



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0185-21</b>
<b>2. Advertiser :</b>	<b>Carlton and United Breweries</b>
<b>3. Product :</b>	<b>Alcohol</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>14-Jul-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.7 Distinguishable advertising

### DESCRIPTION OF ADVERTISEMENT

This advertisement is an episode of the Channel 7 program "The Front Bar" which aired on 3rd June 2021.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*Footy show commentators drinking beer. On beer while talking about football. My grandkids watch this show. I can see pure and simple they are advertising beer. I have watched TV for many many years to know this.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for your recent correspondence regarding a complaint with reference number 0185-21 and for providing CUB with the opportunity to respond.*



*We understand from your letter dated 11 June 2021 that the key issue under the heading “Issue raised to date”, is in respect of the AANA Code of Ethics, paragraph 2.7 (Distinguishable advertising) “Advertising not clearly distinguishable”.*

*CUB and its parent entity Asahi Beverages are committed to ensuring our promotional and marketing material is transparent and distinguishable.*

#### *Description of Carlton Draught sponsorship of Channel 7 program*

*Carlton Draught is the sponsor and naming rights partner of ‘The Front Bar’ program that airs on channel Seven. Carlton Draught has been the founding brand partner of The Front Bar since 2015, which was first broadcast on channel Seven in 2016.*

*The program features three mature-aged commentators (around 50 years of age) who discuss topics relating to the world of AFL football in any given week, who host occasional guests on the program for further commentary (e.g. football players, former players, sports journalists, coaches, etc). The program is filmed with a live studio audience. The atmosphere projected is that of a friendly and jovial pub atmosphere, where the mature-age commentators sit at a bar with a Carlton Draught beer, and discuss topics of weekly interest, as implied in the name of the program, ‘The Front Bar’.*

*Involved in creating the pub/bar atmosphere is the integrated on-set branding, which is exclusively Carlton Draught branded. On set collateral includes branding for Carlton Draught on tank beer, kegs, beer taps, wall posters, pot glasses, bar mats, heritage posters/jumpers, and other Carlton Draught branded paraphernalia scattered throughout the set.*

#### *Copy of the script*

*Each episode of the program discusses matters relevant weekly in the world of AFL football. The three commentators are given topics to discuss, and channel Seven retains editorial control over the program. Given it is filmed in a live setting with a studio audience, each episode has no set script. Despite the fluid format, the commentators must mention the sponsorship of Carlton Draught at least three times per episode.*

#### *Ad Standards Complaint*

*The complaint sent under cover of your letter dated 30 April 2021 states:*

*“footy show commentators drinking beer.  
on beer while talking about football.  
my grandkids watch this show.  
I can see pure and simple they are advertising beer.I have watched tv for many many years to know this.”*

#### *Response to complaint*



*Carlton Draught is the clear and proud sponsor of The Front Bar Program. The sponsorship by Carlton Draught is clearly referred to at multiple instances before, during and after the programming, including:*

- (the opening credits) In the opening credits of program in the first 20 seconds, the text “The Front Bar | Proudly brought to you by... Carlton Draught, Brewery Fresh” is featured for >6 seconds on screen, as can be seen in the screenshots below. This is consistent with typical industry practice to indicate a product sponsorship.*
- (acknowledgement of sponsor at beginning of program) The commentators then open the program and welcome viewers watching on TV as well as in the live studio audience, saying “it is the Front Bar, it’s great to be here, thanks to the Brewery Fresh Carlton Draught” (or to similar effect). This is the typical format of opening the program.*
- (verbal identifications) Each episode has a least three verbal identifications of the sponsorship by Carlton Draught by host Andy Maher, such as “Thanks to Brewery Fresh Carlton Draught” or “thanks to Carlton Draught, No 1 Tap Beer in Australia”.*
- (special show segments) During the show, there are special segments which look to discuss a certain topic e.g. the rules of the game via the ‘Rewrite the rules’ segment. Other segments over various episodes have included ‘Play offs’, ‘Pub Play On’, ‘Fresh from the Archives’ and ‘Front Bar Last Shout’. Here in these special segments, further branding is shown for Carlton Draught and its brand extension products such as Carlton Zero, preceded by the words “Proudly brought to you by...”*
- (between advertisements) On television, before breaking away to commercial advertising, the following visual appears on screen, where the Carlton Draught logo is integrated with The Front Bar graphics.*
- (closing credits) mirroring the opening credits, the closing credits again emphasis that “The Front Bar was proudly brought to you by... Carlton Draught” as displayed in the visuals below, and announced by a dedicated voice over.*

