



Case Report

1	Case Number	0193/16
2	Advertiser	Vodka Plus
3	Product	Alcohol
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	11/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement features an image of a man lying face down on a bed wearing black shorts. A woman wearing white lingerie is sitting next to him. A plate with a cake is balanced on the man's back and the woman is holding a fork. The text above the image reads, "have your cake and eat it" and the text to the right offers free delivery.

THE COMPLAINT

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

The Vodka Plus advertisements imply that consumption of the product will result in social and sexual success. The advertisements contain images of scantily clad women, conveying the message that Vodka Plus is healthier and low in calories. The implication is that consumption of the product will result in slim attractive bodies that will attract an ideal man. In one advertisement the man is fully clothed but the woman is in a bikini and high heels, which objectifies women and infers that a woman's beauty is her greatest commodity.

By claiming that Vodka Plus is healthy and reduces or does not cause hangovers, they are potentially making false health claims. Furthermore, people may be encouraged to drink more because of supposed health benefits/lack of hangover/low calories.

One of the ads refers to promotions such as free delivery and "heavily discounting 4 pack purchases". The promotion of multi packs may also encourage excessive consumption.

One ad refers to Big Brother contestant and Fitness professional Matt Filippi enjoying a Vodka Plus "hand in hand with a game of golf". This implies a connection between consumption of the product and sporting success.

Finally, it is unclear whether appropriate age-gating is in place for the ads. Nonetheless, some young people will lie about their age on social media, therefore gaining them access to these ads.

THE ADVERTISER'S RESPONSE

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

No comments, we don't believe it breaches advertising codes as it doesn't have a sexual feel to it at all, so we are just waiting to hear the board's interpretation of it and the other 3 images of interest so we have clarity.

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 depicts an image of a scantily clad woman which is objectifying and is not appropriate for young people to view, implies that Vodka Plus is healthier and low in calories, and that it is misleading in its suggestion that it does not cause hangovers, promotes the purchase of multi-packs and suggests that the product will lead to social, sexual and sporting success.

The Board noted the complainant's concerns that the advertisement is misleading. The Board noted that although the issue of misleading advertising for a food or beverage product is covered by the AANA Food and Beverages Advertising and Marketing Communications Code (Food Code), alcohol is an excluded product therefore this complaint cannot be considered under the Food Code. The Board noted that the issue of misleading advertising falls under Section 1 of the AANA Code of Ethics and therefore cannot be considered by the Board.

The Board noted that the complaint about this advertisement would also be considered by the Alcohol Beverages Advertising Adjudication Panel against the Alcohol Beverages Advertising Code (ABAC) that contains alcohol specific advertising standards and that this Code considers some of the issues raised by the complainant, specifically the issue of social and sexual success, the promotion of multi-packs, and associations with sporting success.

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 that this advertisement is on the advertiser's Facebook page and features a man lying face down on a bed whilst a woman in lingerie sits beside him with a plate balanced on his back.

The Board noted that both the man and the woman are wearing underwear and considered that the manner in which they are depicted does not suggest that either gender is better than the other or that either gender should be thought of as being of lesser value than the other.

The Board considered that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

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 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that the advertised product is alcohol and considered that although an image of a couple in their underwear has no direct relevance to this product in the Board's view the use of a couple in underwear is not of itself exploitative. The Board noted that the man is lying on his stomach on a bed whilst the woman eats a slice of cake from a plate resting on his back and considered that the poses of the man and woman are not degrading. The Board noted that while there may be a mild reference to sex in the text 'have your cake and eat it too' the Board considered that the image of the cake makes the reference more likely to be taken as a reference to food and lessens the sexual suggestion.

Overall the Board considered that the advertisement does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the advertisement depicts a man and a woman on a bed in their underwear. The Board noted the pose of the couple and considered that they are not sexualised and there is only a mild suggestion of sexual activity.

The Board noted that the advertisement is on the advertiser's Facebook page and considered that in the context of an alcohol product aimed at adults and shown on a social media site

which is itself aimed at persons aged 13 and over, the advertisement is clearly targeting an adult audience. The Board acknowledged the complainant's concerns that children can lie about their ages and access Facebook pages for alcohol products but considered that even if children were to see the advertisement in the Board's view the content of the advertisement is not sexualised and the level of nudity is very mild.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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 the complainant's concern that the advertisement suggests that Vodka Plus is healthier and low in calories. The Board noted it had previously dismissed a similar complaint about claims made in an advertisement for beer in case 0165/16 where:

"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."

In the current advertisement the Board noted the claims made by the advertiser that the product has no sugars or carbs and that it has been infused with electrolytes. Consistent with its determination in case 0165/16, the Board considered that the advertisement makes no claims (positive or negative) regarding other components of the product. The Board considered that the advertiser is presenting the product as being a lower carbohydrate product but that this information is presented in an informative manner and there is no suggestion that the product should be drunk instead of a non-alcoholic beverage or that the product should be drunk to excess.

Overall the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on responsible alcohol consumption.

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.

