



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0348/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Club Eastside - Alice Springs</b>
<b>3</b>	<b>Product</b>	<b>Bars/Clubs</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/10/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

### DESCRIPTION OF THE ADVERTISEMENT

Promotion for Club Eastside, Alice Springs featuring images of the bar, lotto tickets and racing on a TV screen while a song with the lyrics, 'all my troubles seem to fade away' plays in the background.

### THE COMPLAINT

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

*Club Eastside - Alice Springs is promoting its gambling/alcohol venue while playing 'all my troubles seem to fade away' in the background. I think it's unacceptable to for this venue to be promoting alcohol and gambling and associating it with 'taking your troubles away' - this goes against the very fact that gambling and alcohol are serious addictions, especially in the areas these ads are displayed.*

### THE ADVERTISER'S RESPONSE

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

*Club Eastside had no intention of promoting gambling and alcohol addictions with our commercials.*

*They are all CAD approved.*

## **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 is promoting drinking alcohol and gambling in conjunction with a backing song featuring the lyrics, “all my troubles seem to fade away” which is not appropriate.

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 images of the bar and facilities of Club Eastside including images of lotto tickets, racing on the TV screen, poker machines and alcohol being consumed.

The Board noted the complainant’s concerns that the song used in the advertisement features the lyrics, “all my troubles seem to fade away” which suggests that gambling and alcohol consumption can take your troubles away when in fact they are usually the cause of trouble.

The Board noted that the opening part of the advertisement is a series of images of gambling and alcohol with the words from a song ‘all my troubles seem to fade away’ being heard very clearly over these images.

The Board noted that the advertisement is for a club that would likely offer features such as meals and a venue for social gatherings. The Board noted however that the advertisement predominantly features the facilities offered for betting on races, poker machines and the bar facilities.

The Board noted there is a high degree of concern in the community regarding the promotion of responsible alcohol consumption and responsible gambling and, in the area of mental health, work to assist people to understand that drugs, alcohol and gambling are not solutions to problems. In the Board's view the use of the song that includes lyrics that say "all my troubles seem to fade away" in conjunction with visuals of gambling facilities and alcohol makes a strong suggestion that alcohol and gambling are a means to ease any troubles.

The Board considered that although the advertisement does not in any other way suggest or encourage irresponsible gambling and drinking per se, the juxtaposition of these activities in connection with the song amounts to a suggestion for viewers that personal troubles can be alleviated by consuming alcohol and gambling. In the Board's view this suggestion is a depiction of material that is contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

As per the decision from the Ad Standards Board, our TV ad was removed from air and modified to take out the words on the back ground music.

We hope that this now meets the standards of ASB.