



Case Report

1	Case Number	0310/13
2	Advertiser	Lion
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	11/09/2013
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 television advertisement questioned is part of the launch campaign for the new innovation, Tap King. It shows a middle-aged man (Kevin) discovering Lionel Richie at the back of his fridge playing the piano and singing his famous hit song "Hello" (originally released in 1984), and later offering him a beer poured from the Tap King.

THE COMPLAINT

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

*Its mind control with the words Lionel sings, the man is looking into the fridge deciding whether he really wants a beer. It goads an alcoholic to actually have the beer, one takes no notice of the brand of the beer just the words of the famous song to entice the person, actually looking into the drinkers eyes with, you know you want it.
It reminds me of the beer advert that was banned with Merv Hughes years ago with the Kylie Minogue song.*

THE ADVERTISER'S RESPONSE

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

Lion does not consider that the Advertisement breaches any section of the AANA Code of Ethics.

As noted in further detail below:

(i) Lion takes its advertising responsibilities extremely seriously and has a strong compliance track record in this regard; and

(ii) Lion has a number of strict internal and external processes against which any proposed advertisement is considered;

(iii) the Advertisement was put through each of these processes prior to Lion's decision to broadcast it.

The Complaint references the AANA Code of Ethics, Section 2.6, which states: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement does not depict content that is contrary to community standards on health and safety or, indeed, contrary to any community standards. No unsafe or irresponsible practices are shown by the actors or were undertaken during the course of the Advertisement being filmed, and the sequence of events does not depict bullying or persuasive behaviours. The intention of the Advertisement is to introduce the new premium beer system, Tap King, to its target audience in an entertaining way that also demonstrates how and when it is reasonably intended to be consumed responsibly.

Tap King is targeted at people over the age of 30 who enjoy drinking draught beer but their life commitments mean they spend more time relaxing at home – our research (Lion, 2011) shows 69 per cent of drinking occasions take place at home.

The Tap King system is built to sit within and operate from a medium sized fridge, which is the reason for the central importance of the fridge in the Advertisement.

The Complainant asserts that the actions and words sung by Lionel Richie in the Advertisement act to "goad" Kevin to have a beer and attempt "mind control". This is an unreasonable conclusion from the content of the Advertisement, and information imparted during the course of the Advertisement.

The song choice of "Hello" is fitting to the events shown. It is one of Lionel Richie's most identifiable and recognisable songs and the words fit the surprise encounter between Lionel and Kevin inside the fridge with "Hello, is it me you're looking for?"

There is no basis within the Advertisement to assume, as was stated by the Complainant, that Kevin is an alcoholic or that he is searching for beer and that Lionel by his action of pouring a beer convinces him to change his mind and actually have a beer.

Lion's Commitment to the ASB and ABAC

As a responsible advertiser, Lion has demonstrated a long-standing commitment to supporting and adhering to the Advertising Standards Bureau (ASB) and Alcohol Beverages Advertising Code (ABAC).

In acknowledgment of Lion's position of support for ASB and ABAC, Lion maintains strict internal and external processes. As well as upholding the standards outlined within these advertising codes, Lion maintains internal best practices which often exceed these requirements.

As part of Lion's marketing approvals process, this television advertisement for Tap King was subject to:

- Review and advice from external creative agencies well-versed and experienced with ASB and ABAC requirements.

- Independent legal review and advice from an external legal team specialising in FMCG marketing and advertising compliance and interpreting the relevant advertising codes and legislation.

- Review by Lion's internal marketing compliance team to ensure it's adherence to Lion's internal best practice policies.

- Review and approval through the AAPs pre-vetting service at both concept and final stages to ensure its compliance with community standards and relevant advertising codes.

I can confirm that each of the above requirements was complied with in relation to the Advertisement prior to its broadcast.

We also do not believe that any other section of the Code has been breached in the above mentioned advertisement.

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 and encourages alcoholics to drink 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 features Lionel Richie singing "Hello" to a man from the inside of his fridge before offering the man a glass of beer.

The Board noted that the man is shown to repeatedly look in his fridge and be disappointed by its contents before cheering up when he is handed a glass of beer. A minority of the Board considered that the representation of the man being happy to receive the beer is suggestive of using alcohol as an emotional crutch and that this depiction in conjunction with the lyrics, "...is it me you're looking for?" amounts to an overall message which is contrary to prevailing community standards on responsible alcohol consumption, for problem drinkers or alcoholics, in particular.

The majority of the Board however noted that it is not normal for Lionel Richie to be sitting in your fridge singing and considered that the advertisement presents a far-fetched situation which in the Board's view reflects a man who doesn't have a cold beer in the fridge and is then pleasantly surprised to find one available in the Tap King. The Board noted that the Tap King keg product provides up to 3 litres of cold beer and considered that the advertisement does not depict or suggest consumption of more than one alcoholic drink. The Board considered that the advertisement does not encourage alcoholics to drink and does not present alcohol consumption in a manner which is contrary to prevailing community standards.

The Board considered that the advertisement did not depict or encourage the excess or unsafe 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.