*CUB respectfully submits that to any reasonable viewer the program is sponsored by Carlton Draught, and the advertising of Carlton Draught is overt and clearly distinguishable, as highlighted by:*

- multiple references before, during and after the program of “Proudly brought to you by Carlton Draught”, indicating sponsorship of the program by or on behalf of Carlton Draught, consistent with market practice;*
- commentators acknowledging sponsorship of the program by or on behalf of Carlton Draught with comments such as “Thanks to Brewery Fresh Carlton Draught”; and*
- the variety of on-set merchandise and other collateral including branding for Carlton Draught on tank beer, kegs, beer taps, wall posters, pot glasses, bar mats, heritage posters/jumpers, and other Carlton Draught branded paraphernalia on-set.*



### *Responsible consumption*

*CUB and its parent company Asahi Beverages are committed to the responsible advertising of alcohol, and observe and abide by the Alcohol Beverages Advertising Code (ABAC) to ensure our promotional and marketing material does not promote or encourage any irresponsible consumption of alcohol.*

*In response to the aspect of the complaint referring to consumption of beverages on the program, CUB respectfully submits the following:*

- (responsible drinking) The commentators are directed to responsibly consume the Carlton Draught product on set where appropriate and willing. The consumption of the product is moderate and taken as a whole does not encourage excessive or irresponsible consumption. The producers of the program have confirmed that the beers appear full as if to appear freshly poured, and do not appear or in fact are not consumed frequently. The producers have estimated that the host would drink 1.5 to 2 glass per show. Guests who appear on the show may choose to have a beer, or otherwise may opt for a glass of water or cup of tea instead on the program.*
- (placement rules) The program is rated M. Its typical programming schedule in AFL markets (Melbourne) is Wednesday or Thursday night at 8.30pm, and in non-AFL markets (e.g. Sydney) at 11pm. This is in accordance with placement rules around alcohol marketing on free to air television as set out in the Commercial Television Industry Code of Practice.*
- (viewership 95% 18+) Viewership and audience of The Front Bar are 95% over the age of 18, based on average of all 2021 episodes of the program aired to date. Further, the program appeals to adults, and is designed to interest and entertain adult AFL fans, given the mature age of the commentators, references to historical incidents that would be remembered by adult AFL fans, and deep dive into the AFL world with specialised knowledge of players and the game.*
- (adult hosts and guests) As discussed above, the hosts of the program are mature age men (around 50 years of age). Further, the producers have reconfirmed to CUB that The Front Bar does not host guests that: appear under the age of 25 years; are known to have any conviction for drink driving, alcohol-related violence or public drunkenness offences; are known to engage in binge drinking or for being under the influence of alcohol. Channel Seven supply the proposed guest list to CUB for approval each week and CUB is able to veto any guest. Further, every guest that appears on the show is given a pre-show briefing where they are instructed to drink moderately and responsibly, and make no reference to drinking alcohol or the effects of alcohol.*
- (previous considerations) The ABAC Panel has previously considered the depiction of beer being consumed and responsible drinking on The Front Bar program in Decisions 78/17 and 99/17, and found the depictions and consumption were not inconsistent with the ABAC code, and dismissed complaints, stating that taken as a*



*whole a reasonable person would not interpret the program's depictions and references to alcohol use as encouraging immoderate or irresponsible alcohol consumption.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is promoting alcohol in a program that children watch and is doing so in a subtle and unclear manner.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that the concern about scheduling - that alcohol is being promoted in a program that children may view - is not an issue under the AANA Code of Ethics and is outside the purview of the Panel. Scheduling is governed by the Commercial Television Industry Code of Practice.

### **Section 2.7 Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience.**

The Panel noted that the television program 'The Front Bar' features many visual and audible references to the sponsor Carlton Draught including disclosure at the beginning and end of the program as well as each commercial break and several verbal references by the cast. The Panel noted the advertiser's response included the full list of references. The Panel further noted that the program contains overt product placement on the set of the program (posters, beer glasses, bar mats etc).

The Panel considered that regular viewers of the program would be familiar with the sponsorship aspect of the program, and further considered that a first time or irregular viewer would clearly recognise this as a sponsored program due to the clear product placement and references.

### **Section 2.7 Conclusion**

The Panel considered that the advertisement was clearly distinguishable as such.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

### **ABAC Code**



The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics.