



Case Report

1	Case Number	0195/16
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 Rosanna Arkle lying on a beach with her back arched. Rosanna is wearing a bikini and she has a finger resting against her mouth. A bottle of Vodka Plus and a glass are at her side. The text to the right reads, "Rosanna Arkle knows where it's at! #vodkaplus #nobeerbellieshere".

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 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 an image of a woman in a bikini lying on her back with her back arched.

The Board noted that the woman in the advertisement is wearing a bikini and considered that although this image is not relevant to the advertised product, alcohol, in the Board's view it is not of itself discriminatory to use such an image in an advertisement and that the use of a woman in a bikini does not of itself depict the woman or women generally as less in any way to other people or in a ridiculous manner.

The Board considered that the advertisement did 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 in order to be in breach this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that the advertised product is alcohol and considered that although an image of a woman in a bikini has no direct relevance to this product, in the Board's view the use of this image is not of itself exploitative. The Board noted that the woman is lying with her back arched and considered that this pose is not degrading either to this woman or to women in general.

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 woman in a bikini. The Board noted the setting of the advertisement and considered that it is not inappropriate to show a woman in swimwear lying in a beach setting. The Board noted that the bikini covers the woman’s private areas and considered that the level of nudity is mild.

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 noted the pose of the woman and considered that whilst the arch of her back and the positioning of her finger in her mouth does make the pose sexualised in the Board’s view it is in not inappropriate for the relevant Facebook 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 advertisement’s image of the woman is not so sexualised as to be inappropriate for a broad audience which could include children.

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.

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