



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0303-21
2. Advertiser :	Drink Wise
3. Product :	Alcohol
4. Type of Advertisement/Media :	Radio
5. Date of Determination	10-Nov-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features the voiceover:

Announcer: Lining up for the DRINKWISE stakes. It's a wide-open field. Fallen over in the urinal is coming into the gates. Passed out before the quaddie is a late scratching. Wakes up with a kebab in hand and red wine splashed on the shirt make up the rest of the field. But the market mover and clear favourite with the fans – HAVE A WATER BETWEEN DRINKS – she looks like a winner today...The fans are embracing this horse from the DrinkWise stable.

Generic: Be a winner at the races. Remember, you won't miss a moment at the races if you DrinkWise.

THE COMPLAINT

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

Every drunk is a male i.e passed out in the urinal. The only one who is not drunk sensible in referred to as a woman. I find this as completely sexist towards men and totally unrealistic regarding women. Drinkwise should advertise in a non sexist and realistic manner.

THE ADVERTISER'S RESPONSE



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

DrinkWise response to Ad Standards complaint

The radio advertisement first aired on SEN on 29 August 2019. It has been aired over 10,000 times when taking into account syndicated networks around Australia in the intervening period with no previous complaints. The advertisement has only aired on SEN nationally and has never aired on other radio stations.

This radio advertisement is designed to encourage moderation and responsible consumption for those choosing to drink when attending the races during the Spring Carnival or listening to the broadcast.

It uses a creative treatment that seeks to replicate a race call. Accordingly, the references made are about horses, confirmed by the reference in the advertisement to “coming into the gates” (starting stalls). There are no men or women referred to in the advertisement. The intentionally outlandish names of some horses referred to in the advertisement reflect actions broadly associated with excessive alcohol consumption:

- *Falling over in the urinal.*
- *Passing out before the quaddie.*
- *Waking up with a kebab in hand.*
- *Red wine spilled on the shirt.*

The creative treatment enables the simulation of a race call, concluding by highlighting that the horse that is a clear standout and looks to be a winner is Have a water between drinks – an action that will help the listener to moderate and therefore enjoy the great racing moments on offer.

The reference “she looks like a winner today” is a commonly used term to describe a mare, not a reference to a woman.

Listeners are then reminded to “be a winner at the races” and that they “won’t miss a moment if they DrinkWise.”

The ad is not sexist towards men as no men are featured. The horse names are references that are colloquial to male audience given the overwhelming male listenership of SEN – over 75% of station listeners are men. The complainant reference to ‘urinal’ is not correctly referenced as no person is passed out. DrinkWise, in partnership with the Victorian Racing Club, Melbourne Racing Club and Australian Turf Club, place advertising in toilets (including above urinals) as a means to deliver moderation messages at a time when the audience is not otherwise distracted.

This radio ad is part of a broader campaign aimed at reminding men and women who attend the races, or watch them from home, to moderate their alcohol consumption and make smart choices if they are choosing to drink. The engaging nature of a race call has allowed the advertisement to cut-through to an audience and deliver an important health message around alcohol consumption.

DrinkWise advertises across multiple channels over the Spring Racing Carnival including men’s and women’s toilets, social media, print, on-track messaging and via broadcast partners in TV and radio.



This ad was produced internally with SEN production and talent. There were no external media or advertising agencies involved.

Response to section 2 of the AANA code

- *2.1 - Discrimination or vilification*

This advertisement does not discriminate or vilify. It uses racing terminology and themes to highlight to listeners the benefits of moderation.

THE DETERMINATION

The Ad Standards Community Panel (the 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 depicts males as drunks and females as sensible.

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

Section 2.1: Advertising shall not portray people 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 Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender - refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the advertiser's response that the advertisement uses racing terminology to highlight the benefits of drinking in moderation.

The Panel noted that while the first horse name used, "Fallen over in the urinal" may be seen to be referring to a male through the use of the term urinal, the names "passed out before the quaddie" and "Wakes up with a kebab in hand" and "Red wine splashed on the shirt", do not refer to any particular gender.

The Panel noted that the final horse, "have a water between drinks", is referred to as being female, however this is in relation to the gender of the fictional horse and not a suggestion that only women are able to drink responsibly.



The Panel considered that the interpretation that this advertisement was depicting all drunks as being men, and women being responsible drinkers is unlikely to be shared by most members of the community.

Overall, the Panel considered that the advertisement did not discriminate against or vilify anyone on the basis of their gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

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