



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0082-20
2. Advertiser :	Lust Liquor
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	11-Mar-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features an image of a alcohol bottle being held against a backdrop of a wave. Text states "Available in Perth soon".

THE COMPLAINT

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

The other images show behavior that is inherently risky when alcohol is involved. None of the images mention responsible drinking

THE ADVERTISER'S RESPONSE

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

This complaint is an example of a competitor taking a swipe at a small local business. There is no breach or issue with the content. We were simply just wanting to supply our consumers with a piece of attractive content. The image does not promote consumption of the beverage just highlights the design/branding.



THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts behaviour that is inherently risky when alcohol is involved, and that the image does not mention responsible drinking.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement complied with 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 Panel noted the complainant's concern that the image did not contain a message of drinking responsibly.

The Panel considered that the Code of Ethics did not have a requirement for images of alcohol to include disclaimers, and that this in itself was not a breach of the Code.

The Panel noted the complainant's concern that the advertisement depicts behaviour that is inherently risky when alcohol is involved.

The Panel considered that it is unclear from the angle of the advertisement where the person holding the drink is situated, they could be on a boat or on land.

The Panel considered that it had considered a similar issue in case 01592-16, in which:

"The Board noted the complainant's concerns over drinking alcohol in a public place but considered that the beer is drunk when the passengers are on the boat and this is not illegal. The Board acknowledged that there is a level of community concern around the consumption of alcohol on or near water but considered that the advertisement depicts only one drink being consumed by the passengers and the Captain is drinking water, not beer. The Board considered that the advertisement does not breach prevailing community standards on health and safety around alcohol consumption on the water."

In the current advertisement, the Panel considered that the drink is unopened and the effect of the image is more to highlight the design of the beverage than to promote its consumption in a particular area.

The Panel considered that holding an unopened drink up in the air so that it can be seen in front of waves is not a behaviour which in itself most people would consider unsafe.



The Panel considered that this was not a depiction which most members of the community would consider to be contrary to Prevailing Community Standards on alcohol safety.

The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.