



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0486/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Liquor Barons</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>04/01/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.5 - Language      inappropriate language
- 2.5 - Language      Strong or obscene language

### DESCRIPTION OF THE ADVERTISEMENT

The ad shows a glass of beer that soon gets wings and a halo above it and a voiceover describing how beer has evolved over time and compares how the English stored their beer in 'Firkins' and kept it warm and flat but how Australians like their beer cold. That's why when the fridge breaks down, you'll hear them shout... "FIRKIN HELL!"

### THE COMPLAINT

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

*I was offended at the very end of the advert when they mentioned the fridge was not working so what do we say "fuckin hell". I think these words are extremely offensive and if my children had have been with me I would have had to explain to them not to start saying this word.... it's extremely irresponsible to put this filthy language on television at any-time. Obviously not the appropriate content for daytime advertising and really night advertising also. When is it classed as too similar? Where are the boundaries?*

### THE ADVERTISER'S RESPONSE

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

1. *Description of the advertisement:*

*The advertisement in question is one in a campaign of eight that highlights Liquor Baron's extensive product knowledge. The advertisements deliver interesting facts about alcohol using tongue 'n cheek humour and are designed to run as part of Liquor Baron's sponsorship of the 2011/012 International Summer of Cricket.*

*In this instance, the advertisement tells a brief history of beer beginning with its origins in the ancient city of Ur and ending up in Modern Australia. Throughout history, brewing and storage methods have changed dramatically as have our personal tastes when it comes to enjoying the end product.*

*In Australia for example we prefer our beer to be served chilled as opposed to room temperature or even luke-warm. Anything less than icy cold is generally unacceptable in this part of the world and as a rule, people aren't afraid of saying so.*

*In the advertisement, we make reference to how the English stored their beer in small barrels called Firkins and how according to their preference, they served it flat and warm.*

*In direct contrast, we then go on to tell how Australians prefer their beer icy cold and are not afraid to express their distaste when it is anything but.*

*As such at the notion of the fridge breaking down, the voice over describes the beer as FIRKIN HELL or hell contained within a firkin i.e. warm and flat.*

2. *Our comprehensive comments in relation to the complaint (taking in to account the need to address all aspects of the advertising codes). Reasons for concern have been expressed as being offended by the use of the words "Fuckin' Hell"*

*The words "Fuckin' Hell" are at no time used within the commercial. The voice over clearly says "Firkin Hell." This is a play on words devised by the writers of the script to describe the contents of an English firkin full of warm flat beer.*

*To an Aussie drinker who prefers his/her beer icy cold, anything less is 'Firkin Hell' or 'Hell' contained within a Firkin.*

*The complainants questions whether or not the advertisement is suitable for daytime advertising or for that matter night-time viewing.*

*As with all of the scripts in this series, this advertisement was submitted to CAD for pre-approval.*

*Their instructions to the agency were to ensure that the word Firkin was clearly pronounced in order to avoid any deliberate ambiguity. Without seeing the final result, they felt that the advertisement would most likely attract an M rating as opposed to an L meaning it would only be suitable to be screened after 8.30 pm.*

*The agency went to great lengths in the sound studio to ensure that the word was clearly pronounced 'Firkin' and it was also spelled out when Red Bee captioned the ads.*

*When the finished spot was submitted to CAD for final approval they were satisfied enough to grant it an L rating along with the rest of the campaign. This meant that the advertisement could be legally displayed during live sport in this case the International Cricket Series- Australia vs. New Zealand.*

3. *Code of Ethics.*

*We believe the following sections of the code are particularly relevant in this case:*

2.4 *Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing Communications to Children and section 2.6 of this Code*

*shall not apply to advertisements to which AANA's Code of Advertising & Marketing Communications to Children applies.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided. L rated spots are allowed to screen within live sporting events. The advertisement in question met the criteria according to CAD. It was never intended in any way to be marketed directly at children.*

*The target audience for this advertisement and the others in the campaign are clearly adult cricket fans watching the event unfold live on television.*

*Firkin is neither a strong nor offensive word. According to the Oxford Dictionary, it is a small cask formerly used for liquids, butter, or fish*

*7. Additional Comments.*

*Our view is we have acted in a mature, responsible and balanced manner. However, given the complaints surrounding the advertisement, we would be more than happy to voluntarily limit the spot to "M" rating time slots.*

## **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 uses inappropriate and offensive language that is unsuitable for children.

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

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that the advertisement voiceover uses the term "Firkin Hell."

The Board noted the advertiser's response that the advertisement was tailored to appeal to the audience by way of a tongue in cheek, humorous approach, designed to run as part of Liquor Baron's sponsorship of the 2011/012 International Summer of Cricket.

The Board accepted that the term 'Firkin' could be considered offensive by some members of the community as the term would be taken as a reference to the commonly used obscenity.

The Board noted that the term 'Firkin' is a legitimate term used to describe an old English unit of volume and is used in that context in the advertisement.

The Board considered that although the term 'Firkin Hell' is suggestive of the words 'fucking hell' the word 'fuck' is not used and the term 'Firkin' in itself is not strong or obscene.

Based on the above the Board determined that the advertisement used appropriate language, did not use strong and obscene language and that it did not breach Section 2.5 of the Code.

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