



Case Report

1	Case Number	0396/10
2	Advertiser	Fosters Australia, Asia & Pacific
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	13/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety - within prevailing Community Standards
- 2.1 - Discrimination or Vilification - Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

Various scenes depicting men acting in ways which surprise their friends, with the soundtrack of the song "Hello, again" playing in the background. One man is shown attempting an overcomplicated handshake when greeting his friend, another is shown applying handcream and then dropping the bottle of beer his friend hands him because his hands are too slippery to hold it. Other men are shown buying cocktails, applying fake tan, and visiting a plastic surgeon.

At the end of the ads, these men are all 'rescued' by their friends who show them that what they have been doing is wrong, and they are shown drinking VB with the final tagline on the screen reading " VB the Real beer"

THE COMPLAINT

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

I probably don't need to explain the mechanics of the blatant homophobia/transphobia that is the lynchpin of this commercial but apparently the entire production team and everyone involved in getting it on air managed to miss it so here goes.

So, the inference here is that Real Men Drink Beer, and also that Real Men Do Not a) drink fruity cocktails b) consider MTF surgery c) ...wear spiffy sunglasses? colour coordinate their gym wear? Didn't pay much attention to their hair, and that Beer is a Real Manly Cure for said behaviours.

I'd like to hope that most blokes are aware that beer will not make their buddy stop being metro/trans/homo-sexual. But this ad is just one more drop in the bucket reassuring them that it would be NICE, wouldn't it, if there was something that would in fact do that? Reassuring them that they are right in being uncomfortable with it, that actions against it are justified, that they can and should look down even on their cocktail-drinking friends let alone anyone they know who is transgendered. It's also telling men who are none of these things that not being sufficiently devoted to stamping them out is in itself suspect, that encouraging all men towards the stereotype of the VB drinker is what they ought to be doing.

Honestly, if it was just the hair gel and the sunglasses I would roll my eyes and forget about it - questionable taste, no big deal. It's the MTF surgery implication that makes this ad cross the line into hate speech. Guys probably tease each other good-naturedly about hair gel and cocktails and don't mean anything by it. Transgendered people on the other hand face very real daily discrimination and the constant danger of violence from people who hold exactly the kind of attitude advocated by this commercial - it is merely a question of scale.

*This isn't just bad taste. This is, if you'll pardon my language, COMPLETELY F*****G OUT OF LINE.*

Homophobic.... the only way to be a man is not to be homosexual and to drink VB.

This ad is blatantly sexually discriminatory and should be immediately removed from air. I find it very offensive. Its even worse that this ad is on at 8.30 at night when children and young teens would still be watching TV.

I object to this advertisement as it insinuates that if a male does not drink VB or alcohol there is something wrong with him that he is effeminate in some way and not accepted by his peers. Further to this to see the men breaking down and crying when they realise that there has been something wrong with them because they have not been drinking VB is ridiculous and misleading. The ad insinuates if you want to be normal and accepted within the male peer group you need to drink alcohol and VB in particular.

THE ADVERTISER'S RESPONSE

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

It was never our intention for the scenarios presented in the TV commercial to represent stereotypical homosexual or transsexual behaviours. Rather, the advertisements were based on broad population research commissioned by Carlton & United Breweries on 'superficiality'.

The commercial you refer to sits as part of a broader campaign that focuses on this societal trend and is based on various insights including specific research that demonstrated people are increasingly presenting an image that is not perhaps true to who they are. In fact they often expend a lot of energy manufacturing this façade and it's particularly prevalent amongst current celebrity pop-culture and many of the role models we often see amongst film or sporting stars. The commercial brings this to life with much humour and some highly tongue in cheek and exaggerated scenarios. The scenarios presented – buying expensive cocktails, long drawn out and overcomplicated handshakes, doing a spin class in full Lycra, putting product in your hair and getting a fake tan - are representative of the diversity of behaviour in the broader community and do not reference any one group.

Our view is that the characters and scenarios are far removed from the stereotypical and one dimensional depiction of gay men, which are often very camp or sexualised. Our lead characters are encouraged by their friends to cease their behaviour because they are being superficial. This is a universal theme that we have bought to life in a series of diverse and entertaining ways. As evidence that there is no existing bias, in 2011 VB will be the official beer of Australia's largest celebration of gay and lesbian culture in the Sydney Mardi Gras. The team here believe VB is most definitely a beer for everyone, which is supported by the fact that VB is the largest selling beer in Australia and one of the most popular in every state and territory. In fact, after decades of very traditional male advertising, VB has included women, high profile gay men and far broader cross-sections of the community in recent major advertising campaigns ("VB Regulars" - see vb.com.au).

Additionally, in the development of this campaign we did extensive research around the country with hundreds of Australians across various age and demographic backgrounds. The research conducted on this campaign demonstrated that viewers 'got' the intended meaning of the ads and no-one raised any of the themes that have been flagged in these complaints. Research commissioned by Leading Edge articulated the most common outtake as "Stay true to yourself" and "not pretending to be something you are not". People understood that these are light-hearted commercials that show mates helping mates regardless of whether they are doing spin classes in lycra or spending a bit too much time in front of the mirror.

