



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0433/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Brown Forman Australia</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/10/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens to a bespectacled, geeky-looking young man emerging emotionless from a room behind a bar. The bar is full of patrons ordering Southern Comfort drinks, with another frazzled-looking bartender attempting to fill the orders coming in fast. The geeky young barman picks up the soda guns behind the bar and starts spraying soda into the glasses on the bar, while dancing in a jerky manner to the background music. He then turns on his heel and sprays soda from a long distance, with perfect aim, into the glass of a young woman sitting at the far end of the bar. The young woman looks bemused by the barman's antics. After filling the young woman's glass, the geeky young barman places the soda guns back into their holders and walks stoically out of the bar, as the young woman glances over at him exiting the scene.

## THE COMPLAINT

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

*Overtly sexual. The advertisement is designed for young men to see. It apparently 'shows' them how to interact with young women.*

*I find this deeply offensive because it is promoting drinking and 'manhood' over any consideration of women at all.*

## THE ADVERTISER'S RESPONSE

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

*With regard to the complaint that this Advertisement is violation of Section 2 of the AANA Code of Ethics, we do not believe that any portion of this Advertisement is portrayed in a manner that is insensitive as to the treatment of sex, sexuality and nudity to the relevant audience (contrary to Section 2.4 of AANA Code). Nor do we believe that any feature of this Advertisement employs sexual appeal in a manner which is exploitative and degrading of any individual or group of people (contrary to Section 2.2 of AANA Code) as we will elaborate below.*

*In the case of this Advertisement, the lead character is a barman, who is somewhat of an oddball or nerd, and appears to take a geeky professional pleasure in his ability to mix drinks with a soda-mixer gun in a variety of ways, all the while dancing in a jerky manner.*

*Indeed, it is the humourous device and premise of this Advertisement that the dancing is not any good, or co-ordinated, or likely to be attractive, but that the barman does not care – he seems to be pleased with his own quirky style and adeptness, being entirely absorbed with his drink-mixing and the music playing in the bar.*

*While we accept that the bartender gyrates his hips, we do not believe that this is ‘sexy’ dancing, or that the dancing carries any sexual implication, overtly or otherwise. The barman does not appear to ‘direct’ his dancing towards any person.*

*In relation to the ‘long-distance’ spraying of the soda-mix into the female patron’s glass, this is intended, and in our view is fairly seen and understood as a comic and exaggerated example of the barman’s adeptness with the soda gun. In our view, there is minimal resultant ‘splash’ from the glass, and any such splash is only the result of the distant pour – it carries no secondary connotation, sexual or otherwise.*

*The female patron being served by the barman does look at the barman in a way which might variously be interpreted as bemusement, wonder (at his unusual bartending skill) or mild attraction. However, we believe that, even if a viewer were to interpret her look as one of attraction, the interaction between the pair, negligible as it is, remains well within the bounds of the Code. In particular, it can be observed that her look is not returned; the barman walks away, without engaging further with her beyond the drink service. The two characters remain on either side of the bar, and it is not clear that they even make eye contact, let alone have any further interaction which could be characterized as sexual success.*

*With respect to the other subsections of Section 2, we do not believe that this Advertisement:*

- portrays people or depict material in a way which discriminates against or vilifies a person or section of community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief;*
- presents or portrays violence in any fashion;*
- uses language that is inappropriate in the circumstances; or*
- depicts material contrary to Prevailing Community Standards on health and safety.*

## **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 concern that the advertisement is overtly sexual in its

suggestion of how men should interact with women.

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

The Board 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 Board noted the advertisement features a bar man spraying soda in to various glasses whilst dancing.

The Board noted that whilst he is adding soda to the drinks the bar man is dancing behind the bar. The Board considered that the man's behaviour is like a gunslinger in a saloon and is stylised, and that his dancing is not sexy or sexualised. The Board noted that the man sprays soda in to a woman's glass from a distance and considered that this action is not intended to be a social interaction between the man and the woman but is an example of how the man is able to add soda to a high volume of drinks in a short time compared to the other bar man who is struggling to fill his orders.

The Board noted the humorous tone of the advertisement and considered that the complainant's interpretation of the advertisement as overly sexual is an interpretation unlikely to be shared by the broad community.

The Board considered that the advertisement did not include any sexualised images or content and determined that the advertisement did not breach Section 2.4 of the Code.

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