



Case Report

1	Case Number	0096/14
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is set on an Island in Queensland called XXXX island. There is a group of four mates on the island hanging out with each other and playing golf on the beach etc. The voiceover describes the 'Rules of Etiquette' for the island such as:

- bragging being bad form,
- the toilet seat staying up and
- respecting 'personal space.

The end of the Advertisement shows the four mates sharing a beer in the XXXX Island bar.

THE COMPLAINT

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

It perpetuates Australian stereotypes for women, young people and also a culture of hazing that if applied in the workplace would constitute bullying and harassment.

THE ADVERTISER'S RESPONSE

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

Lion does not consider that the Advertisement breaches any section of the AANA Code of Ethics.

As noted in further detail below:

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

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

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

The Complaint reference Sections 2.3 and 2.6 of the AANA Code of Ethics, which outline that advertising and marketing communications:

**2.3 Shall not present or portray violence unless it is justifiable in the context of the product or service advertised;*

**2.6 Shall not depict material contrary to Prevailing Community Standards on health and safety.*

We address each of these sections in turn.

a) Does the Advertisement present or portray violence unless it is justifiable in the context of the product or service advertised

The AANA Code of Ethics Practice Note ("Practice Note") provides the following examples of violence which may not be justifiable:

- Sexual violence.*
- Strong suggestion of menace.*
- Audio representations of violence may be prohibited.*
- Violence against animals.*
- Realistic depictions of the consequences of violence are not acceptable, for example, showing a woman's bloodied face may not be acceptable.*

Lion is of the view that the Advertisement does not represent or portray any of the examples of violence provided by the Practice Note nor any violence whatsoever (if a wider interpretation is taken).

b) Does the Advertisement depict material contrary to Prevailing Community Standards on health and safety;

The Practice Note for this section includes that advertisements should not depict practices or images that:

**Are unsafe.*

**Children may imitate.*

**Could be considered 'bullying'*

**Show an unequal relationship between people in an Advertisement (particularly in regard to children).*

As outlined in the Advertisement Description above, the mates' time on the island is pitched as a light-hearted and fun time shared between friends.

None of the activities shown are unsafe or are activities likely to be imitated by children.

In the scene where one of the mates falls out of the hammock, this is not an action that is forced by anyone – he gets a fright upon waking-up and falls out by himself. Additionally, he only falls a very short distance onto soft sand which is highly unlikely to amount to injury to an adult of normal health.

The complainant references the Advertisement promoting a ‘culture of hazing or bullying’. In the AANA Code of Ethics Practice Note it is specifically referenced that the age of the people, their relationship to each other, and the nature of the communication are relevant to determining this standard. The group of mates in the Advertisement is very clearly made up of adults of the same age and well-known to each other, and there is no malice presented whatsoever in the humorous activities they participate in together.

Lion’s Commitment to the ASB and ABAC

As a responsible advertiser, Lion has demonstrated a long-standing commitment to supporting and adhering to the Advertising Standards Bureau (ASB) and Alcohol Beverages Advertising Code (ABAC).

In acknowledgment of Lion’s position of support for ASB and ABAC, 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 Gold was subject to:

**Review and advice from external creative agencies well-versed and experienced with ASB and ABAC 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 it’s 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 depicts bullying behaviour.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray

violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement features a group of four young men on the XXXX Island and the voiceover explains the etiquette they need to abide to whilst staying there.

The Board noted the complainant's concerns about moving someone whilst they are sleeping. The Board noted that this scene is in the context of the voiceover explaining that there is no 'personal space' on the island and considered that it is a humorous prank played on their friend by the men. The Board noted that there is no physical contact between the men which would be considered violent or inappropriate.

Based on the above the Board determined that the advertisement did not breach Section 2.3 of the Code.

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 the complainant's concerns that the advertisement "perpetuates...a culture of hazing that if applied in the workplace would constitute bullying and harassment."

The Board noted that the four men in the advertisement are portrayed as mates and considered that the most likely interpretation of the advertisement is that it depicts behaviour consistent with mates hanging out and teasing one another rather than bullying. The Board noted that all the men appear to be satisfied with spending time on the island with mates and considered that the advertisement did not depict material which encouraged or condoned bullying behaviour.

The Board 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 complaints.

