



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0502/18
2	Advertiser	Carlton and United Breweries
3	Product	Alcohol
4	Type of Advertisement / media	Billboard
5	Date of Determination	28/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features a wild yak stepping into the water without his fur. His bottom and brief tan line is exposed. The foreground of the advertisement features a Wild Yak bottle and the tagline 'it's a little wild'. There is also an Alcohol Responsible Messaging 18+ logo in the top left hand corner.

THE COMPLAINT

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

*One of the ads I saw showed the Yak wearing a G-string bikini bottom.
In another ad the bottom was naked.*

I find this aspect of the advertisement highly offensive. It is





1. *Sexually suggestive;*
2. *Contains nudity;*
3. *Objectifies the female body;*
4. *Indicates that sex with a female person is the same as sex with a yak, or vice versa, and is thus degrading to women;*
5. *Promotes bestiality, and*
6. *The caption seems to indicate that the beer can offer a “wild” experience - a heightened reaction that seems to be more comparable with illicit drug taking.*

For these reasons I find the advertisement unacceptable for general viewing in a public place.

THE ADVERTISER’S RESPONSE

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

With respect to the complainant, we submit that there has been no breach by CUB of section 2 of the Code of Ethics because the advertisement:

1. *does not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, sexual preference or otherwise. The central wild yak is not being depicted in a negative way and the tagline ‘it’s a little wild’ has a neutral tone. He is simply swimming at the beach with three other yaks. He is not humiliated or the subject of ridicule, contempt, or unfair or less favourable treatment compared with the other yaks;*
2. *does not employ sexual appeal in a manner which is exploitative or degrading of women. The wild yak is a male (fun fact: a female yak is called a nak, dri or cow) and is depicted with a brief (not g-string) tan line. He is facing the camera with a neutral – not suggestive – facial expression and body language, similar to the other yaks depicted in the advertisement. He is not depicted as an object or commodity, nor is he lowered in character or quality as compared with the other yaks.*
3. *does not portray violence against animals at all;*
4. *treats sex, sexuality and nudity with sensitivity to the relevant audience. The wild yak is simply wading in the water, in a non-sexualised or suggestive pose or context. There is no full frontal nudity or imagery that is inappropriate for a broad audience which would include children. This is consistent with the Ad Standards Panel’s determination in 0327/17, in which the Board noted “the advertisement’s depiction of a pixelated penis of an animal, in a non-sexualised context, is not inappropriate for a broad audience which would include children”;*



5. *uses language which is appropriate in the circumstances. There is no strong or obscene language in the advertisement; and*

6. *does not depict material contrary to the Prevailing Community Standards on health and safety. The yaks are swimming within a safe distance to the land and are not depicted as having consumed any alcohol.*

Thank you for considering this response. Please contact me if you require further information. We look forward to receiving a response and determination in relation to this matter.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainant’s concerns that the advertisement is sexually suggestive, contains nudity, is objectifying and degrading of women, promoted bestiality, and compares the product to illicit drugs.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel noted that the billboard advertisement features a group of yaks swimming in the ocean. One yak is depicted without his fur, appearing to swim in only briefs. The tagline to the advertisement states “it’s a little wild” and has an image of the alcohol product next to it.

The Panel first considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainant’s concerns that the advertisement is objectifying and degrading of women, and implies that sex with a woman is comparable to sex with a yak.



The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the advertiser's response that the main yak in the advertisement is a male, and is depicted wearing a light coloured brief.

The Panel considered that the depiction of an animal in swimwear did not constitute sexual appeal, and that therefore Section 2.2 of the Code did not apply.

The Panel determined that the advertisement did not breach Section 2.2 of the Code.

The Panel then 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 Panel noted the complainant's concern that the advertisement promotes bestiality.

The Panel noted that the definition of bestiality is "sexual intercourse between a person and an animal". The Panel considered that there is no depiction of such an act, and no language or imagery promoting such an act. The Panel considered that the complainant's interpretation of that aspect of the advertisement was unlikely to be shared by the broader community.

The Panel then noted the complainant's concern that the advertisement is sexually suggestive and contains nudity.

The Panel noted that it had previously considered a similar advertisement for the same advertiser in case 0327/17, which featured a yak in a field with his genitals pixelated. In case 0327/17:

"The Board noted it had previously dismissed complaints about the same image in case 0509/11 where:

'The Board noted that the practice notes for Section 2.4 only cover human genitals and not animal genitals. The Board noted that the animal's genitals, although not precluded through the practice note, are pixelated out and that the double entendre reference to a mating male yak is very subtle and unlikely to be understood by many viewers.'

The Board noted that while the current advertisement depicts the same image, community standards can, and do, change over time. The Board noted that there is a current community concern over the exposure to children of sexualised images.

The Board noted that in the current advertisement the pixelated area is strongly



suggestive of the Yak's penis but considered that the angle of the area is not suggestive of an erect penis and in the Board's view the advertisement is not sexualised or suggestive of sexual activity.

The Board acknowledged that some members of the community would prefer that images of, or references to, animal genitalia not be used in advertising material but considered that the advertisement's depiction of a pixelated penis of an animal, in a non-sexualised context, is not inappropriate for a broad audience which would include children. Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code."

The Panel considered that in the current advertisement the focus is on the Yak's buttocks and not his genitals, and considered that there is no depiction of nudity and the yak is not in a sexualized pose.

Consistent with the previous determination, the Panel determined the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

The Panel finally 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 Panel noted the complainant's concern that the advertisement compares the alcohol product to illicit drugs.

The Panel considered that the product name is "Wild Yak", and the tagline of "It's a little wild" was directly related to the product name and was not an indication that the product is comparable to illicit drug taking.

The Panel also noted the advertiser's response that the yaks depicted in the advertisement are within a safe distance to shore and there is no indication that they consumed the alcoholic beverage prior to swimming.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

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



