



Case Report

1	Case Number	0335/14
2	Advertiser	Munich Brauhaus
3	Product	Bars/Clubs
4	Type of Advertisement / media	Billboard
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Lifestyle Choices
- 2.1 - Discrimination or Vilification Other
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is shown below, it depicts a Bavarian woman carrying 4 Steins of Bier, with the caption "Wunderbar". The German word for wonderful, and a popular anglicized German phrase.

THE COMPLAINT

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

Discriminatory to vegetarians. I could write a dissertation about why they need to legally provide food for all patrons when serving alcohol, however bottom line is they are implying vegetarians are not attractive, meat eaters are preferred etc. straight discrimination to a minority group

As a vegan and one with many vegan and vegetarian friends, I find this as offensive as other groups may experience a message like this. For example, what if the word vegetarians was replaced with: Woman, Jews, Muslims etc?

As a vegan I make my choices for eating and living based on ethics and not participating in animal cruelty. To single out a group is discriminatory and offensive. As they're serving pork too, it would be inappropriate to say "nein Jews" or "nein Muslims" so why nein vegetarians?

The advertisement clearly discriminates against vegetarian and vegan people who would otherwise enjoy visiting the restaurant. The alcohol served in their bars is suitable for vegetarians. Yet they have chosen to make a public statement to make vegetarians feel unwelcome and excluded from the venue.

This would be totally unacceptable (indeed, illegal) if it was aimed at any other group. If the bar said "no GBLTI" or "No Christians" they would be sued. Therefore I believe they should not be able to say "no vegetarians". It is discriminatory.

I'm just a bit tired of women's boobs (or other physical attributes) in suggestive manners being used to lure young men to bars where the objective is to drink beer (or "bier") and get drunk. They aren't selling beer with this advertisement, they are selling women and objectifying them for their body parts.

It's certainly not what I want to see on my commute and I'm really just a bit weary of having my gender used to sell men's fantasies. I know "Wunderbar" is not "Wunderbra", but come on - do you think the pun is intended as referring to the bar? Really? I'm lucky I even saw the beer in the photo because I'm just accosted with boobs. all. the. time.

THE ADVERTISER'S RESPONSE

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

Due diligence via JCDecaux

JCDecaux due diligence & their correspondence to Whybin/TBWA prior to the advertising going live is listed below:

“When the initial query was investigated by WhybinTBWA and Ikon on Friday the 27th July, The relevant procedure was carried out to investigate whether there was or wasn't a breach of standards. In particular focus was the specific imagery used in the Wunderbar artwork. Our consensus of the artwork provided was unanimous. We believed as the attire worn by the female in the image is a standard and recognisable piece of clothing associated with traditional German heritage, and also because there is a direct link to the product in question and clothing of the staff used by the establishment, we believe that there was no breach of standards. We understood there to be a very strong contextual relevancy with the image used and the brand Munich, which further aided our response to proceed with this piece of artwork.”

Response to the complaint:

We appreciate the concern, however strongly believe that the complaint comes from a misconception of a traditional Bavarian experience and therefore misinterpretation of the intention and motivation of the advertisement, and indeed, our business as a whole. When viewed both individually and as part of the whole campaign in the context of Bavarian tradition we believe that the ad accurately represents an authentic take on the Bavarian cultural experience, epitomized by Oktoberfest and now Munich Brauhaus.

We believe a clear distinction needs to be made between the idea of “luring young men to bars to drink and get drunk” and the accurate reflection of a cultural experience. As can be seen from this advertisement, other advertisements in the campaign as well as the uniforms of our staff, we are simply representing tradition, specifically the Dirndl, which is worn across Bavaria and indeed is the uniform of our female staff. This is replicated on the male side as well with Lederhosen being used in advertising and in venue. This illustrates the difference between a perceived state of undress or nudity (Section 2.1) and conventional uniform.

The idea that this vilifies gender or discriminates (Section 2.1) is taking a particularly narrow of the images intention. The image of a smiling woman carrying 4 Steins, we believe is an accurate representation of the Oktoberfest experience, where 6 million people of all ages, drink, dine and

celebrate a fantastic shared tradition that has gone on for over 200 years. To suggest that this advertisement is targeted at either males or females specifically is to ignore the core Bavarian celebratory experience that we are promoting.

We believe we have been misrepresented as a nightclub or bar experience, when in fact we are a family owned, family fun, restaurant business servicing a huge range of guests across all age groups. We have been running authentic Bavarian experiences for over 40 years, with our flagship Venue the Lowenbrau Keller being a landmark venue for all Sydneysiders. We are hoping to replicate this atmosphere in Munich Brauhaus and feel that advertising based on a playful look at Bavarian tradition is the ideal way to seed the growth of this concept.

Supporting this claim is that this complaint has come in isolation, despite the campaign running across several mediums and reaching over 2 million Melbournians.

Once again, thank you for the enquiry and we hope that this has cleared up any concern, we look forward very much to all parties being able to clearly understand what we are about as we move into the operating phase of the restaurant and people experience what we are about first hand.

It is not our intention to offend anyone, we have a range of vegetarian options on our menu to service all needs of the dining spectrum. Our advertising is done in a light hearted manner to play on the German language and the meat centric platters that are synonymous with the Bavarian culture.

We also believe it is a uniquely Australian thing to be able to laugh at one's self, and that is certainly our intention here.

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 depicts an image of a woman in a manner which is objectifying and has no relevance to the product being advertised, and discriminates against vegetarians.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the complainants concerns regarding the reference to Vegetarians and that there is a suggestion that vegetarians are not welcome.

The Board noted the advertiser’s response that there is a range of vegetarian options on the menu and that the advertising was created in a light hearted manner to play on the German language and the meat centric platters that are synonymous with the Bavarian culture.

The Board noted that it had previously considered complaints regarding references to excluding vegetarians (Meat and Livestock 0013/14) and have consistently determined that while some people may find this offensive and possibly discriminatory, the reference to a person’s lifestyle choice of whether to consume meat or not, does not amount to discrimination of a section of the community and does not fall within section 2.1 of the Code.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted it had previously dismissed a similar advertisement in case 0412/12 for the Bavarian Bier Café which featured men and women in traditional Bavarian dress promoting

Oktoberfest. In that case the Board noted that ...”the advertisement campaign uses images which would appeal to the target demographic of 18-30 year old men and women who would likely attend Oktoberfest. The Board considered that there was a clear connection with the removal of clothing to expose the lederhosen and dirndls (traditional Bavarian attire) and the event of Oktoberfest and also that the images include men as well as women”.

In the current advertisement the Board noted that the Munich Brauhaus venue is designed to replicate a traditional Bavarian bierhaus which and the image used in the advertisement is consistent with the style of dress of the Bavarian culture.

The Board noted that that the woman in the advertisement is holding beers that she is delivering to customers. The Board noted that the image is directly related to the venue and considered that although her cleavage is very visible, the overall impression is one of a woman in traditional dress and is not exploitative or degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board considered that the target audience for this venue and the advertisement is young people over the age of 18 who would likely drink and eat at the venue and that the image used in the advertisement is appropriate to that audience. The Board considered that it is likely that children will see the billboard however, there is no actual nudity and the woman is completely covered by her attire.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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