



Case Report

1	Case Number	0098/12
2	Advertiser	Fosters Australia, Asia & Pacific
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behavior

DESCRIPTION OF THE ADVERTISEMENT

We see people sitting by or diving in to a pool which is covered in apple blossom. Above them on a balcony some more people are watching those by the pool and are drinking Strongbow Cider.

THE COMPLAINT

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

I think it is double standards advertising Don't Drink and Drown then showing young people dinking around a swimming pool covered in apple blossoms and a guy diving into the swimming pool.

I help run a branch of The Disabled Surfers Association which has taken people who have broken their neck whilst intoxicated and diving into swimming pools rivers oceans etc so it is a subject that is close to my heart and I feel very strongly about.

I bring this to your attention and hope the offending ad '(Strongbow Cider) be removed.

THE ADVERTISER'S RESPONSE

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

Thank you for your letter dated 29 February 2012. Carlton United Brewers (CUB) has an excellent advertising compliance track record. We take our obligations in relation to responsible advertising seriously and are confident the Strongbow Cider campaign does not breach the AANA Advertisers Code of Ethics (The Code).

The television commercial (TVC) was pre-vetted via the Alcohol Advertising Pre-Vetting Service and also has CAD approval.

The ABAC Adjudication Panel is currently considering this complaint in reference to the Alcohol Beverages Advertising Code (The ABAC) and advice of their decision will be provided to the ASB once received by CUB.

The TVC is a summer scene with apple blossom blanketing the ground around a house and pool. Actors congregate around the pool, with some viewing the party from a balcony. The scene progresses to views of an orchard and finishes with an image of a closed Strongbow bottle and glass.

Regarding section two of The Code, there is no depiction of consumption by those actors near the pool or swimming in the pool. In the development of the campaign in 2010, the team was careful to ensure no open containers were shown anywhere near the pool or deck. Only the actors on the balcony are enjoying a Strongbow Cider, purposefully positioned away from the pool to ensure no confusion that they were drinking prior to or whilst swimming.

In producing this commercial, CUB was very mindful of its obligations under both section two of The Code and section (d) of the ABAC. The non-portrayal of consumption near the pool was a key factor in discussions with the ABAC pre-vetting service prior to AAPS approval being granted. The campaign has been broadcast for more than two years and was the most searched Australian TVC on Google in 2011. This is the first complaint we have received for the Strongbow TVC.

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 people drinking next to a swimming pool which is contrary to health and safety messages regarding alcohol consumption near water.

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

The Board noted that the complaint about this advertisement would also be considered by the Alcohol Beverages Advertising Adjudication Panel against the Alcohol Beverages Advertising Code (ABAC) that contains alcohol specific advertising standards.

The Board 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 Board noted that the advertisement shows people relaxing next to or swimming in a pool whilst other people watch from a distant balcony whilst drinking Strongbow cider.

The Board noted the advertiser’s response that they took care to show no open drinks near the pool and that there is no consumption of alcohol by the actors near the pool. The Board noted that the actors on the decking looking over the pool are drinking but considered they were sufficiently far removed from the pool to be considered removed from the pool group. The Board noted that the advertisement does not show the consumption of alcohol by people in or near a swimming pool and considered that the advertisement does not depict or condone the consumption of alcoholic beverages near water.

The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.