



Case Report

1	Case Number	0190/10
2	Advertiser	Transport Accident Commission
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	12/05/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Two young men are seen sitting at a bar drinking beer. Each has a pot of beer in front of him. The female bar tender takes their beers away from them and proceeds to pour a bit out of their glasses, with the voiceover providing an explanation about what is happening. They watch their beer glasses being progressively emptied and filled again as it is explained that their Blood Alcohol Content levels will change depending on their weight, how much they have eaten and how tired they are etc.

THE COMPLAINT

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

The reason I am disappointed in this advertisement is that the exact same information could be portrayed without objectifying women. The bar maid was in a top to show a good cleavage which ok that is life but when they zoom in at one point after she pours some out she then pours some back in after they say well Nick is larger and..... then goes right to her cleavage as she pours it in. It is completely unnecessary and annoys me that it is not warranted. It just sends such a sub conscious message that women are objects to be ogled at by men at a pub. It would be the same as having two women there and a ripped guy without a top on being the server. It is just not necessary for the ad but this in particular is worse because it really highlights the woman serving the man in a sexy cleavage singlet.

THE ADVERTISER'S RESPONSE

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

Provided below is background about the Transport Accident Commission (TAC) advertising campaign being queried and the rationale for the use of this particular creative. I am confident that you will concur that the TAC has produced advertising that conforms to AANA's Advertiser Code of Ethics and are 'justifiable in the context of the product or service' (ie. road safety) that it promotes.

The TAC public education campaign continues to focus on accident prevention, with the intention of reducing fatal, serious and minor casualty crashes on Victoria's roads. The development of the TAC's high profile public education campaigns has received both acclaim and criticism over the years, as the road toll has drastically reduced from numbers in the high hundreds (776 in 1989 when the campaign began) to a record low of 290 in 2009.

The 'Levels' drink drive campaign was launched in May 2008, with the current flight of media activity being the fourth time this campaign has run since being launched. The concept for Levels tested favourably with our target market. The purpose of the campaign is to raise awareness of the danger of 'guessing' your Blood Alcohol Concentrate (BAC) when planning to drive after drinking, and seeks to remind drivers that you don't have to be drunk to be a drink driver. 'Levels' informs drivers that their idea of a standard drink is usually much greater than an actual standard size drink.

The television execution of 'Levels' features two young men (in their early to mid twenties) sitting at a bar drinking beer. As they go to take a sip of their beer the female bartender takes one of the men's glasses and proceeds to pour some beer out, leaving the men looking a little confused. The voice over is introduced to explain what is happening "Reckon it's ok to have one more?" The two men look at each other and assume they'll be fine.

The voice over continues to inform the viewer "It's ok to have two standard drinks in the first hour..." The young men glance at the clock. 'Well we'll be fine then, they reckon'. As they are about to take a sip they think again. The voice over continues "But those are 1.3 standard drinks".

The bartender takes both beers back and pours a bit more away, our voiceover explains why: "Alcohol's not absorbed into body fat, so Nick's level will be higher". The bartender is shown pouring a little more of Nick's beer away.

"Josh has a full stomach, so his will be lower." Josh looks happy at this stage because the bar girl puts a bit of beer back in his glass. "But he's tired so alcohol will affect him more", Josh's beer is taken away again.

"Nick's not driving for another hour, so his liver will get rid of more alcohol" Nick gets another half a glass of beer. "Then again, he always drinks more quickly".

This extra beer is taken away again by the bartender.

"There, that should be about right". By this stage both are confused. They look at their two beers, which are at differing levels.

"But your alcohol level can go up after you've stopped drinking, so maybe (fade under) That's it. They look at each other, put their beers down and leave the pub.

"If you think you're over the limit, you probably are".

Title: Only a little bit over? You bloody idiot.

Years of research show that road safety messages are more likely to impact drivers' attitudes and behaviours when the realistic portrayal of a situation is utilised to communicate messages. Social marketing campaigns can cause contention, however, unlike product advertising, this is often necessary when the benefit to consumers is not initially apparent.

We believe that our use of a female bartender, dressed in a commonly-worn black singlet, is a realistic portrayal of what you would find in any pub or club. It was not the intention of the TAC to objectify or offend women in any way. We do not believe that her attire is revealing, overtly sexual or offensive to other women. It is common practice for females to work as bartenders, and we do not believe that the woman in our ad is portrayed in an overtly sexual manner, or being objectified.

I trust that you will view this response favourably given these communications are critical to influencing road user behaviour and have played a critical role in helping to reduce the level of trauma on Victoria's roads over the past 20 years.

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 depicted the objectification of women.

The Board viewed the advertisement and noted the advertiser’s response that the Transport Accident Commission (TAC) public education campaign focuses on accident prevention, with the intention of reducing fatal, serious and minor casualty crashes on Victoria’s roads.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board agreed that the two young men in the advertisement and the attire of the young woman bartender is a realistic portrayal of a pub or club. The Board considered the portrayal was neither sexualised nor objectifying towards the young woman bartender or the two young men. The Board considered that the girl depicted in the advertisement was portrayed to be confident, strong and engaging. The Board considered that the advertisement was not sexually suggestive and did not portray any negative elements which would be considered to be “objectification” and was not in breach of section 2.3 of the Code.

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