



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0337-20
2. Advertiser :	Saintly Beverage Co Pty Limited
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	11-Nov-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a promotion for the alcohol brand Saintly. The advertisement begins with a scene of a group of people in white clothing, then various scenes of people in a party atmosphere. Text on screen during the advertisement states:

The Heavens of Hard Seltzer Have Opened
Worship Sunday's Drink
God It's Good

THE COMPLAINT

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

As a Christian, I am deeply offended by this advertisement. I understand people have the right to choose whether they drink alcohol or not but this ad promotes it in a way that is comparing it to 'holy water' and by drinking it you will be "enlightened", which to someone of faith is very inconsiderate. This offends me on so many levels. Also the fact that they suggest you should 'worship' alcohol is troubling.

THE ADVERTISER'S RESPONSE



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

The complaint includes a very personal interpretation of symbolism. In our film there is nothing that directly or explicitly refers to what they are suggesting as our intentions.

We are not discriminating against or degrading any religion, the scene described is referential to common and iconic visual tropes, or devices used by communities that come together i.e people gathered and dressed in the same colour clothing. This visual device is our way of suggesting our group of individuals are a reflection of today's modern society, multicultural, diverse and coming together around a zeitgeist. Our zeitgeist is about being accepted for being yourself. The film goes on to show the same group of people together enjoying themselves, as themselves, and dressed as themselves.

There are no elements within the film that show or imply exploitative or violent behaviour, nudity or sex, excessive drinking, or irresponsible behavior that could contravene the Health & Safety code.

There is no consumption of alcohol within the film and the product itself is only visible in the film for less than one second. The product is being carried by someone's side in an abstract shot and is not being shown as an open can, or in an excessive or irresponsible way, or includes any copy overlay or reference to consumption or behaviour.

In reference to the suggestion that we are comparing Sainly to 'holy water' and by drinking it you will be 'enlightened'. Holy Water isn't owned by a specific religion, it has a number of meanings and connotations across different cultures and situations within today's modern society. In this instance, the film and music include word play of common vernacular and expressions within our everyday language. At no point do we compare Sainly Hard Seltzer to Holy Water and nowhere are we stating that Sainly Hard Seltzer is Holy Water.

Ensuring that we were not communicating anything to do with enlightenment was one of the key focus areas for us when developing the film and supers with the help of ABAC's.

There are no references to enlightenment. There are no visuals of anyone consuming Sainly and experiencing enlightenment, or success of any kind through the presence or consumption of alcohol.

The person holding the can is not visible and there is no visual evidence or implication that the can of Sainly is open, or that this person is the person with wings. The person with wings is not carrying/holding anything as they walk into a party and she is not shown drinking alcohol, or that the presence or consumption of alcohol has changed her mood.



Hard Seltzers are new to Australia and are predominantly made from water and alcohol and the description on the packaging, that was approved and added in order to meet the ABACs code is “Alcoholic Sparkling Water”. The inclusion of water within the film is to communicate and educate consumers.

Water is also a representation of refreshment, which is the objective of this particular film.

“The Heavens of Hard Seltzer Have Opened” is a play on words to communicate that Hard Seltzers are new and available now, this phrase was used in an earlier teaser campaign and approved by ABAC’s.

The phrase Worship Sunday’s Drink, was approved by ABACs. To worship something means to have admiration and you can admire something without excessively consuming it. We have avoided any reference to Sunday as a feeling, mindset or moment of enlightenment. We are communicating that you can enjoy Sainly on a Sunday. The guidance from ABAC’s was very specific in this context and we have adhered to that guidance. In addition, the brand launched on a Sunday and all of our announcements, new content etc are published on a Sunday.

We understand and are aware that we are creating content that playfully works within the realms of societal triggers, such as religion, and other such loaded matters, and that this is always going to be interpreted in different ways by individuals with different opinions. Throughout the process of creating this content we have been incredibly considerate and conscientious when evaluating what we are saying and how we are saying it, and have been through the approvals process with ABACs and have continuously referred to the code of ethics, to ensure we are working within the guidelines.

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:

- Compares alcohol to holy water which is offensive to Christians
- Suggests that you should worship alcohol.

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

Section 2.1: Advertising or Marketing Communication 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
- Religious views - a person's belief or non-belief in a faith or system of worship.

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

The Panel noted that in order to find a breach of Section 2.1 it would need to determine that the advertisement depicted material in a manner that was unfair or less favourable to or humiliating or inciting ridicule of a person or section of the community, because of, in this case, religion.

The Panel considered that although the advertisement uses the term 'holy water' it is not identifying a particular religion. The Panel considered that overall the advertisement is not showing a religion in a negative light, or suggesting that people who follow a particular religion should be thought less of.

The Panel acknowledged that people of the Christian faith may not like the use of the music and themes in the advertisement however considered that the content of the advertisement itself does not humiliate, intimidate or incite hatred, contempt or ridicule of Christian people nor does it suggest treatment of Christian people in an unfair or less favourable manner.

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 religion, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel considered that the advertisement does not depict people drinking in an unsafe manner or suggest that alcohol should be consumed in excess. The Panel considered that the comparison between alcohol and holy water was not a serious suggestion that alcohol should be worshipped and would not be interpreted that way by the advertisement's audience.

Section 2.6 Conclusion

The Panel considered that the advertisement did not contain material which would be 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.