement is not depicting or encouraging drinking alcohol whilst driving and does not portray material which is contrary to prevailing community standards on safe driving.”

In the current advertisement the Board noted other than the XXXX logo there is no depiction of alcohol. The Board noted the phrase, ‘daily commute’ and considered that the most likely interpretation is if you are the type of person who commutes to work over rough terrain such as the situation depicted in the advertisement then you are the type of person who would enjoy XXXX lager but there is no suggestion that you would be drinking while you are driving. The Board considered that the advertisement does not depict, encourage or condone driving a vehicle while under the influence of alcohol.

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

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.