



CASE REPORT

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| 1. Complaint reference number | 260/09 |
| 2. Advertiser | Liquor Marketing Group |
| 3. Product | Alcohol |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 24 June 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television commercial is depicted as consistent with a horror movie. A car is depicted as driving along on a dark and foggy night. Voice over “He thought it would be a short drive.” Driver asks a man clad in dark clothing “G’day mate, can you give me some directions?” Voiceover “He was WRONG”. Man is seen to be pulled over reading a map, then a series of images of the man driving around with no apparent idea of where he is. The voice over says “All he wanted was a bottle of Shiraz, all he saw was RED. From the Director of No Cabernet for young men and Chardonnay too far away, comes a new type of horror – THIRSTY”. Man is seen to be out of the car and yells “I just want to get to a bottle shop.” Voice over “Thank goodness for Sip’n’save drive thru....Always close, No dramas”. Words overlaid on screen duplicate final voice over.

THE COMPLAINT

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

As mentioned, with our horrendous road toll this advertisement really makes it look like, the guy in the ad will buy a bottle of spirits and get back in his car and drive.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We would like it to be noted that Sip’n Save supports the responsible service and consumption of alcohol. This advertisement has not been pre-vetted by ABAC’s AAPS [Alcohol Advertising Pre-vetting System] as Sip’n Save is not an ABAC member. It has however gone through the necessary FACTS/CAD approval process. It also abides by the required alcohol airtime regulations.

We would strongly like to defend this advertisement against this complaint. In no way whatsoever does the ad intend to indicate or portray any direct or indirect association with driving a vehicle and actually drinking alcohol. There is no intention or indication that he has been drinking either before or during the portrayal of his driving. Yes, we suggest he drives to one of our outlets to purchase product- that’s standard shopping behaviour whether it be groceries or alcohol. Yes, he may drive up to our shop and make a purchase whilst in the vehicle- that’s the nature and core proposition of our product ie: convenient to the car service.

We do not however in any way intend; indicate or suggest he then actually consumes the alcohol and then drives off, or drives off and then consumes the alcohol. This is a pure fabrication and speculation on the part of the complainant and arriving at their own conclusions with their own stretch of imagination.

We would furthermore like to defend our right to promote our brand and product for what it is: a to-the-car convenient drive through service.

The fact that you don't have to get out your vehicle and walk into a shop to purchase should not at all suggest to a reasonable person that persons purchasing any goods in this drive thru fashion will automatically consume those goods in their vehicles, and then drive rather than consume these goods anywhere else at any other time. That would be pure speculation and an association with similar fast food drive thru products. We are not a fast food alcohol equivalent.

It could further be argued that if the above complaint is upheld, we could be equally prohibited from doing any form of communication that depicts even just our logo 'Sip'n Save Drive thru', as the same type of speculation could be arrived at by combining our brand name 'Sip'n Save' with the words 'Drive thru'. This would clearly be infringing on our rights to promote ourselves in a free and fair commercial manner. We would like to reserve the right to communicate and portray our product and its core proposition of drive-thru convenience in a responsible manner, which we believe we have done.

We sincerely trust the Panel will agree with the common sense nature of our above defence of this complaint and find accordingly.

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 promotes drink driving.

The Board viewed the advertisement and noted that the advertisement does not depict the man drinking, in fact the point of the advertisement is that he cannot find a bottleshop. There is no suggestion that the man has been drinking or that, should he purchase some alcohol, he would consume it while driving.

The Board considered that the advertisement does not promote drink driving.

The Board also noted that there is no indication or suggestion that the man has already been drinking or any indication about the amount of alcohol he intends to buy or consume. The Board considered that the advertisement does not promote excessive alcohol consumption.

The Board determined that the advertisement does not breach section 2.6 of the Code by depicting material that would be contrary to prevailing community standards on health (excessive alcohol consumption) or safety (drink driving).

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