



Case Report

1	Case Number	0165/16
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	Radio
5	Date of Determination	27/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement that is the subject of this complaint is a radio commercial for Lion's Beer the Beautiful Truth campaign. The radio commercial opens with a question asking the listener if they know what is in some of their favourite beers. It then goes on to explain that the beers in this campaign are on average 99.9% sugar free and preservative free. It then briefly explains these statements with a short description of the brewing process and then provides the Beer the Beautiful Truth website address for those who want to find out more information.

THE COMPLAINT

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

While most reasonable adults are not going to believe that beer is going to replace green smoothies any time soon - last night at the dinner table my 6 year old son argued with us (while discussing healthy foods) that beer is in fact a health food - he then quoted some of the ads saying its sugar free and no preservatives.

Both myself and his father felt absolutely sick to the stomach hearing our innocent kindergarten child talk about alcohol in such a way.

This ad is promoting the wrong messages to small children and in a world where unhealthy eating is an epidemic I simply cannot believe that it has been allowed to air. Alcohol is a drug. It costs Australia a fortune every year in health issues, violence and crime. What are we teaching our future generation?

THE ADVERTISER'S RESPONSE

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

I refer to your letter and set out below Lion's response to complaint 0165/16, for consideration by the ASB Panel.

To confirm, the radio script was pre-vetted internally at Lion and externally by the Alcohol Beverages Advertising Scheme's (ABAC) Alcohol Advertising Pre-vetting Service (AAPS), receiving approval before going to market.

Advertisement Description

The advertisement that is the subject of this complaint is a radio commercial for Lion's Beer the Beautiful Truth campaign. The radio commercial opens with a question asking the listener if they know what is in some of their favourite beers. It then goes on to explain that the beers in this campaign are on average 99.9% sugar free and preservative free. It then briefly explains these statements with a short description of the brewing process and then provides the Beer the Beautiful Truth website address for those who want to find out more information.

Response to Complaints

Lion does not consider that the Advertisement breaches any section of the AANA Code of Ethics.

Overview of the Beer the Beautiful Truth campaign

The radio commercial is part of a nationwide campaign called Beer the Beautiful Truth, which Lion launched in September 2015.

Beer the Beautiful Truth is focussed on busting common beer myths and providing consumers with all of the facts about what is in beer in a clear and transparent manner.

Through our own consumer research we know there is considerable confusion about what is in beer – while people clearly understand it contains alcohol, most think it is full of sugar and preservatives, which is simply not the case.

By providing the facts Beer the Beautiful Truth aims to encourage those people who choose to drink to reconsider beer as an option when they do so. 71% of consumers have told us this information would also help them make more informed choices when drinking – such as choosing a lower calorie option, drinking less overall or drinking fewer drinks on one occasion.

The campaign features statements such as '99.9% sugar free' and 'preservative free' – these are basic statements of fact about aspects of the nutrition content of beer. No health claim or

effect on the body is mentioned.

The campaign is supported by the provision of Nutrition Information Panels (NIPs) on the labels of all of Lion's wholly-owned beers. Each NIP provides full detail on nutrition content – including sugar, sodium, fat, calorie, protein, carbohydrate and dietary fibre – in accordance with the Food Standards Code. The Beer the Beautiful Truth website also provides this detail, and further information on standard drinks, the brewing process and the ingredients used in each beer.

In respect to the specific question:

Does the advertisement breach Section 2 of the Advertiser Code of Ethics, namely the following:

2.1 - Discrimination or vilification

2.2 - Exploitative and degrading

2.3 - Violence

2.4 - Sex, sexuality and nudity

2.5 - Language

2.6 - Health and Safety

Also

The AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code

- 2.1 - Discrimination or vilification

At no point during the radio script is there any discriminative language used or person/group of persons vilified.

- 2.2 - Exploitative and degrading

At no point during the radio script is there any exploitative or degrading language used.

- 2.3 - Violence

At no point during the radio script is there any violent language used or actions described.

- 2.4 - Sex, sexuality and nudity

The advertisement includes no sexual content.

- 2.5 - Language

The language used is consistent with community standards.

- *2.6 -Health and Safety*

- *At no point does the radio commercial suggest that alcohol is a health product. The term health is never mentioned. The terms ‘99.9% sugar free’ and ‘preservative free’ are basic statements of fact about aspects of the nutrition content of beer. No health claim or effect on the body is mentioned. The inclusion of these nutritional facts is permitted by the Australia and New Zealand Food Code*

- *The AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code*

The advertisement is targeted at legal-drinking-age adults. At no point in the commercial is there any call to action to minors or any language used that has a strong or evident appeal to minors.

Lion’s commitment to responsible marketing

As a responsible marketer, Lion has demonstrated a long-standing commitment to upholding both the letter and intent of the AANA’s Advertising Codes.

Lion maintains strict internal and external processes to ensure this compliance.

As part of Lion’s marketing approvals processes, this commercial for Beer the Beautiful Truth was subject to:

- *Internal legal review and advice from an external legal firm specialising in FMCG marketing and advertising compliance and interpreting the relevant advertising codes and legislation;*
- *Review by Lion’s internal marketing compliance team to ensure its adherence to all relevant advertising codes;*
- *Review and approval through ABAC’s external and independent pre-vetting service (AAPS) at both concept and final stages, receiving approval before going to market.*

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 promotes beer as a health food.

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

The Board noted that whilst the nature of the complaint could fall under the AANA Food and Beverages Advertising and Marketing Communications Code the Board considered that alcoholic beverages are excluded from this Code and are subject to the Alcohol Beverages Advertising Code so only the AANA Code of Ethics is relevant for the Board to consider.

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 this radio advertisement was provided to various radio presenters in a scripted format by the advertiser. Consistent with a recent consideration of a similar advertisement in case 0140/16 the Board considered that these advertiser-provided scripts do meet the definition of advertising and marketing communications. The Board noted that the content of the advertisement explains that the beers in this campaign are on average 99.9% sugar free and preservative free.

The Board noted the complainant's concern that children hearing this advertisement would think that beer is a healthy choice.

The Board noted that the information provided in the advertisement is that the beers in the campaign are on average 99.9% sugar free and preservative free. The Board noted that the advertisement makes no health claims and considered that most reasonable members of the community would recognise that beer, as an alcoholic beverage, is never likely to be classed as a healthy choice. The Board acknowledged that although the beers may be sugar and preservative free they will still have other nutritional components which may be less positive but considered that the information presented in the advertisement does not make claims regarding any other components of the beer or of beer overall.

The Board noted that the advertisement was aired on the radio and that the complainant's child had heard it and taken the message that beer was healthy. The Board noted that the advertisement was aimed at adults and considered that whilst children may hear and misconstrue advertising material, it is the parents' or carers' role to explain any misunderstanding.

The Board considered that the overarching message is that this advertisement is for alcohol, which is not a healthy choice, and that this particular alcoholic product has less sugar and should be preferred over some other alcohol products. The Board considered that the message of the advertisement is not to promote beer as a healthy product but rather as an alcoholic beverage with lower sugar content within the category of alcoholic beverages. The Board considered that most reasonable adults would understand that this advertisement does not promote beer as a healthy product and that any children who did hear the advertisement and misunderstand the message would not be able to purchase alcohol.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

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.