



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0243-21
2. Advertiser :	Carlton and United Breweries
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	8-Sep-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Instagram post on the @victoriabitter page features an image of a man standing on a rock ledge looking out over a view of a town. He is holding his hands up and in one of his hands he is holding a VB. The caption for the post is, "The very best views. Credit: @daniel_colombini".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

A person standing on the edge of a cliff with an alcoholic beverage highly dangerous. You should not be bushwalking and consuming alcohol. The person in the post also appears to be under 20 when you view their instagram profile.

THE ADVERTISER'S RESPONSE

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



Thank you for your recent correspondence via letter dated 19 August 2021 (Letter) regarding complaint 0243-21 (Complaint). CUB understands the Complaint raises questions regarding an Instagram post located on Victoria Bitter's Instagram account (Post) and its compliance with Section 2 of the AANA Advertiser Code of Ethics (Code).

Carlton & United Breweries (CUB) acknowledges the important work that regulatory bodies such as Ad Standards carry out in helping to ensure advertisements and marketing communications meet prevailing community standards expected by the public. CUB seeks to engage constructively and informatively in complaint handling processes like this one and CUB appreciates the opportunity to respond to the Complaint.

CUB's comments in relation to the complaint

In respect of Section 2.6 of the Code ("Advertising shall not depict material contrary to Prevailing Community Standards on health and safety"), CUB submits the following:

- The gentleman featured in the image contained within the Post, although close to what could be regarded as being the edge of a cliff, is not perched on the edge of the cliff and is not hanging over the edge of the cliff in a dangerous manner. The gentleman would have to take a couple of steps forward before he was at risk of going over the edge of the cliff.*
- It would be unlikely the gentleman would fall off the cliff edge even if he were to lose balance from where he is standing as the rocks he is standing on are slanted away from the cliff edge. In any event, the gentleman has both feet firmly planted on the ground and is not doing anything to suggest he is liable to lose his balance.*
- The image does not depict what is beyond the cliff edge so it is not reasonable to just assume there is a dangerous drop. Treetops are visible immediately below where the gentleman is standing and therefore it could easily be assumed that there is another level of land just below where he is standing.*
- The can of VB held by the gentleman in the image is not visible as being opened and there is nothing to suggest within the image that the gentleman is in the process of consuming the can (or has consumed alcohol prior to the image being captured).*
- The most reasonable interpretation of the image likely to be arrived at by the average consumer is that the gentleman is holding the can of VB aloft purely for the purposes of capturing an iconic and attractive photographic image.*
- The gentleman is not wearing any bushwalking or hiking gear and the image gives no indication of how he arrived at the scenic vantage point. Instead, the man is wearing footwear that is unlikely to indicate he has been bushwalking or hiking and, therefore, it is not reasonable to just assume the gentleman embarked upon an arduous bushwalk or hike to arrive at the vantage point. He could very easily have stepped out of a parked car or tour bus to take advantage of a photo opportunity.*
- Given the gentleman is not seen to be consuming alcohol in the image (and there is no indication that he has just consumed alcohol), the question around the Post's compliance seems to focus on whether there is an inherent health and safety risk attributed to standing at a scenic vantage point. Respectfully, the answer to that*



question must be “no”, provided a person (like the gentleman featured) is not doing anything to expose themselves to such a risk (for example, leaning over an edge, balancing perched on an edge or do anything else that would be seen to be unsafe and irresponsible in the circumstances). It is extremely common for advertisements to display images of people at scenic vantage points and such places should not automatically be deemed as unsafe.

CUB respectfully submits Section 2.1, 2.2, 2.3, 2.4, 2.5 and 2.7 of the Code are not relevant to the Complaint.

AANA Code for Advertising and Marketing Communications to Children and AANA Food and Beverages Advertising Code

CUB respectfully submits The AANA Code for Advertising and Marketing Communications to Children is not applicable to this Complaint given the Post relates to an alcoholic beverage and it was contained within an Age Restricted Environment and given CUB does not market its products to children. Further, CUB submits the Post does not breach the AANA Food and Beverages Advertising Code.

Conclusion

CUB is committed to ensuring its promotional and marketing material does not promote or encourage any irresponsible consumption of alcohol. CUB’s goal is for consumers to enjoy CUB’s products responsibly and in moderation, and to uphold community standards when it comes to the placement and content of CUB advertising.

CUB confirms the creative agents managing CUB’s social and digital channels are bound by internal CUB policies to comply with both the ABAC Code and the ABAC Best Practice Guide for Responsible Digital Alcohol Marketing.

In light of all the above submissions, CUB respectfully disagrees the Post contravenes any Section of the Code.

Thank you for considering the terms of CUB’s response and CUB looks forward to receiving details of the Community Panel’s review.

THE DETERMINATION

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

The Panel noted the complainant’s concern that showing an individual standing on the edge of a cliff with an alcoholic beverage is highly dangerous and that people should not bushwalk while consuming alcohol.



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

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Hiking while drinking

The Panel noted the complainant's concern that people should not bushwalk while consuming alcohol.

The Panel noted that the man depicted in the advertisement is not wearing hiking clothing or footwear and there is no suggestion he arrived at his position by bushwalking rather than an alternative method such as driving.

The Panel considered that while the scene is of bushland, such locations are accessible by other means and there is no clear suggestion that the man consumed alcohol while engaging in bushwalking.

Heights

The Panel noted the complainant's concern that showing an individual standing on the edge of a cliff with an alcoholic beverage is highly dangerous.

The Panel noted that the man is shown to be holding a can of alcohol and it is unclear whether the can is opened. The Panel further noted that the man is wearing an alcohol branded jersey.

The Panel noted the advertiser's response that the most reasonable interpretation of the image likely to be arrived at by the average consumer is that the gentleman is holding the can of VB aloft purely for the purposes of capturing an iconic and attractive photographic image.

The Panel noted that while the man is shown to be standing close to the edge of a rock, the height of the drop below the man is not shown. The Panel considered that the man is not teetering dangerously and does not appear in any danger of falling.

The Panel considered that most members of the community would not find an image of a man standing securely in a scenic location to be promoting or encouraging dangerous behaviour.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.



Conclusion

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

ABAC Code

The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics.