



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0211-20
2. Advertiser :	Southtrade International
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	8-Jul-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.5 Language
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features an eight minute video of a live interview between host Lewie "Dunni" Dunn and Karl Stefanovic which is a content collaboration between Brown Cardigan and sponsor Fireball Whisky.

The advertisement features a split-screen view of Dunni and Karl Stefanovic. A live feed of viewer's comments and reactions are shown scrolling up the screen. The two men discuss work, Karl Stefanovic's new baby, and drinking.

The advertisement features images of Fireball Whisky, the two men doing a shot and discussing previous experiences with drinking.

THE COMPLAINT

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

The tone and content of the interview encourages excessive drinking, drinking to a point where it carries over into your work and discusses the merit of continuing to drink to push through until the next day. All of these behaviors are inappropriate for alcohol advertising



THE ADVERTISER'S RESPONSE

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

Fireball was a sponsor of The Club Dumni series produced by Brown Cardigan. This was a short series of unscripted, off the cuff interviews designed to entertain Legal Drinking Age consumers in Australia during lock down. The content did not encourage excessive consumption of alcohol, and the adults involved were limited to one Fireball drink in an interview. Whilst the show was unscripted, Fireball would never encourage irresponsible consumption of alcohol and had strict recommendations and parameters for the producers to stick to. We do not believe that the show encouraged excessive consumption and was a light-hearted discussion for an adult audience.

When we produce our own content we control the messaging however with third parties we can only provide guidance on what is acceptable banter.

Regardless, given an audience member has interpreted the content this way, we have removed it from our social media platforms.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement encourages excessive drinking to a point where it carries over into work, and a discussion around the merit of continuing to drink or of pushing through until the next day.

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

The Panel first considered if the content fell within the definition of Advertising as set out in the Code.

The Panel noted that Advertising and Marketing Communications is defined in the Code as

"a. any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,

- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct"

The Panel considered that the online content was undertaken by or on behalf of the advertiser, that the advertiser had a reasonable degree of control over its broadcast, noting that the content was hosted on the facebook page of the collaboration partner Brown Cardigan and the content drew the attention of the public to the Fireball



Whiskey product. The Panel determined that the content under complaint was advertising and the Panel could appropriately consider complaints about such advertising. The Panel considered that the advertiser would not have a reasonable degree of control over the user generated comments that were posted as the video was recorded and this element was not considered in the scope of the complaint.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”. The Panel noted that Dumni is depicted as swearing several times during the interview as well as within song lyrics sung toward the end of the interview, including saying:

- I’m fucked to be honest Karl, I’m fucked.
- Fuck...I mean drats
- Fuck we may as well keep going hey
- Camomile fuck off
- I’m pissed off
- And who the fuck is Koshie, piss of Grant Denyer, fuck off Larry Ender
- Fuck yeah, fuck yeah, fuck yeah, yeah, fuck yeah!

The Panel considered at one point Karl Stefanovic does ask Dumni to be careful of his language as his family was present.

The Panel considered that the audience would be familiar with this type of language being used in social media pages with adult themed content such as the Brown Cardigan page, and that followers of the page or casual browsers looking that content of the nature included in the Brown Cardigan page would not consider it to be strong or obscene in that context.

The Panel determined that the language was not inappropriate for the circumstances of the adult themed social media page and did not breach Section 2.5 of the Code.

The Panel considered whether the advertisement complied with 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 Panel noted the advertiser’s response that the advertisement did not encourage excessive consumption of alcohol and the adults involved were limited to one drink in the course of the interview.

The Panel noted that alcohol consumption was mentioned at several points throughout the interview, including:

- Karl Stefanovic pointing his camera at a row of bottles of Fireball indicating that he was looking after the show sponsors
- Karl Stefanovic hold up a bottle of Fireball and the host asks if they are going to have a shot together. Karl Stefanovic says that he hasn’t cleared it with



Channel 9 and he will probably get in trouble, but agrees to have a shot. The host pours a drink into a shot glass and drinks it, and Karl Stefanovic thanks Fireball and drinks directly from a small bottle, before holding it up to show how much he has drunk.

- The host asks Karl Stefanovic if he remembers ‘that fateful day when you rocked up at work half cut the next day’ and asks him if there was a point in the night where he thought that he may as well keep going. They then have a discussion about at what point in the night do you decide to keep going or to go back to bed
- The host ask Karl Stefanovic how much Fireball he had that night, he responds that it’s not usually his cup of tea but because they are a sponsor it is his cup of tea
- As part of the song the host sings at the end he says, “when Coronavirus ends we’ll go on a bender. I know you really wanna. And we’ll both rock up to the today show together. We’ll be half cut”.
- The host makes a comment that he’s half cut now

The Panel noted that the references to being ‘half cut’ were a reference to being drunk.

The Panel considered that the references to drinking and turning up to work still drunk the next morning was a reference to an infamous incident Karl Stefanovic was involved in in 2009 where he appeared to still be drunk on his television show the morning after the Logie Awards.

The Panel considered that Karl Stefanovic appears to be embarrassed and attempts to avoid questions about the incident when it is referenced. The Panel considered that a reference to a previous incident was not an endorsement of the behaviour, and was not likely to encourage copy cat behaviour.

The Panel considered that the hosts references to being half-cut were a part of his persona, and that he did not actually appear to be drunk nor in the course of the interview was Dunny depicted to be drinking excessively.

The Panel considered that both men were clearly above the drinking age and were only seen to consume one shot during the course of the interview. The Panel considered that although the banter discussed an incident where drinking to excess did occur, this in itself was not a depiction of or promotion of excessive drinking nor did the conversation include content that would make drinking to excess something to aspire to.

Overall, the Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on healthy alcohol consumption and determined that it did not breach Section 2.6 of the Code.

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