



Case Report

1	Case Number	0474/14
2	Advertiser	Diageo Australia Ltd
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This Johnnie Walker “Have Character” advertisement is set in an apartment that contains luxury items, such as a gramophone, candelabra, a grand piano, an antique car and antique furniture. A man throws black paint over these luxury pieces of furniture and then sits down and pours himself a small glass of Johnnie Walker Black Label. A woman then enters the room, lights a zippo lighter and throws it over her shoulder. It lands within the frame of the soundboard and string section of the grand piano and this catches fire. She then pours herself a glass of Johnnie Walker Double Black. She and the man stand in front of the scene with their glasses of Johnnie Walker in hand. The end frame shows all variants of the Johnnie Walker brand, as well as the DrinkWise ‘Get the Facts’ logo as the responsible drinking reminder. The advertisement is set to a music track titled “Kill of the Night” by Gin Wigmore, and there is no dialogue throughout the advertisement.

THE COMPLAINT

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

*Really bad example to impressionable young adults.
Glamorising pyromania. Shocking*

THE ADVERTISER'S RESPONSE

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

We refer to your letter concerning complaints received in relation to the Johnnie Walker "Have Character" advertisement that is currently airing on television across Australia. Thank you for inviting us to provide comments for the Bureau's consideration in determining this complaint.

We would like to take this opportunity to make some comments about the advertisement for consideration by the Bureau and to respond to the specific complaint. We would also like to confirm our long-standing support for the Advertising Standards Bureau and commitment to uphold the AANA Advertiser Code of Ethics, as well as the ABAC Responsible Alcohol Marketing Code (ABAC) and our best-practice global marketing standards, the Diageo Marketing Code (DMC).

This same complaint was made to the ABAC Complaints Adjudication Panel on 20 October, 2014, however it was rejected as it does not raise issues against the ABAC code.

We have reviewed Section 2 of the AANA Code of Ethics in light of the complaint received, and the Johnnie Walker "Have Character" advertisement in question, and believe that the advertisement does not breach any provisions of the Section 2 of the AANA Code of Ethics, nor does it the AANA Code for Advertising and Marketing Communications for Children or the AANA Food and Beverages Marketing and Communications Code.

General description of and comments on the Advertisement:

The Johnnie Walker "Have Character" advertisement is set in an apartment that contains luxury items, such as a gramophone, candelabra, a grand piano, an antique car and antique furniture. A man throws black paint over these luxury pieces of furniture in an artistic manner. He then sits down and pours himself a small glass of Johnnie Walker Black Label. A woman then enters the room, lights a zippo lighter and throws it over her shoulder. It lands within the frame of the soundboard and string section of the grand piano and this catches fire. She then pours herself a glass of Johnnie Walker Double Black. She and the man stand in front of the scene with their glasses of Johnnie Walker in hand. The end frame shows all variants of the Johnnie Walker brand, as well as the DrinkWise 'Get the Facts' logo as the responsible drinking reminder. The advertisement is set to a music track titled "Kill of the Night" by Gin Wigmore, and there is no dialogue throughout the advertisement.

The Johnnie Walker "Have Character" campaign has been created to entice adults to experience Johnnie Walker as a luxurious, aspirational, crafted and pioneering brand with a quest to deliver big bold flavours and taste experiences. The advertisement focuses on two of the Johnnie Walker brand variants, Johnnie Walker Black Label and Johnnie Walker Double Black Label, with the content of the advertisement bringing to life the taste characteristics of each variant.

The covering of the luxury items with black paint signifies the intense and demanding spirit of Johnnie Walker Black Label. This is done by a well-known Italian artist, Mattia Biagi, who resides in Los Angeles and paints objects black for a living. The lighting of the grand piano signifies the charred taste and character of Johnnie Walker Double Black.

Details of the advertisement included with this response:

The advertisement was created and produced by New York advertising agency, Anomaly, with the end frame adapted by Leo Burnett in Australia. The advertisement was placed by Starcom Media Vest Group. In this instance, Diageo instructed Starcom Media Vest Group on the Johnnie Walker “Have Character”, that it was to target males aged 25-44, in contextually relevant environments with an affluent male skew, such as Live Sport (Melbourne Cup Carnival, Moto GP), and programs such as The Blacklist, The League, Gotham, Law and Order and Top Gear.

In response to this brief, Starcom Media Vest Group purchased the advertising space, 70% of which fell between the hours of 20:30 – 22:30 and 30% of activity falls between the hours of 22:30 – 23:59 (with the exception of live sport). In regards to any subscription television (STV) programs, 75% of viewers are 18+.

Advertising pre-approval:

We note that Diageo complies with the ABAC Code and Diageo’s own internal global marketing code, the Diageo Marketing Code (DMC).

The Advertisement was submitted for APPS pre-vetting in both the concept and final creative stages. Any concerns raised during the APPS approval process were addressed and resolved before the Advertisement was released (Final APPS Approval No #13554).

Specific Response

As per the complaint letter, both complaints raise issues under Section 2 of the AANA Advertiser Code of Ethics. Our specific response to Section 2 of the Code is below:

Section 2.1: The Advertisement does not discriminate against or vilify any person or section of the community on any grounds.

