



## CASE REPORT

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| 1. Complaint reference number | 358/09  |
| 2. Advertiser                 | Fosters Australia   |
| 3. Product                    | Alcohol   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Other – section 2.1<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 12 August 2009   |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

Television advertisement of a parade through a country town, with different groups of people, ages, men and women walking to the pub, under comedic banners: The Historical reenactors, The men who have had their arm in a cow, The meat tray winners, Men who do not eat quiche, Blokes built like a brick house, Men who should've read the instructions, Guys who peaked in high school, The Azzas, The miniature bat signers, The manscapers, Blokes punching above their weight – of course, some missing links performing modern miracles, The streakers, The brewers, Cashed up bogans – popular at the bar, new money, Doesn't matter who you are, VB the drinking beer, that is what it is for Australia.

It is noted that the description above refers to the extended advertisement and in some instances, advertisements may only show some segments of this advertisement.

## THE COMPLAINT

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

*I'm complaining about the VB beer ad which features ordinary-looking fellows striding beside glamorous beauties, beneath a sign saying "Blokes punching above their weight". How about "Shielas punching above their weight" featuring dowdy or overweight or plain girls walking alongside handsome men? Is it because women viewers would feel bad or uncomfortable? Well, if you wouldn't do it to a female why is it okay to do it to a man? Feel free to answer this question. it isn't rhetorical. (full letter on file) The ad is sexist, yes, but it is also LOOKIST. These women may have lousy personalities, or may be of questionable character, but we are told constantly, and erroneously by the dumb media (which directly affects society) that looks alone are what counts in human beings.*

*In the ad is a group marching behind a banner that says "Blokes Punching Above Their Weight". The joke here is that these unattractive 'blokes' are being publicly applauded for their attractive partners. What isn't funny is that the flag bearer for this group of 'blokes' has all the classic markings of an alcoholic. He is overweight, has red cheeks and a ruddy complexion. VB is reaching out to its biggest demographic here, the chronic alcoholics, and telling them that not only they can achieve sexual success through excess beer drinking but that they will be praised publicly for it too.*

*My father was a WW2 veteran. To have an Anzac parade mimicked in a beer advertisement is disgusting. The ad should be removed. The company should apologize for the insult.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following: *This letter is in response to three complaints we have received re: The*

Regulars. For simplicity, we have responded to each complaint separately. All the advertisements were pre-vetted and have AAPS approval.

**Complaint 1 Description of Ad:** A parade with striking similarities to an ANZAC parade, groups of men with banners, some sporting injuries. **Reason for Concern:** My father was a WW2 veteran. To have an Anzac parade mimicked in a beer advertisement is disgusting. The ad should be removed. The company should apologize for the insult.

**Discrimination or vilification Other – section 2.1** Whilst we respect the point of view of the complainant and understand the issues raised are personal in nature, we'd argue it's a highly subjective view and that the advertisement cannot be said to discriminate against or vilify veterans. We have reviewed the complaint and will respond to their point that the parade has "striking similarities to an ANZAC parade" and also discuss the complaint in relation to section 2.1. Parades have a long and varied history in our society. They have been used in the military, for political demonstrations, to advertise public events, celebrate holidays and to simply entertain. In Australia we are regularly exposed to all kinds of parades from the AFL Grand Final parade to the Mardi Gras parade and everything in between. The references used in creating the VB advertisement were the Olympic Opening ceremony and store parades. The parade depicted in the VB advertisement falls into the entertainment category and represented are 'groups' of Aussies, who share pastimes, professions, a passion or some other left of field connection; so we see punters marching under banners like: "The manscapers", "The miniature bat signers", "Blokes who chucked a sickie to be here" and "Men who've had their arm in a cow". In relation to the reference to "some sporting injuries" this group is depicted as "Blokes who should have read the instructions" and are one group of many, so not the focal point of the parade or the advertisement (4 seconds of a 2 minute ad). This group is a humorous take on the belief that there are some men who go it alone on home projects, with sometimes dire consequences. It's worth noting that the group is clearly signed to this effect and all the blokes are dressed in everyday clothing. The ANZAC march is a significant event and one that many Australians respectfully attend. We don't believe that parades in general, including the one in the VB ad, could be said however to be mimicking the ANZAC march or disrespectful to the ANZAC tradition simply by virtue of the fact of being a parade – particularly given no one parade or event could be said to own the concept exclusively. Beyond the link drawn by the complainant, there are no actual references or depictions of the armed forces in the advertisement and as such we don't believe the ad is vilifying (or discriminating) veterans. It's also worth sharing that VB has long been a supporter of the armed forces and more recently official partners of both the RSL and Legacy, to whom we donated over \$1.2 million in 2009.

