



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0307-21</b>
<b>2. Advertiser :</b>	<b>Carlton and United Breweries</b>
<b>3. Product :</b>	<b>Alcohol</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Instagram</b>
<b>5. Date of Determination</b>	<b>10-Nov-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement dated 1 October 2021 depicts two men sitting fully clothed on the beach, each holding one bottle of 4 Pines beer. In the bottom left-hand corner, there are illustrations superimposed onto the image depicting what the cases of beer look like, accompanied by other illustrations in the 4 Pines style – a toucan bird holding a surfboard sitting on a case, stick figure birds in the sky, stylised waves at the top, and clouds.

The post is accompanied by a caption, which reads: "Picnic season got us thinking... what's the golden ratio of mates to beers?".

User comments under the caption include "i miss buying crates of 4 pinesssss" and "we thinking 1:24?".

### THE COMPLAINT

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

*And then you ask what's the golden ratio of mates to beers? You're encouraging irresponsible excessive drinking, which is reflected in the comments on the social post. 4 Pines haven't even moderated this post. There is zero community management.*

### 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 regarding a complaint with reference number 0307-21 and for providing 4 Pines with the opportunity to respond.*

#### *Description of 4 Pines Advertisement*

*The advertising complained of was created for the 4 Pines Brewing Company (4 Pines) Pacific Ale and Extra Refreshing Ale products. The advertisement was a social media post published on the 4 Pines Instagram page and Facebook page on 1 October 2021 (Social Media Post).*

*The Social Media Post shows two men sitting fully clothed on the beach, each holding one bottle of 4 Pines beer. In the bottom left-hand corner, there are below life size illustrations superimposed onto the image depicting what the cases of beer look like, accompanied by other illustrations in the 4 Pines style – a toucan bird holding a surfboard sitting on a case, stick figure birds in the sky, stylised waves at the top, and clouds.*

#### *Ad Standards Complaint*

*The complaint sent under cover of your letter dated 25 October 2021 states:*

*“AD DESCRIPTION: Screenshot attached. Read the room 4 Pines. Two blokes sitting on the beach next to two cases.*

*REASON FOR CONCERN: And then you ask what's the golden ratio of mates to beers? You're encouraging irresponsible excessive drinking, which is reflected in the comments on the social post. 4 Pines haven't even moderated this post. There is zero community management.” (Complaint)*

#### *Response to Complaint*

*4 Pines is committed to ensuring our promotional and marketing material does not promote or encourage any irresponsible consumption of alcohol. Our goal is for consumers to enjoy our products responsibly and in moderation, and to uphold community standards in all our advertising.*

*The complaint made against the Social Media Post suggests that it breaches section 2.6 of the AANA Code of Ethics, which requires that “Advertising shall not depict material contrary to Prevailing Community Standards on health and safety”. The AANA Code of Ethics Practice Note (Practice Note) provides examples of unsafe practices including:*

- “images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle”;*



- *“the dangerous use of quad bikes, children riding on tractors or other unsafe practices involving farming machinery”;*
- *“unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable”;*
- *“unsafe use of machinery, even when not the focus of the advertisement”;*
- *“advertisers should take care not to depict behaviour that children may imitate”.*

*In addition to the examples, the Practice Note states that: “Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.”*

*We submit that the Social Media Post does not breach section 2.6 of the AANA Code of Ethics, as it does not depict content that would condone unhealthy or unsafe behaviour, or encourage ‘irresponsible excessive drinking’ as alleged in the Complaint.*

*There is no plausible interpretation of the Social Media Post that supports the implication of irresponsible or excessive consumption, or unsafe behaviour. The image shows two men sitting fully clothed on the beach, each holding one single bottle of beer. The cases referred to in the Complaint are not ‘real’ cases: they are below life size, fantastical illustrations superimposed on the image for the purpose of demonstrating to consumers what the cases look like, accompanied by other fantastical illustrations in the 4 Pines style – a toucan bird holding a surfboard sitting on a case, stick figure birds in the sky, stylised waves at the top, and clouds. As per the Practice Notice guidance, advertisements which feature fantastical elements such as these illustrations are unlikely to be seen as realistic by the relevant audience, and are unlikely to be seen to be encouraging unsafe behaviour. The realistic part of the image shows the two men each holding a single bottle of beer, whilst sitting fully clothed on the beach i.e. not engaging in any unsafe activity. A reasonable viewer would not interpret this image as 4 Pines suggesting the two individuals will be consuming one case of beer each.*

*Similarly, the Social Media Post caption ‘Picnic season got us thinking... what’s the golden ratio of mates to beers?’ is not in any way intended to suggest that a significant number of beers are required to have a good time. The reference to ‘picnic season’ is a nod to COVID restrictions easing and the introduction of spring weather, enabling larger groups of friends to catch up for picnics. The focus of the post is on ‘mates’ rather than ‘beers’.*

*We do not agree that the comments support excessive or irresponsible consumption. There are only 3 comments across both posts, one of which suggests a ratio of half a beer per person and the other asks a question of the suggested ratio.*

*Thank you for considering this response. If you have any further questions, please do not hesitate to contact me.*



## 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 concerns that the advertisement encourages excessive drinking.

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

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

#### The post

The Panel noted the advertiser's response that the advertisement features an image of two people holding a beer each, and the cases depicted in the advertisement are not realistic. The Panel further noted the advertiser's response that the question asked in the caption had a focus on mates rather than beers, and was not promoting excessive consumption.

The Panel considered that the advertisement does only depict each person holding one beer, and that this was a reasonable depiction for the promotion of the beverage. The Panel noted that the cases of beer depicted are cartoonish and the likely interpretation of their inclusion in the advertisement is to demonstrate what the product packaging looks like.

The Panel noted the caption to the post, "Picnic season got us thinking... what's the golden ratio of mates to beers?". The Panel considered that the reference to picnic season was not suggestion that a case of beer should be consumed in a single occasion.

The Panel considered that most members of the community would not find the post or the caption to be promoting unsafe drinking behaviour.

#### User generated content

The Panel noted the complainant's concern that a comment on the advertiser's post referenced a ratio of one person to 24 beers, and that the advertiser had failed to moderate or remove this comment.

The Panel noted that the Practice Note for the Code provided specific guidance in relation to user generated content:

*"User Generated Content (UGC) is material which has not been created by the brand owner but by a person interacting on the brand owner's digital marketing platform. A*



*brand owner has reasonable control of user generated content when it becomes aware of the material. An advertiser becomes aware of material when:*

- *it has posted or published material;*
- *it becomes aware of UGC through reasonable review;*
- *a user notifies the advertiser/marketer of the UGC; or*
- *a complaint is lodged with Ad Standards about the UGC”*

The Panel noted that in this instance the advertiser had been made aware of the complaint in relation to the user generated content, and that the advertiser had control of this user generated content.

The Panel noted that advertisers have a responsibility to ensure that any user generated content posted on an advertiser’s post or page is also in line with the provisions of the Code.

The Panel noted that in this case the comment of concern was a person who had tagged two other people and stated, “we thinking 1:24?” in response to the question “what’s the golden ratio of mates to beers?”

The Panel noted the ratio was not specifically targeted towards a single event or session and that a person consuming 24 beers over an unspecified time or season would likely not constitute excessive drinking.

The Panel considered that most members of the community would not find the comment in response to the post to be promoting unsafe drinking 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 any other section of the Code, 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.