



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0421/18
2	Advertiser	Lisa McGuigan Wines
3	Product	Alcohol
4	Type of Advertisement / media	Transport
5	Date of Determination	26/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Race
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features an image of three bottles - two are black and one is silver. The text states "Once you've tried blac you'll never go back".

THE COMPLAINT

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

The racist, sexist, sexual, inappropriate, vulgar connotations of the poster. Completely unnecessary to sell this product.

THE ADVERTISER'S RESPONSE

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



Lisa McGuigan Wines is a premium Australian wine brand launched in 2010. As part of our campaign to promote our Blac Collection, we purchased ad space on a privately owned bus based in the Northern Beaches area of Sydney. The ad contains images of bottles of the 3 wines in that collection, Gruner Blanc, Sauvignon Blanc and Silver Moscato, with the Silver Moscato being the prominent bottle, the text of the ad then reads "Once you've tried Blac, you'll never go back" with our Logo running along the bottom.

The advert has been in place for the last 15 months on the vehicle and we have not previously received any negative feedback.

Our brand personality is based on my love of the colour black and all things mediaeval, the original spelling of Blac was Blaec, from the Olde English spelling of the colour, however we changed it to Blac as people were confused on how to pronounce it. Our brand presentation is based on the gothic colour palette, featuring the Blac, Silver and Platinum Collections. We are focussed on bringing wine knowledge and appreciation to many and are all about good wine being inclusive and accessible.

The advert was to draw attention to the collection and in no way did we have the intention to offend anyone, I feel terrible that it should have done. We would be very happy to supply a sample of the collection and how it is presented to reassure the agency and the complainant that our branding is in no way intended to discriminate against, degrade, vilify, victimise anyone no matter who they are or where they are from. And there is absolute no reference to sex, sexuality or nudity in the ad or the rest of our marketing materials. We would be happy to provide a full suite of our marketing campaign collateral for review if it would assist. In regards to the other parts of the code 2.3, 2.5 and 2.6 which are not specifically cited, we cannot identify any aspects of the advert that would be seen as violent or promoting/inciting violence, or breaking any health & safety issues and the language used is not considered swearing or offensive language. We believe it is distinguishable as advertising with our branding and the products clearly showcased.

And from a personal perspective, should you require any character references to confirm my personal ethics and morals I would be happy to provide these too. I am terribly upset that I have offended anyone with my advertising I had no idea that it could be taken the way this complaint implies. I have never had any complaints about my wine business as I am in the business of usually helping to make people happy.

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 is racist, sexist and sexually inappropriate.

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

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 that the transport advertisement feature an image of two black bottles of wine and one silver bottle and the text "Once you've tried blac you'll never go back".

The Panel noted the complainant's concern that the advertisement is sexist and racist.

The Panel noted the advertiser's response that the brand is based on a gothic colour pallet, featuring the Blac, Silver and Platinum collections, and the use of the word Blac was based on the old English spelling of Blaec.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel considered that the similar phrase 'Once you go black you never go back' is an old saying that implies once a woman has sex with a black male, she won't want to have sex with anyone else.

However, the Panel considered that while this may have been the original meaning of the phrase in the 1980s, the saying has now become widespread and is used in many contexts without specific racial or ethnic connotations.

The Panel considered that the advertisement did not depict any person, and did not directly make any statement about a particular race, gender or skin colour.

The Panel considered in the context of this advertisement the most likely interpretation of the phrase is that once you've tried the wine in the 'Blac' range of wine you won't want to try any other wine.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race or gender and determined that the advertisement did not breach



Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Panel considered that this advertisement was on the side of a bus and the relevant audience would therefore be broad and include children.

The Panel considered that the saying ‘once you’ve tried black you’ll never go back’ is a very American phrase, which would not be understood as sexual by many members of an Australian audience.

The Panel considered that the sexual connotations of the phrase were subtle and would not be understood by children who viewed the advertisement.

The Panel considered in the context of this advertisement the most likely interpretation of the phrase is that once you’ve tried the wine in the black bottles you won’t want to try any other wine.

The Panel considered that the use of this phrase may be considered tasteless by some, but considered that taste is not an issue under the Code.

The Panel determined that this advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

