



Case Report

1	Case Number	0211/13
2	Advertiser	Coles
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	10/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with a group of people at a party having their photos taken in a Liquorland mobile photobooth. The wine expert, Matt Skinner, says, "Get ready for the weekend at Liquorland" and goes on to say that you can get 30% off when you buy six bottles of wine. We see Matt drinking from a glass of red wine then a scene of him walking out of a Liquorland store holding up two bags of wine bottles.

THE COMPLAINT

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

The advertisement suggests 'Get ready for the weekend.' This suggests that this amount of alcohol could be consumed in one weekend, not for an occasion or group of people, not to stock up, but 'for the weekend.' I believe it is against the Responsible Service of Alcohol policies to suggest it would be normal to require 3 times 700ml of alcohol just for a weekend. This advertisement upsets me as I feel it is trying to encourage people to binge drink on the weekends as it is telling you to get ready for the weekend by buying alcohol.

THE ADVERTISER'S RESPONSE

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

I refer to your letter in relation to a complaint in respect of a Liquorland television advertisements (the Advertisement). The complaint alleges the Advertisement is in breach of the AANA Advertiser Code of Ethics ("the Code") in that it is contrary to prevailing community standards on health and safety.

In addition to complying with relevant legislative obligations and industry codes, Liquorland (Australia) Pty Ltd (Liquorland) has a long-standing commitment to the responsible service of alcohol. Liquorland also maintains compliance measures and expectations of its liquor advertising materials. Liquorland considers its materials accord with all of these commitments which are generally consistent with the spirit of the Code.

Whilst acknowledging the importance of the aims of the Code, liquorland considers that it has acted responsibly at all times and that it is reasonably apparent that the relevant advertising does not amount to a breach of the Code when assessed taking the content as a whole.

Please find below answers in respect of your questions and additional information regarding the invitation for comment on the complaint. We trust this information will be sufficient to satisfy you as to the responsible conduct of the Advertisement.

Advertisement Details:

We have set out below the details of the Advertisement:

- The fifteen second Advertisement features a liquorland offer of 30% off wine when 6 bottles are purchased. It includes lifestyle images showing group of friends in a low key social setting at a private residence.*
- CAD reference: LXRDRROA issued on 21/5/2013*
- The advertising agency were Big Red and media buyer MBthree.*

liquorland supports the responsible service and sale of alcohol and we do not believe the Advertisement encourages people to consume alcohol in an excessive or irresponsible manner. The content and tone of the Advertisement was targeted at adults and all actors used in it were over 25 years of age. The Advertisement was screened during a television current affairs program aimed at an adult audience. The Advertisement was consistent with the objectives listed above and our commitment to provide value to customers.

The Advertisement features Matt Skinner, an author, writer, consultant and educator who is well known to both local and international audiences for his wine expertise. In 2012, he was voted "Best Young International Wine Writer 2012" by the Grand Cru D'Italia. He has been engaged by Coles liquor to help customers with their wine choices including making recommendations regarding wine sold in our stores. Matt Skinner is the key focus of the

advertisement.

The Advertisement shows guests greeting Matt Skinner as he enters the party. The scene shows a mix of guests with and without drinks. The next scenes show Matt drinking wine and then three women toasting- two of those women have wine glasses whilst the third is holding a non-alcoholic drink.

Guests from the party are also seen entering a the photo booth to have their photo taken- they are not featured in the photo booth with any alcohol. They are later seen laughing together whilst looking at the photos that have been taken. Matt Skinner is later seen leaving liquorland store holding up two liquorland shopping bags. Whilst these bags can hold up to 6 bottles of wine they clearly do not as it would be extremely difficult for them to be lifted so easily if they did.

We confirm that for those scenes which show some guests holding glasses, the glasses contain both alcoholic and non-alcohol drinks. The drinks were being held, carried or clinked in a toast with firm grips by individuals who are behaving in a moderate, low key manner. There were no signs of conspicuous or over-zealous consumption or that the guests were affected by alcohol. The glasses contain an appropriately sized serving of alcohol and the Advertisement did not imply that any individual would consume more than one drink.

Liquorland does not believe there is anything in the Advertisement which could reasonably be said to encourage a person to consume alcohol in an irresponsible or excessive manner. The fifteen second Advertisement depicted a social setting involving a group of friends at someone's home, where alcohol was reasonably available but clearly not essential to the proceedings.

The Advertisement were intended to capture the Australian values of warmth and sharing great times with friends and had a theme of togetherness, camaraderie and group activity. It shows a group of people, who are clearly friends, enjoying themselves in a low key social setting at a private residence.

The behaviour exhibited is moderate and consistent with that typically displayed at those types of low key social gatherings.

The Advertisement featured a promotion whereby customers receive 30% off wine when they purchase 6 bottles. Alcohol is commonly sold in multiple quantities such as a case of wine or carton of beer. We believe there is a clear difference between purchasing multiple quantities of alcohol and the subsequent consumption of it. The Advertisement provided eligible customers with the opportunity to purchase wine at good value for consumption at a later time.

This type of Advertisement encourages consumers to purchase a particular brand of alcohol in a small multiple quantity for good value and as an alternative to another similar brand. Just because a customer purchases multiple quantities does not mean that they will drink all that alcohol on one occasion or in any rapid or excessive manner. For example, a customer may purchase the product to consume over a period of time, either by themselves or with others.

This is consistent with existing consumer behaviour in Australia for other goods and services.

If a particular brand of product is on special one week, a customer often purchases additional quantities of the product. When the products return to their original price after the "special" ends there is a decrease in the purchase of that product. There is nothing unusual or of concern with this activity.

liquorland does not believe that providing reasonable value propositions amounts to encouraging excessive consumption of alcohol and otherwise considers the Advertisement does not encourage any consumer to engage in excessive consumption of alcohol.

The complainant alleges that the advertisement encourages people to "stock up" for the weekend and it encourages people to binge drink. We confirm that the words "stock up" are not used in the Advertisement. The use of "get ready for the weekend" is intended to encourage people to come into liquorland to make their alcohol purchases rather than go to another liquor retailer. It does not in any way encourage people to consume alcohol in an irresponsible or excessive manner or to purchase excessive amounts of alcohol.

liquorland remains very committed to the responsible service of alcohol and considers that its marketing has an important part to play in that process. We believe that the Advertisement when viewed as a whole demonstrates a moderate, responsible approach to alcohol.

We hope the above information will satisfy the complainant's concerns and the Panel that the Advertisement is being conducted responsibly, consistent with the Code.

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 encourages excess consumption of alcohol which is against prevailing community standards.

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

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 advertisement is for Liquorland and features a voiceover saying, "Get ready for the weekend...30% off bottled wine when you buy any six".

The Board noted the complainant's concerns that the advertisement is encouraging people to binge drink at the weekend. The Board noted that the advertisement features a group of friends consuming alcohol and considered that the most likely interpretation of the advertisement is that if you need to buy alcohol to share with friends over the weekend then Liquorland offers a good deal. The Board noted that the advertisement did not state how much alcohol you should consume and considered that the phrase "drink better" is a phrase which suggests you should buy better quality alcohol and not that you should buy a large volume of alcohol to consume in excess.

The Board noted the advertiser's response that their alcohol promotions "provide eligible customers with the opportunity to purchase wine at good value for consumption at a later time" and considered that it is not of itself a breach of the Code to advertise the purchasing of multiple quantities of a product.

The Board considered that the advertisement did not depict or encourage the excess consumption of alcohol.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.