**Complaint 2 Description of Ad:** The advertisement shows a parade through a country town where different groups march under different comedic banners such as MEN WHO'VE HAD THEIR ARM IN A COW, THE MEAT TRAY WINNERS, MEN WHO WON'T EAT QUICHE and BLOKES BUILT LIKE A BRICK \*\*\*\*\* HOUSE. The parade is being cheered on by crowds of people lining both sides of the streets and the ad is overlaid with sports style commentary describing these 'heroes'. The whole parade leads to a pub where everyone drinks VB.

**Reason for Concern:** In the ad is a group marching behind a banner that says "Blokes Punching Above Their Weight". The joke here is that these unattractive 'blokes' are being publicly applauded for their attractive partners. What isn't funny is that the flag bearer for this group of 'blokes' has all the classics markings of an alcoholic. He is overweight, has red cheeks and a ruddy complexion. VB is reaching out to its biggest demographic here, the chronic alcoholics, and telling them that not only they can achieve sexual success through excess beer drinking but that they will be praised publicly for it too.

**Nature of Complaint** Discrimination or vilification Other – section 2.1 Health and safety – section 2.6 Based on our reading of the complaint, it's our view that it relates more to areas covered by the Alcohol Beverages Advertising Code (ABAC) and we will shortly submit a response to the ABAC adjudication panel in relation to section c of the code. That said, as we have been asked to respond by the Ad Standards Board we will of course do so, although from our view one of the main areas of concern (i.e. sexual success) does not appear to have a natural fit under AANA Code of Ethics section 2.1 or 2.6. In relation to sexual success, we argue that the advertisement is compliant with section c of ABAC. This section states that an alcohol advertisement "must not depict the consumption or presence of alcohol as a cause of or contributing to...sexual or other success". There is no consumption depicted during this part of the parade nor is there any sense this was the case in the lead up to the parade. In addition each well known group represented in the parade exists in society independent of any connection with alcohol. We firmly believe the average person would not link alcohol consumption with the groups' reason for being and in fact the ad's success relies on viewers being able to instantly relate to the groups depicted. That is, it's common knowledge that there are men who like to wax ("The Manscapers"), there are people who fake being ill in order to get time off work ("People who chucked a sickie to be here"), there are a disproportionate number of Aussies that are called Darren ("The Azzas"), some people beat the odds and survive a shark attack ("Blokes who claimed to have punched a shark") and the list goes on. In relation to "Blokes who punch above their weight", it's a tip of the hat to men who have really attractive partners. We would strongly argue

