



Case Report

1	Case Number	0469/15
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/12/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a number of couples at the backyard BBQ. The host of the BBQ wanders over to tend to the meat which is cooking away nicely. Feeling the need to contribute to the cooking process, he gives it a little poke, releasing some fat into the BBQ which flares the meat. Our host thinks briefly about putting the flame out with his beer but instantly recognises that this would be a bad idea – a thought shared by his partner, who gives him a wary look. He delivers the charred meat to the table and he and his mates have a laugh about the fact it is now very over-done.

THE COMPLAINT

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

The advertisement shown implied that it is safe and a better choice to be drinking this alcohol beverage than to attend to a BBQ that had caught alight. It also suggested that this alcohol beverage contributes to a person being so relaxed that this person can leave a BBQ fire to continue to burn and not have to act to regain control of this fire.

The results of a burn injury sustained from BBQ fires can be devastating with lifelong disfigurement yet this advertisement appears to be encouraging drinking of this alcohol beverage while performing a task that requires constant attentiveness and due care while operating a BBQ. It does not appear to consider the impact of this type of accidental fire that can occur, precisely when people are engaging in such an activity which usually occurs on

weekends or celebrations or gatherings where alcohol is typically consumed. The advertisement should not imply that fire safety is less important than drinking XXXX Pale Ale beer.

THE ADVERTISER'S RESPONSE

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

I refer to your letter and set out below Lion's response to complaint 0469/15, for consideration by the ASB Panel.

The information requested in your letter and additional supporting information is set out below. To confirm, the Television Advertisement was pre-vetted internally at Lion and externally by ABAC's Alcohol Advertising Pre-vetting Service (AAPS), receiving approval from both before going into market.

Advertisement Description

The TVC depicts a number of couples at the backyard BBQ. The host of the BBQ wanders over to tend to the meat which is cooking away nicely. Feeling the need to contribute to the cooking process, he gives it a little poke, releasing some fat into the BBQ which flares the meat. Our host thinks briefly about putting the flame out with his beer but instantly recognises that this would be a bad idea – a thought shared by his partner, who gives him a wary look. He delivers the charred meat to the table and he and his mates have a laugh about the fact it is now very over-done.

Response to Complaints

Lion does not consider that the Advertisement breaches any section of the ABAC Responsible Alcohol Marketing Code (ABAC Code) or any AANA Codes.

As noted in further detail below:

(i) Lion takes its advertising responsibilities extremely seriously and has a strong compliance track record in this regard;

(ii) Lion has a number of strict internal and external processes against which any proposed advertisement is considered; and

(iii) the Advertisement was approved through each of these processes prior to Lion's decision to broadcast it.

Does the advertisement breach Section 2 of the Advertiser Code of Ethics, namely the following:

2.1 - Discrimination or vilification

2.2 - Exploitative and degrading

2.3 - Violence

2.4 - Sex, sexuality and nudity

2.5 - Language

2.6 -Health and Safety – (specially this part as this was highlighted in the complaint attached)

2.6 of the code states that the following must not be depicted in an advertising or marketing communication:

- *Images of bike riding without helmets or not wearing a seatbelt will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable. Advertisers should take care not to depict behaviour that children may imitate.*
- *Motor vehicle advertisements are subject to the health and safety section. This means that a motor vehicle advertisement cannot depict images contrary to public health and safety notwithstanding the images being unrelated to the motor vehicle advertised.*
- *Bullying – the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards.*
- *More care must be taken when the people depicted in an advertisement are children or if there is an unequal relationship between the people in the advertisement, eg student and teacher, manager and worker.*

The TV commercial is part of a campaign to introduce consumers to a new style of beer from XXXX GOLD, an Australian Pale Ale. Like its parent beer XXXX GOLD, XXXX GOLD Pale Ale is a great accompaniment to social occasions with family and friends and the brand positioning is all about enjoying the good things in life – one of which is the much-loved Aussie BBQ with family and friends, which is the setting for the TVC.

During the TVC:

- *At no point is it suggested that alcohol has made the main character relaxed/more relaxed. The presence and consumption of alcohol does not result in a change in mood and does not make the man attending the BBQ more at ease about the situation at hand nor the company he shares.*
- *At no point is anyone at risk of being burnt or hurt by the BBQ. The meat flare up is clearly positioned as a typical BBQ experience and causes no panic from the main character tending to the meat or among guests – everyone continues socialising as before.*
- *At no point is it suggested the meat flare up could escalate into a fire or that fire safety is not important or not taken seriously.*
- *No irresponsible or excessive consumption is depicted.*

Lion's Commitment to ABAC and ASB

As a responsible advertiser, Lion has demonstrated a long-standing commitment to supporting and adhering to the ABAC Responsible Alcohol Marketing Code (ABAC) and AANA CODE.

In acknowledgment of Lion's position of support for ABAC and ASB, Lion maintains strict internal and external processes. As well as upholding the standards outlined within these advertising codes, Lion maintains internal best practices which often exceed these requirements

As part of Lion's marketing approvals process, this Advertisement for XXXX was subject to:

- Review and advice from external creative agencies well-versed and experienced with ABAC and ASB requirements;*
- Independent legal review and advice from an external legal team specialising in FMCG marketing and advertising compliance and interpreting the relevant advertising codes and legislation;*
- Review by Lion's internal marketing compliance team to ensure its adherence to Lion's internal best practice policies;*
- Review and approval through the AAPs pre-vetting service at both concept and final stages to ensure its compliance with community standards and relevant advertising codes.*

I can confirm that each of the above requirements was complied with in relation to the Advertisement, prior to its broadcast.

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 depicts a man drinking beer rather than attempting to put out a fire on his barbeque.

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

The Board considered 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 there are two versions of this television advertisement which shows a man checking on the meat he is cooking on the barbeque which catches fire when he prods it. We see the man consider pouring his beer on to the flames before deciding to drink the beer instead and leave the meat to burn. The Board noted in the longer version of the advertisement we see the man’s wife catch his eye as he is considering using his beer to douse the flames and that the shorter version of the advertisement does not show this scene.

The Board noted the man briefly considers using his beer to put out the fire before changing his mind and gently blowing on the flames instead. The Board acknowledged that not attempting to put out a fire at a summer barbeque is potentially hazardous and considered that this is not a message which should be encouraged or condoned. The Board noted however that the fire is contained to the meat on the barbeque and considered that there is no suggestion of danger and the man remains with the barbeque until he serves up the burnt meat to his friends. The Board noted that throughout the advertisement the man appears calm and in control and considered that the fire is clearly contained to the meat on the barbeque and does not appear to be out of control or at risk of spreading or causing any harm to anyone or anything.

The Board expressed concern that the advertisement did not show the man attempt to extinguish the fire safely but considered that the lack of danger and the overall laid-back and humorous tone of the advertisement lessens the impact of the potentially unsafe behaviour and in the Board’s view the advertisement does not encourage or condone unsafe behaviour with regards to fire safety.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.