Section 2.2: The code states that advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. Diageo submits that this advertisement does not employ sexual appeal in any manner at all. Both people that appear in the advertisement are fully clothed throughout the entire advertisement and do not employ any sexual behaviours throughout the advertisement.

Section 2.3: The Advertisement does not present or portray violence.

Section 2.4: The Advertisement does not portray sex, sexuality or nudity in any way.

Section 2.5: No strong or obscene language is used in the Advertisement.

Section 2.6: Section 2.6 of the AANA Code of Advertising states that Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. The complaints received raised issues under this section due to “Health and safety unsafe behaviour” and “Health and safety within prevailing community standards”. The first complaint refers to the “piano being set on fire after a drink”. The second refers to a “pyromaniac girl sets fire to a building”. We will first address the lighting of the piano.

The woman in the advertisement enters the room, lights a zippo lighter and throws it into the grand piano behind her, which immediately catches fire. Diageo submits that the fire is contained within the soundboard and string section of the grand piano, and that there is no risk of health or safety to the two actors in the advertisement, nor any of the surrounding pieces of furniture or luxury items within the apartment, nor the apartment itself. The fire

simply represents the charred taste and character of Johnnie Walker Double Black.

In relation to complaint one, “piano being set on fire after a drink”, the woman in the advertisement first lights the piano and then pours herself a small glass of Johnnie Walker Double Black. There is no suggestion or portrayal of her consuming alcohol before entering the scene, nor does the advertisement portray her drinking the Johnnie Walker Double Black at all.

In relation to complaint two, “pyromaniac girl sets fire to a building”, pyromania is defined as a pattern of deliberate setting of fires for pleasure or satisfaction. The woman in the advertisement has lit one, small contained fire within an artistic and creative advertisement. Diageo submits this does not represent pyromania. She also does not set fire to a building, but solely to the soundboard and string section of the grand piano, where there is no risk of health or safety to the two actors in the advertisement, nor any of the surrounding pieces of furniture or luxury items within the apartment, nor the apartment itself. The fire simply represents the charred taste and character of Johnnie Walker Double Black.

We acknowledge and appreciate that section 2 of the AANA Code incorporates the AANA Code of Advertising & Marketing Communications to Children, and accordingly, will respond against this code also.

We consider the Advertisement compliant with all sections of the AANA Code for Advertising and Marketing to Children as Section 1 of this code specifically applies to Advertising or Marketing Communications which... “are directed primarily to Children”. The Advertisement was targeted at an audience of people over 18 years old and we do not believe that the Advertisement would have strong, evident or primary appeal to children.

We acknowledge and appreciate that Section 2 of the AANA Code incorporates the AANA Food & Beverages Advertising & Marketing Code, and accordingly, will respond against this code also.

We consider that the Advertisement complies with all sections of the AANA Food & Beverages Marketing Communications Code:

Section 2.1 – Diageo submits that the Johnnie Walker “Have Character” advertisement is truthful and honest, is not deceptive and upholds Prevailing Community Standards, as per our evidence submitted under the AANA Code Section 2.6 above. Diageo also believes that the advertisement is communicated in a manner appropriate to the level of understanding of the target audience, with the target audience being those over the age of 18.

Section 2.2 – Diageo submits that the Johnnie Walker “Have Character” advertisement upholds section 2.2 and does not encourage excess consumption. Both serves of Johnnie Walker Black Label and Johnnie Walker Double Black depicted in the advertisement are small, signature serve sizes of the product, and neither of the actors in the advertisement consume the product excessively.

Section 2.3 and 2.4 – There are no health or nutrition claims made during the Johnnie Walker “Have Character” advertisement.

Section 2.5 – There are no references to consumer taste or preference tests throughout the “Have Character” advertisements.

Section 2.6 – there are no references to material characteristics such as taste, size, content, nutrition or health benefits of Johnnie Walker Black Label or Johnnie Walker Double Black throughout the advertisement.

Section 2.7 – The advertisement does not use sporting, news or current affairs personalities.

Section 2.8 – Johnnie Walker is not intended to be a meal substitute, nor does the advertisement portray Johnnie Walker as a substitute for meals.

Section 2.9 and Section 3 – As discussed above, the Johnnie Walker “Have Character” advertisement is targeted at people 18 years and older, and is therefore not directed at children.

We are pleased to have had this opportunity to confirm our long-standing support for the Advertising Standards Bureau and commitment to uphold the AANA Code of Ethics. We hope that our intentions and actions will be understood and appreciated by the Bureau. We stand proud of our record on respecting the AANA Code of Ethics and will continue to maintain the highest standards in our marketing activations in support of our brands.

We would be happy to provide you with any further information should you require.

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’ concern that the advertisement depicts a piano being set on fire which glamorises pyromania and sets a bad example to young adults.

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 the advertisement features a woman throwing a lighter over her shoulder where it sets fire to a piano.

The Board noted that the actors in the advertisement are not shown to drink any alcohol and considered that there is no suggestion that they are inebriated or otherwise under the influence of alcohol.

The Board noted the stylised nature of the advertisement and considered that the unrealistic nature of the actors' behaviour and the subsequent fire which is clearly contained is sufficient to be very unlikely to encourage copycat behaviour. The Board considered that the advertisement did not encourage or condone the setting on fire of objects within a house or anywhere else.

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 complaints.