



## Case Report

1	Case Number	0140/16
2	Advertiser	Liquor Alliance (VIC)
3	Product	Alcohol
4	Type of Advertisement / media	Radio
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Motor vehicle related

### DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement on the Hamish and Andy Show featured paid content by Thirsty Camel who were the sponsors for a "Wet Lap" section of the show where contestants have to hold three glasses of liquid whilst passenger in a V8 supercar which is doing laps. The particular segment under complaint was aired on the afternoon of Friday 11th March 2016.

### THE COMPLAINT

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

*Alcohol and Fast cars should not be advertised together or alcohol and any driving for that matter.*

*<http://www.hamishandandy.com/ride-hot-lap-our-wet-lap/>*

### THE ADVERTISER'S RESPONSE

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

*Thank you for giving Thirsty Camel bottleshops the opportunity to respond to the ASB complaint case 0140/16 relating to the 'Wet Lap' tactic on the Hamish and Andy Show on the HIT! network, run in the week commencing 14 March 2016.*

*The complaint details “Alcohol and Fast cars should not be advertised together or alcohol and any driving for that matter”.*

*The complaint raises issues under Section 2 of the AANA Advertiser Code of Ethics.*

*We have addressed each of the sections below.*

#### *2.1 - Discrimination or vilification*

*In our opinion the tactic does not contain material that is discriminatory or vilifies any segment of the community and does not breach this section of the code.*

#### *2.2 - Exploitative and degrading*

*In our opinion the tactic does not contain material that is exploitative or degrading and therefore does not breach this section of the code.*

#### *2.3 – Violence*

*In our opinion the tactic does not contain material that is violent in nature and therefore does not breach this section of the code.*

#### *2.4 - Sex, sexuality and nudity*

*In our opinion the tactic does not contain material that is sexual in nature and therefore does not breach this section of the code.*

#### *2.5 – Language*

*The tactic is broadcast on commercial radio and the language used is appropriate for this medium, therefore does not breach this section of the code.*

#### *2.6 - Health and Safety*

*The Hamish and Andy ‘Wet Lap’ tactic was conducted in a controlled environment on a professional race track (Calder Park) driven by a professional driver with both the driver and the contestant passengers wearing full driving suits and helmets.*

*The professional driver had no contact with alcoholic beverage at any time. At no point did the contestants/passenger or driver consume any beverages prior to, during or after the “lap”.*

*Hamish and Andy at no point encouraged others to replicate this tactic, and in fact actively reiterated that this was being conducted in a controlled environment on a professional race track by a professional driver, and not to attempt this at home. They also reinforced to listeners throughout the tactic that they, and Thirsty Camel as the tactic partner, did not condone or promote drink driving.*

*The activity was repeatedly said to be testing balance, the car was simply the means by which*

*balance was tested.*

*For these reasons we do not believe that the tactic has breached health or safety regulations.*

*Thirsty Camel takes the responsible promotion and consumption of alcohol, and health and safety within the community very seriously. Like any satire, our communication may be taken out of context and if this is the case, please accept our apologies for any offence that we may have caused.*

*We thank you for considering our response.*

## **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 a radio promotion should not associate alcohol and driving.

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

The Board noted that this advertisement was featured on the ‘Hamish and Andy’ radio show as paid content by Thirsty Camel bottle shops who sponsored the ‘Wet Lap’.

The Board first considered if the radio promotion featuring an unscripted discussion of a contest, sponsored by a company, was advertising. The Board considered the definition of advertising and marketing communications within the Code. The Board noted that the definition is very broad and covers, “any material which is published or broadcast using any medium which is undertaken by or on behalf of an advertiser and over which the advertiser has a reasonable degree of control”. The Board considered that the advertiser’s sponsorship of the program and references to the advertiser throughout the competition meet the definition of advertising and marketing communications.

The Board then 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 that the radio show featured disclaimers regarding the dangers of drinking and driving and reinforced across the entire promotion of the competition that the “Wet Lap” was conducted in a controlled environment.

The Board considered the complainant’s concern about promoting drinking and driving and noted that the advertised “Wet Lap” was about holding – not drinking - glasses of drinks, to test a person’s ability to hold containers of liquid in awkward situations.

The Board considered that there was no suggestion of excessive consumption of alcohol as the ‘Wet Lap’ was aimed at holding glasses of liquid, not drinking. Further the Board noted that the advertisement did not say that the liquid being held was alcohol, just liquid, although

the occasional use of the word pints, might suggest an association with alcohol.

The Board considered that the advertisement was intended to gain the attention of the target audience which are aged 18 - 35 years old and there was no suggestion of promoting the consumption of alcohol to children.

Based on the series of disclaimers and warnings across the promotion, the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

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 complaint.