



CASE REPORT

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| 1. Complaint reference number | 372/08 |
| 2. Advertiser | Fosters Australia |
| 3. Product | Alcohol |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 8 October 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a group of men drinking in a pub when a female approaches one of them saying "All right, time to go?" The man replies "We only just got here..." at which the woman replies "Are you going to cause a scene?" As they go to leave, a man appears at the door of the bar and one patron explains "The Woman Whisperer". he whispers to the woman "Why don't you have a chat with Rachel and let him stay for another beer?" The woman turns to her man and says "I'm just going to have a chat with Rachel. Why don't you stay and have another beer?"

THE COMPLAINT

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

- 1/ derogatory toward women, treats them as subservient and brainless, to be manipulated and controlled*
- 2/ promotes extended alcohol consumption*

THE ADVERTISER'S RESPONSE

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

Carlton Mid is a brand whose heritage is steeped in good humour. Whilst that in itself is not a defence, it is an important part of the brand's DNA and this advertisement sets out to bring to life the humour and irreverence of the brand. Also, the fact that Carlton Mid is a midstrength beer at 3.5% ABV, its core proposition is that a beer drinker can enjoy more time with his mates by drinking Carlton Mid than he could if he was drinking a regular, full strength beer.

The TVC depicts a couple, a husband and wife, just after they have arrived at their local pub. They are with a group of friends when the wife decides she wants to leave and announces this in front of her husband's mates in a bossy tone of voice. It's a tone his mates recognise as they raise their eyebrows at their mate implying that he is under his wife's thumb. In spite of the fact the husband says "we just got here" (which is denoted by the fact that husband is holding almost full schooner of beer) he agrees to leave and hands his beer to one of his mates. As they are about to leave, a man who appears to be 'cowboy' stands at the door blocking their exit. The patrons of the pub look upon this man in awe as one of them declares "it's the woman whisperer". The 'woman whisperer' raises his hands in front of the wife and quietly commands "Shhh, easy girl" followed by "let him stay for another beer". The wife's eyes widen, she smiles and turns to her husband and says "why don't you stay and have another beer, I'm just going to go and talk to Rachel" and with that, she turns and walks across to the other side of the bar. The husband returns to his mates who hand him back his unfinished beer. The song and strap line accompanying the closing frame is

“Stay a Little Longer”.

The complainant suggests the ad breaches section 2.1 of the AANA code because it is “derogatory towards women, treats them as subservient and brainless, to be manipulated and controlled”

Section 2.1 concerns itself with discrimination based on, among other things, gender. We would contend that this ad does not discriminate against women or this woman in particular because of her sex. There are plenty of other women in the bar enjoying time with their friends but this particular character comes across as rather uptight and domineering and her interaction with the ‘woman whisperer’ is designed to soften her approach and help her lighten up. It’s the personality of the woman rather than her sex which requires the intervention. The wife character is not ostracised by the other characters in the pub nor is she disempowered by the situation. In fact she goes to “talk to Rachel” and presumably enjoys the time she shares with her friend.

The TVC has a generous helping of slapstick and comedic timing. It is obviously a characterisation and not intended to be perceived as reality. While we accept it will not be to everyone’s taste, we have shared this TVC with hundreds of Foster’s employees and customers, of both genders, and the response has been overwhelmingly positive. The TVC has been received as it was intended, as lampooning the age old battle of the sexes and the power struggle between this particular husband and wife.

The second component of the complaint relates to section 2.6 of the code which concerns itself with prevailing community standards on health and safety. The complaint suggests that the TVC promotes “extended alcohol consumption”.

Carlton Mid is a 3.5% ABV beer and as such falls into the midstrength category. One 375ml stubby contains 1 standard drink while a schooner contains 425mls and 1.1 standards drinks. NHMRC guidelines for low risk drinking currently state that males can have up to 6 standard drinks a day, no more than 3 days per week OR 4 standard drinks on an average day. NHMRC standards are adopted in all Foster’s advertising and in the case of this TVC, the husband character is seen with the same beer throughout the ad, he hands it over to his friends when he thinks he is leaving, and they hand it back to him when he rejoins them. The wife agrees to let him “stay for another beer” – the emphasis being on another, meaning one more. The hypothesis is that the husband would take time to finish his drink before having one more which combined represents 2.2 standard drinks over a time period of more than one hour. As a result Foster’s refutes the suggestion that the TVC suggests extended or excessive alcohol consumption or that it is contravening community standards on health and safety.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the application of Sections 2.1 and 2.6, relating to discrimination and health and safety.

The Board agreed with the advertiser response that the depiction of the female character was not discriminatory on the basis of gender, but was a humorous depiction directed at the character’s personality.

In regard to issues of health and safety, the Board noted that the advertisement does not encourage excessive drinking and related to drinking a mild strength beer in the context of having recently arrived at a pub.

The Board therefore found no breach of Sections 2.1 or 2.6 of the Code.

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