In this letter I'll respond to the general themes in the complaints however I did want to point out that whilst the plastic surgery office scene (referred to in one complaint) may have been incorrectly labelled as depicting male to female (MTF) surgery it is in fact showing a male who is having a consultation to enhance his six pack/pec muscles – you can tell from the fact that his trousers are on and he has texta markings on his abdomen and chest. People have surgery for all kinds of reasons including vanity and men are no exception, in fact men are increasingly having cosmetic surgery procedures such as pectoral muscle implants and calf muscle implants, purely for aesthetic reasons. We don't believe the average viewer would view this scene and make the association re: MTF surgery.

In relation to section 2.1 we find Edition Nine of the Ad Standards Newsletter provides a useful list of elements/themes that must be present for an advertisement to be considered in breach. Given our commercial represents diverse behaviour in the broader community (it does not reference any one identifiable group), it incorporates many positive themes (mates looking out for mates) and it is clearly light hearted and comedic, we believe we do (importantly) support section 2.1 and so too the AANA Code of Ethics in its entirety. Whilst some concerns raised by the complainants will be considered by the ABAC complaints adjudicators, I did think it was relevant to include our view on the commercial in terms of comments that relate to alcohol and also in respect to the Alcohol Beverages Advertising Code (ABAC). In relation to section a/ of ABAC we believe the commercial is compliant. There is a minimal focus on alcohol consumption and all characters are sober, alert and enjoying a quiet, social drink with friends. I think it's a tenuous link to draw regarding a connection with "interventions' that go out of control and end in tragedy". None of the scenarios end this way nor are they situations that could be classed as 'interventions' in the way that the complainant is perhaps referring to (those that involve drug and alcohol addicted behaviour). Additionally, there is certainly no "tragedy". In fact it's quite the opposite as we see mates helping their friends regardless of the situation they've found themselves in.

In relation to section d/ we also believe the commercial is compliant with this section of the code. The advertisement clearly does not depict that VB is a cure or offers a therapeutic benefit. No alcohol is consumed before or at the time of each lead character's self realisation. In fact, many of these scenes do not have any alcohol present (for example the spray tan

booth, cosmetic surgery office and spin class). The moments of exaggerated realisation are very clearly prompted by the character's male friends – sometimes through a simple look or by pounding on a door or encouraging them to shake hands the old fashioned way. The mates come across as sometimes bemused or surprised but always supportive and there for their friend. The only consumption shown is at the very end where two blokes are comforting a friend and enjoying a beer and this is well after the character has had their moment of realisation about being superficial. This is what I think the reasonable person's outtake would be – not that the beer has 'cured' him.

And in terms of the Real tagline at the end it encapsulates what VB is all about – not fancy or expensive but just a great tasting beer. I believe it's also unreasonable to imply the tagline infers that if you drink the beer it transforms you into a real man or that this would be the general outtake from watching the commercial. As additional context, VB has been using the "Real" tagline in various forms across several media channels over the last 2 years.

Foster's takes its responsible marketing responsibilities very seriously and this advertisement was prevetted by the Alcohol Advertising Prevetting Service – ABAC10323. Both the Alcohol Beverages Advertising Code (ABAC) and the AANA Code of Ethics were taken into consideration during the campaign's development.

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 complainants' concerns that the advertisement insinuates that if a man does not drink Victoria Bitter there is something wrong with him, that men who do not drink Victoria Bitter are homosexual, that the advertisement is homophobic, discriminatory towards homosexuals, depicts a man preparing for male to female surgery, and is offensive.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications 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 ... sex..."

The Board noted that the advertisement featured men in various situations from which they were subsequently 'rescued' by their friends. These men were shown applying hand cream, buying cocktails, working out in tight lycra and so forth. In one scene a man is shown in a consulting room apparently talking through surgery on his chest with a doctor.

The Board noted the advertiser's response that the behaviour of the men in the advertisement is supposed to be superficial and not a reference to homosexual behaviour, and that the overall message is about mates helping mates.

The Board considered that this advertisement was lighthearted in tone and that it could be interpreted in a number of ways. The Board noted that the complainants felt that this

advertisement insinuated that men who do not drink VB are homosexual/have something wrong with them. The Board considered that most people would view the advertisement as a satirical send up of 'metrosexual' men and their habits.

The Board noted the advertiser's response that the complainants had misinterpreted the scene regarding surgery. The Board agreed that the surgery scene in the advertisement depicts a man preparing for surgery to enhance his six pack/pec muscles, and not for male to female surgery.

Based on the above, the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their sex.

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 2.6 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 considered that the advertisement was suggesting that friends can help friends solve their problems, and considered that the advertisement did not suggest that alcohol could solve problems. The Board also noted the advertiser's response that the tagline regarding Real beer is a tagline which has been used on many occasions by the advertiser.

The Board determined that the advertisement did not depict "material contrary to Prevailing Community Standards on health and safety"

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