



## Case Report

1	Case Number	0400/11
2	Advertiser	Campari
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	26/10/2011
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Four men are stood at the bar of a pub when one of them spots Jimmy Barnes and says to his mates that he is going to give Jimmy 'the bird'.

His mates look worried as we see the man call out to Jimmy and start raising his arm and then they relax when they see he is holding up a bottle of Wild Turkey.

Jimmy acknowledges the man and comes over to join the four men at the bar and the final shot is of all the men talking and holding a bottle of Wild Turkey each.

### THE COMPLAINT

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

*Jimmy Barnes is a well-known self-confessed alcoholic. Someone with such a high profile history of drug and alcohol abuse is not a suitable spokesperson for a brand of bourbon. It sends entirely the wrong signals to anyone aware of his very public battle with alcoholism implying as it does (with that shot of him holding a bottle of pre-mixed Wild Turkey) that he has in fact "fallen off the wagon". Furthermore Mr. Barnes is a completely inappropriate role model to promote the consumption of alcohol to young men given his very well-publicized excesses with alcohol in the past especially during his time as lead singer of the Australian rock band Cold Chisel who are currently on a reunion tour.*

## THE ADVERTISER'S RESPONSE

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

*The ASB has asked Campari Australia Pty Ltd (Campari Australia) to provide comprehensive comments in relation to the Complaint. In particular, the ASB has asked Campari Australia to consider any issues within the TVC that fall within section 2 of the AANA Code of Ethics (Code) and the AANA Code for Advertising and Marketing Communications to Children (Children Code) and the AANA Food and Beverages Marketing Communications Code (Food Code), which are incorporated under section 2 of the Code. In particular, we note that the copy of the Complaint attached to the ASB's letter specifies that the relevant issues pertain to section 2.6 of the Code, namely "Health and Safety within prevailing community standards". Campari Australia strongly believes that the TVC does not breach any sections of the Code, including section 2.6 of the Code, or any sections of the Children Code or the Food Code.*

### *2.1 The Code*

*The ASB's letter indicates that the ASB will review the TVC against section 2 of the Code. The ASB has asked us to address any issues within the TVC which fall broadly within section 2 of the Code.*

*The only provision of section 2 of the Code which is relevant to the TVC is section 2.6, which is discussed in 2.2 below. None of the other provisions in section 2 of the Code are relevant to, or breached by, the TVC.*

### *2.2 Section 2.6 of the Code*

*Section 2.6 of the Code requires that advertising or marketing communications "shall not depict material contrary to Prevailing Community Standards on health and safety".*

*We strongly believe that the TVC does not depict any material contrary to "Prevailing Community Standards on health and safety", and is not otherwise in breach of any provisions of the Code.*

*The Complaint takes issue with the use of Jimmy Barnes in the TVC. In particular, the Complaint questions the appropriateness of Mr Barnes role in the TVC on the basis that Mr Barnes has previously had issues with alcohol. The Complaint also claims that the TVC implies that Mr Barnes has "fallen off the wagon" and is a "completely inappropriate role model" given his past history.*

*Campari Australia strongly believes that the TVC complies with the Alcohol Beverages Advertising (and Packaging) Code (ABAC). In particular, we believe that the TVC:*

- presents a mature, balanced and responsible approach to the consumption of alcohol beverages;*
- does not encourage or portray excessive consumption or abuse of alcohol; and*
- does not promote or portray any offensive behaviour, excessive consumption, misuse or abuse of alcohol beverages.*

*Further detail of Campari Australia's correspondence with the ABAC Adjudication Panel is set out below in section 3.*

*In addition Campari Australia strongly believes that the use of Mr Barnes in the TVC does not render the TVC as being contrary to "Prevailing Community Standards on health and safety".*

*Firstly Campari Australia considers Mr Barnes' past history and personal issues to be irrelevant considering the nature and content of the TVC. Nevertheless, given the issues raised in the Complaint, we note that Mr Barnes' struggle with alcohol has been well-*

*documented in the public arena. We also note that, Mr Barnes' achievement of sobriety has been equally well-documented in the public arena. As such, there is no public perception that Mr Barnes has current issues with alcohol. In fact, we consider that in view of his achievement of sobriety, Mr Barnes is a role model for moderate and responsible consumption of alcohol. In addition, Mr Barnes has openly discussed his previous personal issues and the steps he has taken to change his lifestyle to the one he currently enjoys. Mr Barnes has been upfront about his issues and has never portrayed those issues, and in particular alcohol abuse, in a positive light.*

*Campari Australia also strongly disagrees with the assertion that the TVC implies that Mr Barnes has "fallen off the wagon" by being portrayed in the TVC and being shown holding a bottle of Wild Turkey Ready to Drink. At no stage in the TVC is Mr Barnes shown consuming any alcohol. Indeed, no one in the TVC is seen consuming alcohol. The conclusion that Mr Barnes has "fallen off the wagon" (i.e. has issues with alcohol or is unable to drink alcohol responsibly) is a non sequitur to the portrayal of Mr Barnes in the TVC, in circumstances where:*

