



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0093-20</b>
<b>2. Advertiser :</b>	<b>Woolworths Group Limited</b>
<b>3. Product :</b>	<b>Alcohol</b>
<b>4. Type of Advertisement/Media :</b>	<b>Promotional Material</b>
<b>5. Date of Determination</b>	<b>25-Mar-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement is two small chalkboards that are located in a BWS store in Greensborough, Victoria. One of the chalkboards states 'Abs are cool and all but ... have you tried craft beer?' The other chalkboard states, according to the complainant (noting that the chalkboard is obscured in the photograph provided with the Complaint), 'Comfort food? You mean bourbon'.

### THE COMPLAINT

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

*I feel they are promoting unhealthy messages around alcohol and placed outside the shop they they are VERY visible to children. This differs from signs insife pubs with similar quips in my opinion. I hate them.*

### 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 letter dated 5 March 2020 in relation to the complaint received by Ad Standards (the Complaint) regarding two chalkboards purportedly located in the BWS store located in Greensborough, Victoria (together, the Advertisement).*

*Endeavour Drinks (a subsidiary of Woolworths Group), which includes BWS, thanks Ad Standards for the opportunity to respond to the Complaint.*

*From the outset, Endeavour Drinks would like to acknowledge that it takes very seriously its advertising obligations and its commitment to be the most responsible retailer of alcohol.*

*AANA Code of Ethics - Health & Safety (Section 2.6)*

*In response to Section 2.6 of the AANA Code of Ethics, we submit the following:*

*The complainant states that 'I feel they are promoting unhealthy messages around alcohol and placed outside the shop they they [sic] are VERY visible to children. This differs from signs inside [sic] pubs with similar quips in my opinion. I hate them.' We understand that the Complaint is suggesting a breach of Section 2.6 of the AANA Code of Ethics.*

*Section 2.6 of the AANA Code of Ethics states that 'Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.' Prevailing Community Standards is defined as 'the community standards determined by the Ad Standards Community Panel as those prevailing at the relevant time in relation to Advertising or Marketing Communication.'*

*Whether an advertisement depicts material contrary to Prevailing Community Standards requires consideration of 'the overall content, theme and messaging of an advertisement.' This requirement inherently involves an analysis of the Advertisement as a whole.*

*The overall content of the Advertisement is as described above.*

*As identified by the complainant, the Advertisement is intended to be an attention-grabbing quip. The humour is intended to be generated from the use of non-sequiturs (the comedic use of two phrases that have no logical connection to one another). For example, the phrase 'but have you tried craft beer?' is a clearly a meaningless response to the initial phrase 'abs are cool'. Similarly, 'you mean bourbon' has no connection to the preceding phrase 'comfort food?', as bourbon is clearly not food. The Advertisement is clearly intended to be humorous and not intended to be taken literally. We believe a reasonable person would see it as such.*

*We are unclear as to how the Advertisement is 'promoting unhealthy messages around alcohol'. The Advertisement makes no suggestion or call to action that alcohol is to be consumed in a manner inconsistent with the National Health & Medical Research Council's Alcohol Guidelines. Furthermore, as explained through the use of*



*non-sequiturs above, the Advertisement does not include any statement that undermines the importance of a healthy balanced diet.*

*For the reasons stated above, we do not believe that the Advertisement depicts material contrary to Prevailing Community Standards.*

#### *AANA Code of Ethics - Other Standards in Section 2*

*Endeavour Drinks submits that the Advertisement does not contravene any other subsection of*

*Section 2 of the AANA Code of Ethics given that the Advertisement:*

- does not portray or depict material which discriminates against or vilifies a particular section of the community (Section 2.1);*
- does not employ sexual appeal (Section 2.2);*
- does not present or portray violence (Section 2.3);*
- does not contain any sexual content (Section 2.4);*
- does not include any inappropriate language (Section 2.5); and*
- is clearly distinguishable as advertising to the relevant audience (Section 2.7).*

#### *AANA Code for Advertising and Marketing Communications to Children*

*We have considered the applicability of the AANA Code for Advertising and Marketing Communications to Children. We submit that this Code is not applicable because the Advertisement's themes, visuals and language used are not directed to children.*

#### *AANA Food and Beverages Marketing and Communications Code*

*We submit that this Code is not applicable to the Advertisement as it does not apply to alcoholic beverages.*

#### *Other Codes administered by Ad Standards*

*We submit that the Advertisement does not breach any other Codes administered by Ad Standards.*

#### *Related Codes - ABAC Responsible Alcohol Marketing Code (ABAC Code)*

*Endeavour Drinks notes that the Complaint is also being reviewed by ABAC for alleged breaches of:*

*Section 3(a)(ii) of the ABAC Code, which states that 'A Marketing Communication must NOT show (visibly, audibly or by direct implication) or encourage irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage'; and*

*Section 3(b)(iv) of the ABAC Code, which states that 'A Marketing Communication must NOT be directed at Minors through a breach of any of the Placement Rules'.*



*We are in the process of preparing submissions for ABAC's consideration in the course of its deliberation. However, our preliminary view is that the Advertisement breaches neither Section 3(a)(ii) nor Section 3(b)(iv) of the ABAC Code.*

*For the reasons outlined earlier in this letter, we submit that the Complaint should be dismissed on the basis that it does not breach any of the Codes administered by Ad Standards.*

*Notwithstanding the above, as members of the local community, we take feedback from all members of the community very seriously and the BWS Greensborough team will keep this feedback in mind going forward.*

## **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 advertisements are promoting unhealthy messages around alcohol.

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 first considered the statement, "Abs are cool and all ... but have you tried craft beer?"

The Panel considered that the advertisement was humorous and light-hearted. The Panel considered that it was unlikely that members of the community would take a serious message from this advertisement that drinking was preferable to exercise. The Panel considered that the advertisement was not encouraging excessive consumption of alcohol, rather it was using a humorous message to suggest that craft beer tastes good.

The Panel then considered the statement, "Comfort food? You mean bourbon."

Similar to the discussion above, the Panel considered this statement to be humorous and light-hearted and not a statement which was encouraging excessive or unsafe consumption of alcohol.

The Panel considered that most members of the community would not consider the messages on these advertisements to be suggesting behaviour that is contrary to Prevailing Community Standards on safe consumption of alcohol.



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.