



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0495/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Schweppes</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/12/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Image of a man using a wooden rolling pin to crush some ingredients in a glass. Next to him are two bottles of Schweppes soda water and in the background is a bottle of Bacardi.

The text reads, "Mix it up at home. Cocktailrevolution.com.au". The words, "drink responsibly" are printed in the bottom left corner.

### THE COMPLAINT

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

*This advertisement is for a non-alcoholic beverage but there is a bottle resembling an alcoholic beverage in the background (with the logo out of focus but very similar, to mine eye, as the Bacardi bat!). The image is suggesting that the person preparing the drink (a mojito) will be adding (or has added) a little rum to the advertised non-alcoholic product. I believe that this advertisement should be accompanied with an 'enjoy responsibly' warning. It is like Coke putting a bottle of Jack Daniels in the background of one of their ads!*

### 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 of 29 November 2012, concerning a complaint received by ASB in relation to a Schweppes outdoor advertisement (Advertisement) that featured Bacardi produced by Schweppes Australia Pty Limited (the Advertiser). Thank you for inviting us to provide feedback in relation to the complaint.*

*The Advertisement features a still photo of an adult male crushing an orange in a glass. Two bottles of Schweppes Soda Water, Bacardi Rum, oranges and limes appear in the shot as well.*

*The complaint suggests the advertisement does not carry an 'enjoy responsibly' warning. This is incorrect. The Advertisement depicts the responsible and moderate consumption of alcoholic beverages in that it contains a "Drink responsibly" message which is displayed clearly at the bottom of the image. Because of the inclusion of the message, we believe it complies with the Code.*

*In addition we believe the advertisement is within the ABAC guidelines because of the following.*

*The Advertisement does not in any way encourage the excessive consumption or abuse of alcohol in that:*

*The advertisement features two mixed drinks, each based on a standard serving size;*

*the Advertisement does not depict any binge drinking or other forms of excessive consumption of alcohol.*

*The Advertisement does not encourage under-age drinking. There are no children depicted in the Advertisement. The person in shot is over the Australian legal drinking age of 18. In fact, SAPL has an internal policy that any people depicted in advertisements featuring alcohol of any kind must be adults aged 25 years or older. The Advertisement complies with this internal policy.*

*The Advertisement does not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcoholic beverages. The setting of the Advertisement is a relaxed and controlled environment. Further, the Advertisement does not suggest in any way that alcohol will help with personal, business or social success or that it has therapeutic benefits which are necessary to unwind.*

*Final submission*

*The Advertiser takes the responsible promotion of alcohol very seriously. Whilst not strictly bound by the Code or the Code of Practice, the Advertiser is aware of the requirements of these codes and does all it can to ensure that its advertisements and marketing campaigns are in compliance with them. SAPL also has internal "best practice" policies in place which incorporate the key requirements of the relevant codes and alcohol marketing guides.*

## **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 features alcohol but not the “drink responsibly” warning.

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 complainant’s concerns that although the advertisement is for a non-alcoholic beverage it features a bottle of alcohol in the background and there is no warning regarding drinking alcohol responsibly.

The Board noted the advertisement does depict a bottle of what looks like alcohol and that the advertiser has confirmed that this is Bacardi. The Board noted that in the bottom right hand corner of the advertisement is the phrase, “Drink Responsibly”. The Board noted that the main focus of the advertisement is soda water and considered that the suggestion it can be mixed with alcohol does not of itself amount to a suggestion to drink alcohol to excess.

The Board considered that the presence of the “Drink Responsibly” disclaimer and the overall tone of the advertisement amounted to a depiction which did not breach prevailing community standards on the promotion and consumption of alcohol.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.