- he is known to have overcome his past issues with alcohol;*
- is not shown to be consuming alcohol at any time during the TVC; and*
- the TVC does not depict any excessive consumption, misuse or abuse of alcohol.*

*Campari Australia also considers that Mr Barnes is an appropriate role model and ambassador for the WILD TURKEY brand. Mr Barnes was chosen to appear in the TVC and the broader WILD TURKEY Summer 2011 advertising campaign as his public persona is a perfect fit for the attitude of the WILD TURKEY brand – bold, yet genuine and uncompromising. The broader advertising campaign also includes sponsorship of Mr Barnes' band, Cold Chisel's 2011 concert tour.*

*In addition, Campari Australia considers that a reasonable viewer of the TVC would not view the TVC, or Mr Barnes' appearance in the TVC as promoting, encouraging or portraying the excessive consumption of alcohol. Indeed, Campari Australia believes that reasonable people immediately associate Jimmy Barnes with his successful music career and status as a rock music icon, and not issues with alcohol.*

*In view of the facts and circumstances described above, Campari Australia strongly believes that the TVC accords with "Prevailing Community Standards on health and safety" by presenting a mature, balanced and responsible approach to the consumption of alcohol. The use of Mr Barnes in the TVC does not change this position.*

### *2.3 The Children Code*

*The ASB's letter also refers to the Children Code. Campari Australia considers that the Children Code is not relevant or applicable to the TVC as it is not an "Advertising or Marketing Communication to Children", in that it is not primarily directed to children under 14 years of age.*

*We also note that section 2.4 of the Code specifies that section 2.6 of the Code does not apply to advertisements to which the Children Code applies. Given that section 2.6 of the Code has been identified as the relevant provision for the issues raised in the Complaint, it therefore follows that the Children Code is not relevant or applicable to this matter.*

### *2.4 The Food Code*

*The ASB's letter also refers to the Food Code. Campari Australia considers that the Food Code is not relevant or applicable to the TVC as the Food Code applies to advertising for "Food or Beverage Products" which are defined in the Food Code to specifically exclude alcoholic beverages. As the TVC is for an alcoholic beverage, the Food Code does not apply to the TVC.*

### *2.5 Other relevant considerations*

#### *(a) Number of complaints received*

*We note that only one complaint has been received in relation to the TVC. In addition, we wish to note that the TVC has been positively received. We have received extensive positive feedback applauding the ad for its humour and clever execution.*

*(b) Tone of the TVC*

*The TVC is intended to be humorous. It depicts a group of mates enjoying a WILD TURKEY bourbon at their local pub. It is light-hearted and is centred on a play on the colloquial phrase of "giving the bird".*

*(c) WILD TURKEY'S key demographic*

*The Complaint also suggests that the TVC is targeted to "promote the consumption of alcohol to young men". Campari Australia wishes to note that the current core demographic for Wild Turkey Bourbon is men aged in their 30s and 40s.*

### **3. CORRESPONDENCE WITH THE ABAC ADJUDICATION PANEL**

*As mentioned above, Campari Australia has also received correspondence from the ABAC Adjudication Panel in relation to the Complaint.*

*In particular, we wish to draw the ASB's attention to the fact that the TVC received approval from the Alcohol Advertising Pre-Vetting Service (AAPS). For the reasons set out in the attached response to the ABAC Adjudication Panel, we also wish to reiterate that Campari Australia strongly believes that the TVC complies with the requirements of the ABAC.*

### **4. CONCLUSION**

*Campari Australia submits that the TVC should be permitted to continue in its current form as it does not breach any provisions of the Code (including, in particular section 2.6 of the Code), the Children Code, the Food Code or the ABAC.*

*Campari Australia is a wholly owned subsidiary of Gruppo Campari, one of the most important beverage companies worldwide and bases its long tradition and success on a rich portfolio that spans three business segments: spirits, wines and soft drinks.*

*Spirits and wine have been enjoyed by consumers for centuries. When taken responsibly, as they are by the vast majority of people, spirits and wine form part of a balanced and healthy lifestyle and make a major contribution to society and culture.*

*Gruppo Campari condemns excessive and underage drinking. We are concerned about its negative effects on our daily lives (e.g. underage drinking, drinking and driving, alcohol related illnesses, hazardous activities), which also causes a negative image and damages the respectability of our industry.*

*We hope that the information set out above is of assistance to ASB in considering the Complaint and making its determination.*

## **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 inappropriate in its use of a well-known alcoholic to promote an alcoholic beverage.

The Board noted that the issue of an advertiser's choice of brand ambassador is not an issue which falls under the provisions of the Code.

The Board noted that the complaint about this advertisement would also be considered by the Alcohol Beverages Advertising Adjudication Panel against the Alcohol Beverages Advertising Code (ABAC) that contains alcohol specific advertising standards.

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

The Board 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 noted that the actors used in the advertisement all appear to be over the legal age to drink and whilst they are shown holding a bottle of Wild Turkey each they are not shown consuming the alcohol in excess or behaving in a manner which would go against prevailing community standards on health and safety.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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