



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0372-20</b>
<b>2. Advertiser :</b>	<b>Hard Fizz</b>
<b>3. Product :</b>	<b>Alcohol</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Instagram</b>
<b>5. Date of Determination</b>	<b>16-Dec-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features five people: three in a swimming pool, one sitting on the edge of the pool, and one jumping in. Three of the people are holding beverages. The accompanying text states: SUNDAY SESH ON POINT [emoji] #letsgetfizzy

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*It is showing the consumption of alcohol while swimming.*

### THE ADVERTISER'S RESPONSE

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

*We have debated as an executive team and we feel this post depicts an authentic Australian poolside scene.*



## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement shows the consumption of alcohol while swimming.

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

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

#### **Throwing drink**

The Panel noted that a man in the advertisement appears to have thrown a drink and then jumps into the pool, the image shows both in mid-air.

The Panel considered that the alcoholic beverage depicted is in a can rather than a glass bottle, and that most members of the community would be unlikely to find this depiction to be unsafe.

#### **Drinking while swimming**

The Panel noted that each person in the advertisement is shown to have one drink, and there is no indication that excessive consumption is occurring.

The Panel noted that the scene appears to be a private pool which is appropriately fenced, rather than a public area.

The Panel considered that while some members of the community may prefer that people not consume alcohol while swimming or around water, the scene depicted is not unusual for Australian people during summer months and does not show or promote dangerous levels of consumption.

The Panel considered that most members of the community would not find the depiction of adults consuming single beverages while in a private pool area to be contrary to Prevailing Community Standards on health and safety.

#### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material 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 the Code on other grounds, 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.