



## Case Report

1	Case Number	0141/15
2	Advertiser	Clubs NSW
3	Product	Bars/Clubs
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	29/04/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Several groups of people are shown at a club doing various things like watching sport on the big screen, playing bingo and chatting with friends.

### THE COMPLAINT

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

*AANA advertising & marketing communication to children*

*2.3 PLACEMENT. While this advertisement promotes clubs, almost all of the content pictures people drinking (suggestive or obviously alcohol). This advertisement actively promotes alcohol in an unbranded manner. Alcohol advertisements are not permissible within children viewing times. I strongly believe since this advertisement actively promotes alcohol that this is inappropriate to be shown during children's viewing times.*

*2.11 PREMIUM Advertisements should not give false or misleading impression in children's minds about content of product. The product in this advertisement is supposed to be clubs, but the main feature throughout is consumption of alcohol. Clubs NSW has gone to lengths to promote "family friendly" and depicts children in background scenery etc. However, in the mind of children this advertisement is promoting alcohol and strongly reinforcing the culture that social get togethers ( and social success/ gathering) should revolve around or cantina alcohol. This is misleading, especially when show within children viewing times.*

*2.14 encourage unhealthy drinking habits. While the advertisement is careful not to show the same person drinking outside the guidelines, it does promote unhealthy drinking habits in that social occasions revolve around alcohol (or products that are strongly suggestive of alcohol) and additionally promote (alcohol advertising code) alcohol as a necessary aid to relaxation in this context.*

*Food and beverages advertising and marketing code (note 2.7) children would see a clear distinction between advertising content and editorial/ program content. Children viewing this advertisement within children's viewing times are unable to distinguish this as a clubs NSW advertisement, and see the content as alcohol advertisement, reinforcing that drinking alcohol as a necessary and unquestioned part of our culture.*

*My main concern here is evidently that this advertisement promotes alcohol, which should be incidental, but is an active part of the promotion and being show within children's viewing hours.*

## **THE ADVERTISER'S RESPONSE**

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

*After discussion with CNSW Marketing, it has been agreed, to avoid this potential complaint occurring again, we will ensure that we never run "Celebrate" prior to 6.00pm Sunday to Saturday except for Live Sport.*

*We will utilise our second creative, "junior teams" in pre 6.00pm regular daytime timeslots where there is greater opportunity for exposure to kids. The TVC is also rated G. We hope this satisfies the ASB.*

## **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 is an unbranded advertisement for alcohol and inappropriate for viewing by children.

The Board noted the complainants concern that the advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the "Food Code?"). The Board acknowledged that the advertisement is for "clubs" as a collective term in the community and although Clubs do sell food and beverages, the advertisement is not for food and therefore the Food Code does not apply.

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 that the advertisement features people participating in various scenarios that can take place in a Club. For example, there are people dancing, people attending a wedding, people gathering after work, playing bingo and having lunch. The voiceover describes the scenarios as "the get together" and how they come in many forms.

The Board noted that in some of the scenes shown, there are people holding and drinking glasses of beer and other alcoholic beverages but that in every scene, the people are adults and clearly over the age of eighteen.

The Board noted that toward the end of the advertisement, there is a young boy and girl in a

group with some ex-servicemen and the group is gathered outside. The voiceover describes the gathering as “the reunion.”

The Board noted that there is nothing to suggest that the people are meeting at the club to drink alcohol or to drink excessively and that there are numerous people seen in the advertisement not drinking at all.

The Board acknowledged that there is significant community concern regarding excessive alcohol consumption and the promotion of alcohol but in the Board’s view this advertisement is reminding the viewer about the role of clubs in the community and to think of utilising clubs for various events or gatherings.

The Board considered that the overall tone of the advertisement was subtle and reasonable and did not depict material contrary to prevailing community standards on responsible alcohol consumption.

The Board considered that in this context the depiction is not in breach of section 2.6 of the Code.

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