



Case Report

1	Case Number	0098/13
2	Advertiser	Fosters Australia, Asia & Pacific
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	10/04/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement showcases Great Northern - "The beer from up here" - and shows three mates getting away from it all in the great outdoors. We see three men travelling via 4-wheel drive in a bush setting, selecting their camping location, unloading the vehicle and then as the sun sets enjoying the view with a beer.

THE COMPLAINT

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

I am concerned about the trend of alcohol companies promoting this idea that you can consume alcohol whenever the urge takes you regardless of where you are. This is one of a growing number of advertisements which employ this theme. I think the concept of making an adventurous and no doubt dangerous journey by four wheel drive to such a remote location does not fit well with the consumption of alcohol. Sure there is no indication that one of the fellows perhaps is not drinking so he can be the 'designated driver' if they needed to drive on for some reason but in reality all of these fellows should be abstaining to keep their wits about them in such a remote environment. They would need to camp right where they are for the night to be drive-safe.

In response to a different advertisement depicting alcohol consumption in an apparently public space, which is illegal in most jurisdictions in Australia, the ABAC board responded that it was possible that the people consuming the beer may have had some form of approval (eg an approved wedding party in a park) or that it was indeed a private area. I accepted that

could form the basis of their decision to dismiss my complaint in that case if their Terms of Reference dictated this. They advised that I would need to raise separate complaints if I compared of raised similar ads with similar concerns. I thus applied that same reasoning to this particular ad where the fellows in the ad make it quite clear that they do not know where they are, dismissing the possibility that they have some sort of permission to drink there. For the average person watching this ad, these fellows are driving through some national park setting up north and simply decide to stop and have some beer which would generally be an offence under the Summary Offences Act in QLD if it was on public space. And so I respectfully and genuinely submit this complaint without prejudice to this particular brewing company to further highlight my concerns with the view that this ad does cross the boundary of promoting this idea of drinking in public spaces when it takes your fancy. I also hope to obtain a clearer understanding about how the Board makes these decisions about what is and what is not likely to be interpreted by the viewer as drinking a public space. I would really like to be in a position to know this myself rather than have to continually submit complaints about similar ads and themes as it seems that the board is only prepared to consider and provide feedback on individual ads.

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 correspondence relating to a single complaint for a Great Northern television advertisement reference number 98/13.

The television advertisement showcases Great Northern - "The beer from up here" (available in QLD, NSW, WA and NT) - and shows three mates getting away from it all in the great outdoors. We endeavour to show popular activities in our advertisements that our target market can relate to and this advertisement is no exception. We see three men (all aged 25 years or over) travelling via 4-wheel drive in a bush setting, selecting their camping location, unloading the vehicle and then as the sun sets enjoying the view with a beer – a quintessential Australian past time. The Great Northern television advertisement has been on air in regional Northern New South Wales and regional Queensland and it's estimated that the advertisement has been viewed over 3.4 million times.

The advertisement shows blokes camping and enjoying a beer at the end of the day – a popular past time with a huge number of Aussie blokes. It is clearly a planned trip due to the quantity of equipment loaded on top of (and in) the 4-wheel drive vehicle (an appropriate choice for the terrain) and as such we disagree that the television advertisement depicts a "...dangerous journey...". The advertisement also shows a specific drinking situation rather than just a scenario akin to "...whenever the urge takes you..." as stated by the complainant. Enjoying beers at an appropriate location, in this case a campsite, happens every day around the country in a responsible and safe manner.

In the 4-wheel drive vehicle the driver asks rather dryly: "Do you know where we are?" and receives a response of "Na" to which the driver then states "Good". This dialogue sets the scene in terms of the experience they are after – getting away from it all in search of some serenity and solitude. It is a very deliberate search for 'space' versus a journey by three men who are lost, in danger and driving without purpose. I believe this would be the outtake of a reasonable viewer post viewing the advertisement in its entirety. Furthermore there is no blanket law that disallows alcohol in every public space. Obviously we are depicting an area where alcohol consumption is permissible and there are no indicators to the contrary (i.e.

signage).

This advertisement does not show consumption whilst the men are driving nor is there a sense that the three men are under the influence of alcohol when they are driving. There is no product in shot and they appear alert and sober looking. The driving (or “4-wheel drive journey”) has been successfully completed before any alcohol is consumed and only when the three mates have arrived at their camping destination and started making camp for the night. They are then seen to enjoy a beer and admire the view. Furthermore, it is the end of the day as indicated by the sun having gone down and there is no sense they will move for days. The advertisement ends on a relaxed note (there is no sense of looming danger) and does not depict the men returning to their car to drive. If you were to extrapolate beyond what is depicted it would only be that the three blokes enjoy a safe and enjoyable camping trip. For the above stated reasons we believe that the advertisement complies with section 2.6 of the AANA Code of Ethics. More broadly we also believe that the advertisement is compliant with the Code in its entirety. In support of this, there is a complete absence of violence, discrimination, nudity, obscene language and any sexual themes. For your information, this complaint was recently reviewed and dismissed by the ABAC adjudication panel. The CUB team takes its commitment to responsible marketing very seriously. If you require any further information please do not hesitate to contact me.

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 concern that the advertisement depicts scenes that encourage drinking in unsuitable locations and in a situation that could be dangerous.

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

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 first advertisement shows three mates travelling via 4-wheel drive in a bush setting, selecting their camping location, unloading the vehicle and then as the sun sets enjoying the view with a beer. The caption at the end says “Great Northern Larger, the beer from up here.”

The Board noted that it is not within the scope of the Board’s role to comment on the legislative aspects of consuming alcohol in a public space and whether or not the men consume alcohol in an appropriate area but rather whether the depiction of alcohol consumption in this particular advertisement is against prevailing community standards on health and safety.

The Board noted the advertiser’s response that the men used in the advertisement are twenty five years of age or over.

The Board noted that as the men progress through some rough terrain and water crossings the vehicle is seen loaded with camping gear and it is evident that the purpose of the trip is to go camping.

The Board noted that after stopping, one of the passengers asks the driver if he knows where they are? He replies with “Na”. The Board noted at this point in the advertisement the men are seen unpacking the vehicle and setting up their camp site. The Board considered that the most likely interpretation of this dialogue is that the men are actually trying to find a new camping area that they hadn’t been before and that was well away from possible interruption by others. The Board felt that this was not a portrayal of the men being lost.

The Board noted that there is no suggestion of alcohol consumption while driving at all in the advertisement and that the group are seen to make a conscious decision to stop and unload the vehicle before sitting down to have a beer and enjoy the scenery. The Board considered that the advertisement does not promote or encourage excessive alcohol consumption or the consumption of alcohol with the intention to drive.

Based on the above, 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.