



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0316/11</b>
<b>2</b>	<b>Advertiser</b>	<b>ILG Little Bottler</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/08/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Back page of the Little Bottler #7 (Jul/Aug) catalogue featured a Jim Beam White 700ml 2 for \$60 offer with two females next to the two bottles. They are wearing shorts and high heels.

### THE COMPLAINT

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

*Please find enclosed an ad for Whisky with a photo of two young girls.*

*I feel that teenagers would see that as the "cool" thing to drink. It doesn't mention alcohol but I'm sure it's not light.*

*It's my opinion that they are targeting teens and encouraging them to drink spirits.*

### THE ADVERTISER'S RESPONSE

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

*This ad forms part of an over-arching Jim Beam campaign, "The Dilemma", which is a light-hearted play on the choices in life for LDA (18yo+) consumers.*

*The females featured in this particular newspaper ad are the TVC talent used by Jim Beam in the campaign and are both well over the age of 25 which follows industry guidelines. (Kylly Boldy – Currently 30 years old (turning 30 on the 9th August) / Samantha Tolj – Currently 30 years old (she turned 30 on the 12th June)).*

*The ad in which ILG placed into the press is again about choice ("The Dilemma") and the tie up is instead of having to choose one, the easiest thing to do is choose two x 700ml bottles for \$60.*

*All Jim Beam campaigns are pre-vetted and approved with the relevant bodies and are aimed at persons over the legal drinking age of 18. We see no codes being broken in this link to the TVC and selling a 2 for deal at retail.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concerns that this advertisement targets teens and encourages them to drink alcohol.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of 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 complainant's concerns that the advertisement targets teens but noted that the decision for the Board is whether the advertisement depicts material contrary to prevailing community standards on health and safety. The Board noted the two women in the advertisement appear to be over the age of 18 years. In the Board's view the advertisement features women who are above the legal age for consuming alcohol in Australia and there is no consumption of alcohol or excessive alcohol consumption depicted or suggested.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

The Board noted that the complaint about this advertisement would also be considered by the Alcohol Beverages Advertising Adjudication Panel against the Alcohol Beverages Advertising Code (ABAC) that contains alcohol specific advertising standards.

The Board then considered whether the advertisement complied with the remaining sections of the Code. The Board considered the advertisement under Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates

against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement depicts two bottles of alcohol and two women. The Board noted that the women are positioned in the advertisement in a similar manner to how the bottles are positioned and that the women are depicted to be similar in size to the bottles.

The Board noted the text alongside the images "Why get one when you can have 2" and noted the advertiser's response that they believe no Codes are being broken in this advertisement for a "2 for \$60" deal.

The Board considered that the text, alongside the images of two bottles and two women could be read as a reference to being able to purchase two bottles of Jim Beam or to purchase the two women.

The Board considered that the advertisement intentionally suggests that women can be purchased or obtained and that even if this is not possible at the premises the advertisement does depict the woman as a commodity to be purchased. The Board considered that this suggestion and the overall advertisement clearly presented the women as objects to be purchased or used and did so in a manner that was demeaning to women.

The Board determined that the advertisement discriminated against or vilified women and breached Section 2.1 of the Code of Ethics.

The Board then considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states that 'advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board considered that the depiction of the women was not strongly sexualized or sexually suggestive and that the sexual innuendo in the advertisement would be unlikely to be understood by a young audience. As the sexual innuendo in the advertisement would be likely to be above children's heads and was not accompanied by sexualized images, the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.3 of the Code.

Finding that the advertisement breached Section 2.1 of the Code, the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

We confirm that this ad has been discontinued (including online), and will not be used again.

