



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

1	Case Number	0184/14
2	Advertiser	Beam Suntory
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	28/05/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Violence
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A woman enters a bar and orders a Canadian Club whilst a male voice over comments that Tina looks like she is in the need for something refreshing. We see Tina take a drink of the Canadian Club and the voice over goes on to say, "bring on the sexy person" and we see a man walking towards her then throw a snowball at her face. Tina then says, "You don't get that from a beer" and the final shot is of the product and the man in a snowy mountain setting.

### THE COMPLAINT

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

*I find this advertisement offensive for various reasons. I believe that in a culture that is already inherently sexist, it is inciting violence and degrading treatment against women to have a man throw something in her face and portray her as having enjoyed it. I believe that the imagery is deliberately constructed to represent the adult film industry where women are often subjected to what is colloquially known as 'money shots', and I strongly suspect that in a product predominantly consumed by men that was the desired effect. Such imagery aside, I do not think it should be allowed to have a man commit an act of violence against a women, a stranger in that context, and have it played off as she wanted it to happen and she liked it. That is particularly disgusting and offensive to me.*

*Because this advertisement for alcohol demonstrates, promotes and trivialises violence by men against women, depicting it as fun with no repercussions. It is shocking - a big snowball thrown hard by a man at anyone's face would really hurt, yet the advertiser portrays it as not a problem.*

## **THE ADVERTISER'S RESPONSE**

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

### *Introduction*

*This submission by Beam Suntory is in response to the complaints provided to the Advertising Standards Board (ASB). The complaints surround the advertising campaign for Canadian Club entitled 'A refreshing wake-up call'.*

### *The Quasi-Regulatory System*

*Beam Suntory vigilantly follows all Alcohol advertising in Australia laws and codes of practice in particular the AANA, ABAC, CTICP & the OMACE codes.*

*Beam Suntory advocates that self-regulation and the ABAC scheme can be a powerful guidance system for the alcohol industry when the concepts behind the scheme are applied with proper diligence and fair evaluation of relevant evidence.*

### *Pre-vetting Clearance*

*Beam Suntory is a code signatory of ABAC and obtained pre-vetting approval for this campaign 'A refreshing wake-up call' as part of the AAPS pre-vetting process and was approved on 19th February 2014 with AAPS approval number 12931.*

*Approval was secured for this advertisement after various changes were made as part of this rigorous process to ensure no breaches to the code could be raised.*

### *The Advertisement & Response to complaints (questions posed)*

*The advertisement "A refreshing wake-up call" uses humor to communicate the feeling of refreshment you get when drinking Canadian Club.*

*The complaints express concern at the apparent violence in the TVC. In order for an act to be considered violent there needs to be some sort of physical or emotional harm or distress. This is clearly not the case in the TVC. The snowball being thrown is no way a hard-packed ball of solid ice. It crumbles and dissolves as soon as it touches the woman's face. The woman is not hurt by the fluffy snowball in any way shape or form. She is also not distressed by the situation. On the contrary, she welcomes and enjoys the refreshment given its playful nature, ie as outlined and intended in the original brief, the 'Snowball' is a metaphor for refreshment, not a vehicle to cause harm.*

*The complaints also express concern at the depictions of alcohol fueled violence. It is also essential to note the gentleman tossing the snowball does not consume any alcohol during the TVC. Nor does he display any signs of being even remotely intoxicated.*

*Finally, we strongly refute that there is any power imbalance between both the female and male depicted in the ads.*

### *Conclusion*

*The pre-vetting approval process enabled us to work closely with ABAC to give us the guidance to ensure the consistency of the advertisement aligns to the prescribed standards of good marketing practice, the ABAC code and the Advertising Standards Board.*

*Whilst approval through the pre-vetting process by ABAC does not guarantee preclusion from alternative determinations as a result of consumer complaint, it did ensure Beam conformed to the code "in terms of its probable impact upon a reasonable person within the class of persons to whom the advertisement is directed and other persons to whom the advertisement may be communicated, and taking its content as a whole".*

*In terms of probable impact it is quite clear to the reasonable person, that fun and good-humoured nature of the advertisement.*

*There are no signs of physical or emotional suffering or violence*

*Furthermore, there are no signs of alcohol fuelling any inappropriate behaviour towards women or anyone else.*

*Given our thorough understanding of the ABAC code, the comprehensive approval process we followed and the valid points noted above we are extremely confident we have not breached Section 2 of the AANA Code of Ethics and that this TVC aligns with the existing approval ruling from the ABAC pre-vetting process.*

*We are confident that Canadian Club is marketed appropriately and intend to continue responsibly marketing Canadian Club products to consumers above the legal drinking age.*

*Thank you again for this opportunity to respond and we look forward to your confirmation*

## **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 complainants’ concerns that the advertisement is sexist and degrading in its portrayal of a man throwing a snowball at a woman’s face and the woman apparently enjoying it, and that it depicts and encourages violence against women.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the advertisement features a man throwing a snowball at a woman’s face as a metaphor for the icy refreshing drink she is consuming.

The Board noted the complainants’ concerns that it is sexist and degrading to show a woman being hit and enjoying it. The Board noted that the message of the advertisement is the effect of the drink and considered that the gender of the person throwing the snowball and the person being hit by it is not a major part of the advertisement as the focus is on the effect of the drink.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted it had previously dismissed an advertisement where a woman hit a man across his face with a giant fish as a metaphor for the impact you would experience when consuming the advertised product (0370/10). In that instance:

“The Board considered that the advertisement depicted an unreal situation, far removed from reality. The Board also noted that the man looks happy after being hit with the fish, and that

he says, “Oh yeah!” straight afterwards. The Board considered the man’s reaction to be a positive one, and in no way did he appear to be the victim of an assault.

The Board considered that most members of the community would find the advertisement humorous and would recognise that it was not encouraging or condoning violence, but rather emphasising the effect of eating a Fisherman’s Friend lozenge.

On this basis the Board determined that the advertisement did not depict or condone violence and was not in breach of section 2.2 of the Code.”

In the current advertisement the Board noted that the situation is unreal – a man having access to a snowball in a bar where it is clearly warm. The Board noted the woman’s reaction to being hit by the snowball and considered that she does not appear to be upset or concerned and that by responding with, “You don’t get that from a beer” she appears to have welcomed the snowball.

The Board noted that the man who threw the snowball is not depicted holding or drinking any alcohol and considered that the advertisement is not depicting, condoning or encouraging alcohol fuelled violence or violence of any kind.

Based on the above the Board determined that the advertisement 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 complaints.