



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0095-20
2. Advertiser :	Woolworths Group Limited
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	25-Mar-2020
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement is an approximately six minute long video titled 'The World's Biggest Beer Run Episode 5: Italy'. The advertisement is part of a series of short segments showing two men travelling around the world visiting different breweries in order to create a special six pack. In this episode the two men are visiting a breweries in Italy.

The part of the advertisement subject to the complaint is a scene (at 4:52) that depicts a person seated on a pallet being carried on a forklift which is being operated by another person.

THE COMPLAINT

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

Scene where bws man is on forklift looks dangerous at 5 min mark.



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 the BWS video titled 'The World's Biggest Beer Run Episode 5: Italy' which was placed on BWS' website (the Advertisement). The Advertisement has since been removed from BWS' website.

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 its advertising obligations and its commitment to safety very seriously.

A description of the Advertisement

The Advertisement is an approximately six minute long video titled 'The World's Biggest Beer Run Episode 5: Italy'. The Advertisement is part of a six episode mini-series, which is intended to be a humorous 'mockumentary' involving two main characters (who are paid actors) travelling to breweries in different countries to create 'The Rarest Six Pack on Earth'.

The part of the Advertisement subject to the Complaint is a scene (at 4:52) (the Relevant Scene) that depicts a person seated on a pallet (the Passenger) being carried on a forklift which is being operated by another person (the Operator). The duration of the Relevant Scene is less than four seconds.

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 Complaint states that the 'scene where bws man is on forklift looks dangerous'. 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 overarching story of the mini-series, which includes the Advertisement, is that of two protagonists who travel to breweries in different countries to create 'The Rarest Six Pack on Earth'. The Relevant Scene is shown very briefly, is used incidentally in the Advertisement, and is used as a transition between two scenes of the Advertisement. As it is only four seconds in length, the Relevant Scene plays a miniscule part in the overall content of the Advertisement.

The Advertisement mimics the 'mockumentary' genre and features over-the-top protagonists involved in exaggerated scenes. Given the overall nature of the Advertisement, the theme of the Advertisement could best be described as jovial and light-hearted. The Advertisement is clearly not a reflection of what happens in reality nor does it provide guidance on how to use forklifts.

Despite its jovial and light-hearted theme, we believe that a reasonable interpretation of the overall message of the Advertisement would be for viewers to enter the promotion to win one of the limited edition six packs (a promotion that was running at the time that the Advertisement was published). This message is reinforced by: the description of the video posted with the Advertisement stating 'Win one of the world's rarest 6 packs'; and immediately prior to the Relevant Scene, one of the protagonists stating 'it's like giving people the chance to enter their details to win the world's rarest six pack'.

Furthermore, we note that the AANA Code of Ethics Practice Note for Section 2.6 states '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 chester freezer etc are unacceptable.' The examples provided in the Practice Note imply that whether an action constitutes an unsafe practice is a matter of degree. On this basis, we submit that the actions depicted in the Relevant Scene, given the Advertisement's overall content, theme and message, are not unsafe practices because:

- the forklift is shown being operated at a very slow speed and over a very short distance (of what appears to be no more than three metres);*
- the Operator is not shown operating the forklift in an irresponsible, reckless, dangerous, careless or unsafe manner, and the load being carried by the forklift does not appear to be unstable;*
- the prongs of the forklift are shown raised only a short distance above the floor, with the Passenger's feet appearing to not be more than approximately half a metre above the floor; and*
- the Passenger is shown stably seated on the pallet and does not appear to have their balance and coordination impaired.*

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.

For the sake of completeness, I am advised that data from Nielsen indicates the audience of Pedestrian.TV's website was made up of 93% adults for the 2019 year. We submit that a similar audience composition would exist for Pedestrian.TV's Facebook page.

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(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'; and Section 3(d) of the ABAC Code, which states that 'A Marketing Communication must NOT show (visibly, audibly or by direct implication) the consumption of an Alcohol Beverage before or during any activity that, for safety reasons, requires a high degree of alertness or physical coordination, such as the control of a motor vehicle, boat or machinery or swimming.'

We have yet to receive notice of ABAC's determination on the complaint. However, in our submissions to ABAC, we have stated that:



with the expectation that the Advertisement may have breached Section 3(b)(iv) of the ABAC Code, we are currently in the process of addressing this by either getting an age restriction applied to the Advertisement or removing the Advertisement; and we are of the belief that the Advertisement does not breach Section 3(d) of the ABAC Code.

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

THE DETERMINATION

The Ad Standards Community Panel (the 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 features unsafe behaviour.

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

The Panel considered whether the advertisement was in breach of 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 concerns that the advertisement included a scene featuring a man riding a forklift which appeared dangerous.

The Panel noted the advertiser's response that the duration of the relevant scene is less than four seconds in a five minute advertisement, is incidental to the overall advertisement and is not intended to reflect what happens in reality or to provide guidance on how to use forklifts.

The Panel acknowledged that the scene of concern is only a brief part of a much longer advertisement, however considered the image of a man riding in a forklift was clear and would be noticeable to anyone viewing the advertisement.

The Panel noted that it had previously considered an advertisement featuring a man riding on a forklift in case 0115/14 in which:
"A minority of the Board noted the humorous tone of the advertisement and considered that the forklift scene is one of many scenes intended to be over the top, does not depict, only implies that, the man is riding the forklift and it does not suggest that this is how a forklift should be used in a normal work place environment. The majority of the Board however noted the Worksafe guidelines and considered that the humorous intent of the advertisement did not detract from the depiction of a work place practice which is unsafe."



In the current advertisement, a minority of the Panel considered that the advertisement was clearly in the context of two men visiting a brewery in Italy and considered that the same workplace health and safety requirements may not exist in Italy as they do in Australia. The minority of the Panel considered that people operating a forklift in Australia would be aware of safe use practices and considered that this advertisement would be unlikely to lead to copycat behaviour. The minority of the Panel considered the man appeared to be seated securely and that the forklift was moving at a very slow speed. The minority of the Panel considered that this brief scene in a longer advertisement would not be against prevailing community standards on safety.

The majority of the Panel noted that improper use of a forklift is likely to cause harm, and that even if this would not have been a breach of workplace safety in Italy it would be considered by most members of the Australian community to be unsafe. The majority of the Panel noted that the man was seen to be seated next to large cylinders on the moving forklift and that if these were to shift the man could be hurt. The majority of the Panel considered that the scene undermined important safety messages in relation to the safe operation of forklifts.

The Panel considered that the advertisement depicts material which is contrary to Prevailing Community Standards on safety and determined that the advertisement breached Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I can confirm that the advertisement has been removed entirely.