that people do not associate these types of blokes as having attractive partners due to alcohol consumption, in fact the often talked about high profile male examples (i.e. French President Nicolas Sarkozy) have their success attributed to things like wealth, talent or status or sometimes just plain old luck. As such we don't believe it's reasonable to extrapolate that we're implying that it's to do with alcohol consumption or that through our depiction of this group we could be successful in changing already widely held beliefs about each group (nor was that our intention). Our aim is to celebrate the unique 'groups' of Aussies that we all know and love and have probably discussed (sometimes in wonder) with mates in the past and bring them together at the end of the day for a beer at the pub. On the point about one of the 'talent', the men represented are average Aussie blokes so they have different builds and looks, which also applies to the flag bearer (one of hundreds of people represented in the ad as a featured extra). The characteristics mentioned by the complainant could apply to any individual and we do not believe that a reasonable person would categorise the characters (or the flag bearer) as being alcoholics. It's also worth noting that this was certainly not our intention. On this point, to state that this is VB's biggest demographic is incorrect and misleading - VB is enjoyed by a diverse range of consumers and Foster's is also committed to the promotion of the responsible consumption of our products and was one of the founding signatories of the Alcohol Beverages Advertising Code. **Complaint 3 Description of ad:** I'm complaining about the VB beer ad which features ordinary-looking fellows striding beside glamorous beauties, beneath a sign saying "Blokes punching above their weight". How about "Sheilas punching above their weight" featuring dowdy or overweight or plain girls walking alongside handsome men? Is it because women viewers would feel bad or uncomfortable? Well, if you wouldn't do it to a female why is it okay to do it to a man? Feel free to answer this question. it isn't rhetorical. (full letter on file) **Reason for concern:** The ad is sexist, yes, but it is also LOOKIST. These women may have lousy personalities, or may be of questionable character, but we are told constantly, and erroneously by the dumb media (which directly affects society) that looks alone are what counts in human beings. **Nature of Complaint** Discrimination or vilification Gender - section 2.1 Our understanding of section 2.1 is that we cannot depict people in a way that is negative or hurtful to: "that section of the community" (guidance note found in Edition 9 of AdStandards News). Whilst we are characterising different groups of Australians (including "Blokes punching above their weight") we believe they are depicted in a way that is compliant with section 2.1. The entire ad is light hearted and humorous and we are celebrating these Australians with all groups received enthusiastically by the onlookers including the aforementioned group. There is no sense that we are shaming or denigrating these men, in fact they are all depicted as looking pretty happy with themselves. It is a very long bow to draw regarding the women having "lousy personalities" or being of "questionable character". The complainant also makes a hypothetical reference to "Sheila's punching above their weight" however as this representation is not contained in the ad we do not believe it is relevant to the discussion. In terms of the point around being "lookist" over 90% of the people represented in the ad are Ballarat residents (where the ad was filmed), as our intention was to show 'real' Australians. Whilst it's disappointing to receive any complaints, outside of these three complaints, the response to the campaign has been incredibly positive. Viewers have responded enthusiastically to the representation of Aussie groups within the ads and it's been quite a talking point. **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2.1 and 2.6 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement was portraying men who were suffering from alcoholism in a glorified manner and was therefore promoting excessive beer drinking.

The Board reviewed the advertisement and considered that the advertisement did not portray a group of alcoholics.

In relation to the banner headed "men punching above their weight" was only one of several banners that was portrayed in the parade and on balance, the advertisement was a lighthearted depiction of Australian sportsmanship, and enjoyed the camaraderie and social nature of beer drinking and therefore was not in breach of Section 2.6 of the Code.

The Board considered the complainant's concern that the advertisement was strikingly similar to an ANZAC parade and was demeaning and insulting to war veterans.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code and portrayed people in a way which discriminates or vilifies a person or section of the community.

The Board noted that the advertisement did depict a parade, however, it was unlikely that the advertisement was specifically similar to an ANZAC parade. The Board noted that there are many parades that take place in Australia, many of which involve teams and that this parade took place in a country town. The Board considered that the various groups of people depicted in the advertisement were not intended to be a serious depiction of people within the Australian community or war veterans and therefore was not in breach of Section 2.1 of the Code.

In relation to the complaint that the advertisement was sexist because it portrayed ordinary-looking fellows striding beside glamorous beauties beneath a sign saying “blokes punching above their weight”, the Board noted the tone and comical nature of the advertisement was not likely to offend the prevailing community and therefore was not in breach of Section 2.1 of the Code. The Board considered that the advertisement depicted a stereotype of the man with an attractive girlfriend and presented this as a humorous part of Australian life. The Board noted that this it was not a serious suggestion that less attractive looking men should not have or cannot have a attractive looking woman. The Board also considered that the broader community would not consider this as a suggestion that only attractive women are desirable. The Board determined that as such, this advertisement did not discriminate or vilify men or women.

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