



Case Report

1	Case Number	0067/17
2	Advertiser	Coles
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The 15 second commercial (the Advertisement) is set in a residential backyard and shows adults sitting around a table enjoying a meal and holding drinks. A voiceover then says "Gotta love a summer barbie, even when it's you on the menu". Each individual then simultaneously slaps their neck where a mosquito appears to have bitten them. A line and price insert for "Lazy Bear" Rum and Dry with Lime is then introduced over an out-of-focus scene in the background showing adults playing cricket.

THE COMPLAINT

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

No way this is subliminally directed at children and baby's during a family cricket show it looked like they were advertising teddy bears lazy bear sleep and play time for kiddies channel 10 and Bundaberg rum and the advertising community are allowing a generation of poisonous messages to our youth I demand those responsible be prosecuted and such advertising and advertisers shamed.

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 email of 2 February 2017 advising Coles of a complaint in relation to a Liquorland TV commercial that aired on 24 January 2017 at approximately 8:20pm. We thank you for the opportunity to respond.

The relevant advertisement

The 15 second commercial (the Advertisement) is set in a residential backyard and shows adults sitting around a table enjoying a meal and holding drinks. A voiceover then says “Gotta love a summer barbie, even when it’s you on the menu”. Each individual then simultaneously slaps their neck where a mosquito appears to have bitten them. A line and price insert for “Lazy Bear” Rum and Dry with Lime is then introduced over an out-of-focus scene in the background showing adults playing cricket.

The complaint

You provided the following details of the complaint:

“No way this is subliminally directed at children and baby’s during a family cricket show it looked like they were advertising teddy bears lazy bear sleep and play time for kiddies channel 10 and Bundaberg rum and the advertising community are allowing a generation of poisonous messages to our youth I demand those responsible be prosecuted and such advertising and advertisers shamed.”

You have asked us to address the following in our response:

- *CAD classification details*
- *Comments in relation to:*
 - o *the complaint against Section 2 of the Australian Association of National Advertisers (AANA) Code of Ethics*
 - o *other relevant Codes*
- *Comments in relation to the issues raised to date*
 - o *2.6 – Health and Safety Depiction of smoking/drinking/gambling*
 - o *2.6 – Health and Safety within prevailing Community Standards*

Response

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

Coles has also demonstrated a long-standing commitment to the responsible service, supply and promotion of alcohol. There is a strong focus within Coles on the responsible advertising of alcohol, which is supported by robust internal compliance processes and training, to ensure our teams have the necessary skills to successfully navigate this heavily regulated environment.

CAD classification details

In line with the Commercial Television Industry Code of Practice, the Advertisement was rated L on 17 January 2017 (CAD No. LL0441-NAT-7A). The Advertisement was broadcast in accordance with the Code of Practice for Alcohol Advertising.

The Advertisement was also pre-vetted via the ABAC Alcohol Advertising Pre-vetting Service (AAPS) and approved on 17 January 2017 (approval number 15334).

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

Depiction of drinking

The Advertisement does not depict the consumption of alcohol.

Health and Safety within prevailing Community Standards

The Advertisement does not depict any unsafe or antisocial behaviour. All behaviour shown is well within prevailing community standards.

Additional comments

Further to the above, in our view the Advertisement complies with the AANA Code of Ethics, ABAC's Responsible Alcohol Marketing Code and other relevant advertising codes. The Advertisement also clearly displays the "DrinkWise" logo.

Regarding possible appeal to minors:

- The Advertisement does not use language, imagery, designs, logos, animations or characters that are likely to appeal to minors, or that create confusion with confectionary or soft drinks.*
- There are no children or adolescents featured in the Advertisement. All individuals are over the age of 25.*
- Cricket is a sport played by people of all ages.*
- The advert does not have a particular attractiveness to Minors, beyond the general attractiveness it has for an adult.*

With respect to the additional concerns raised by the complainant:

- The Advertisement does not, in our view, depict a family atmosphere. It depicts a group of friends (all adults) enjoying time together over a meal and a game of cricket.*
- The music in the Advertisement is not intended to conjure feelings of "gentleness", "family" or "happy times". The music is of a non-descript nature and has been used in a number of Liquorland advertisements.*
- In our view, it is clear that the Advertisement is not promoting a teddy bear for children. The bear that appears on the product label is the Bundaberg Rum bear that is synonymous with the brand. It is a relatively realistic depiction of a polar bear and has no resemblance to*

a “teddy bear”. The Advertisement is promoting Liquorland and a product sold by Liquorland.

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 advertising must not have strong or evident appeal to minors and that when advertising to this age group, it must not be for, or relate in any way to alcohol products.

For the reasons outlined above, in our view the Advertisement is in line with prevailing community standards regarding alcohol advertising and marketing and is aligned with the ABAC Responsible Alcohol Marketing Code and the AANA Code of Ethics.

We thank you again for the opportunity to respond and we look forward to the Board’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 complainant’s concerns that the advertisement is promoting alcohol to children.

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 television advertisement features a group of adults enjoying a meal in a back yard then playing cricket.

The Board noted the complainant’s concerns that the advertisement appears to be advertising “teddy bears lazy bear sleep and play time for kiddies”.

The Board noted that the advertised product is an alcoholic beverage called Lazy Bear and there is an image of a bear on the packaging of the product but considered that there are no other children or teddy bears in the advertisement and this scene showing the product is very brief. The Board noted that the voiceover talks about the product’s availability at Liquorland and considered that this voiceover and the depiction of adults enjoying a meal and then playing back yard cricket is not directed to, or designed to be of appeal to, children.

The Board considered that the complainant's interpretation of the advertisement is unlikely to be shared by the broader community.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety around water and 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.