



Case Report

1	Case Number	0113/11
2	Advertiser	Fosters Australia, Asia & Pacific
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	13/04/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A white winged horse is joined by a blonde woman wearing a white dress and carrying a tray with two beers on it. A male voice over says, "New Pure Blonde White. Purer than what you're thinking" and we see this text on the screen.

THE COMPLAINT

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

Offended by the deliberate linking of sex and the product. Not suitable for prime time viewing when lots of kids would be watching. Rugby League has enough problems with unacceptable behavior of its players who are taken as role models by youngsters.

THE ADVERTISER'S RESPONSE

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

In relation to Section 2.3 of the AANA Code of Ethics, we believe that the television advertisement does treat sex, sexuality and nudity with sensitivity to the relevant audience

and programme time zone. Pure Blonde is a beer that contains “No Artificial Preservatives” and so will often bring this to life in different ways. In the case of this advertisement, the tagline is a tongue in cheek way of representing the beer’s credentials. Admittedly the tagline can have an alternate reading however any innuendo is mild at best and for many viewers it would not even register. You also need to read into the tagline versus there being a single explicit message or outtake. So the take out of the advertisement, even if you play out a second meaning, is not spelt out. That is, the advertisement is not sexually explicit in its imagery or wording, so interpretation is very much left to the viewer’s discretion.

The way the female talent is represented is also crucial in the advertisement being compliant with Section 2.3. Our female ‘utopian’ is in a white one piece dress that falls to the knee – with only a bare shoulder exposed. It’s reasonable to describe her as being fully clothed (versus there being any nudity). She looks very regal and aloof and is simply carrying a tray with two beer stubbies. There’s orchestral music in the background. We strongly believe the way she is dressed and her demeanour are not sexualised and this helps ensure the overall tone of the television advertisement is light hearted and mystical with some tongue in cheek humour displayed.

Whilst the advertisement appeared as part of a footy broadcast it is in no way connected to rugby league per se – the program was selected based on its strong adult male audience. Despite the complainant’s personal view of rugby league, the standards that we are required to satisfy as an advertiser so far as placement relate to the advertisement only screening post 8.30pm (except on weekends during live sport) and that we abide by the relevant advertising codes and industry regulatory bodies. We have met all those obligations.

The Carlton and United Breweries team take their responsible marketing commitments very seriously. This advertisement was prevetted against the Alcohol Beverages Advertising Code and we also believe it upholds the AANA Code of Ethics in its entirety.

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 links sex to the product advertised and is not suitable for prime time viewing.

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 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement features a voice over stating “purer than what you’re thinking” whilst on screen we see a woman dressed in white holding two beers on a tray.

The Board noted that the woman in the advertisement is clothed and that she does not speak or make any gestures. The Board considered that the phrase, “purer than what you’re thinking” could be interpreted as sexual innuendo and is clearly what is intended. However

the Board considered that the innuendo would not be understood by children and would also not be understood by some members of the community to be a reference to sex. The Board considered that the advertisement is an advertisement for alcohol and is subject to restrictions on when it can be advertised. The Board determined that the advertisement's mild innuendo was a treatment of sex with sensitivity to the relevant timezone and did not breach section 2.3 of the Code.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.