



## CASE REPORT

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| 1. Complaint reference number | 383/07  |
| 2. Advertiser                 | J Boag & Son Brewing Pty Ltd (Tester Reserve Code of Conduct) |
| 3. Product                    | Alcohol   |
| 4. Type of advertisement      | Internet  |
| 5. Nature of complaint        | Health and safety – section 2.6                               |
| 6. Date of determination      | Monday, 19 November 2007                                      |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

This advertisement on the Tester Reserve website features the Code of Honour to be adhered to by Reserve recruits:

Duty: I am duty bound to maintain the fine quality of Boag's Draught by testing it regularly.

Respect: I must always respect the full-flavoured Boag's Draught taste and the master brewers responsible for it.

Self Sacrifice: I shall never say no to making a bottleshop run, no matter how far it is, or what time of day.

Courage: I will unflinchingly face up to any bouncer, bitchy barmaid or whining girlfriend who tries to stop me testing Boag's Draught

Loyalty: I pledge to test Boag's Draught and only Boag's Draught as long as I have breath in my body.

## THE COMPLAINT

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

*The last three codes "duty, respect and self sacrifice" are of particular concern when the first of these implicitly gives permission to an individual to make a bottle shop run no matter the amount of alcohol already consumed...As colloquially "bottle shop run" denotes driving to the bottle shop, it can therefore also be argued that this code encourages drink driving which is neither mature or responsible...Regarding the second last code "courage", it may be inferred readily that testing Boag's beer must continue no matter the opposition from those who hold positions of authority or from those with whom is shared an intimate relationship. It therefore follows that when an individual's drinking is of concern to those who surround him or her, this concern is to be disregarded no matter the level of danger to themselves and others...Finally the last point of the code "to test the Draught as long as I have breath in my body...Tragically this is reality for a significant number of people...deaths due to alcoholic liver disease...This is only one of the ways that people can drink themselves to death...Encouraging people to drink as long as they "have breath in their body" is clearly encouraging excessive consumption or abuse of alcohol.*

## THE ADVERTISER'S RESPONSE

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

*The Boag's Draught Tester Reserve website was developed in September 2006 and is an online community people aged 18 plus can join. The website's aim is to engage and entertain Boag's Draught enthusiasts. The core premise behind the Tester Reserve is that we are asking our drinkers to help us ensure that we maintain the high quality standards of Boag's Draught through*

*them acting in the voluntary role as product testers or tasters.*

*The Tester Reserve carries many themes associated more typically with the Army Reserve. The language, visuals and characters of the Tester Reserve are all very much army inspired. Our members are called recruits and we have a Drill Sergeant who has become the face of the Tester Reserve. The tone of the website is humorous, with interactive games and amusing anecdotes relating to the brand making up the site content. The 'Code of Honour' on the site spells out the requirements for joining up and becoming a 'role model' tester reservist.*

*Firstly we refute the concern that the Code encourages excessive consumption or abuse of alcohol. The Code is clearly written in a humorous tone, with the only underlying message being that as a Tester Reservist you will regularly test Boag's Draught. All references within the Code (found under Duty, Courage and Loyalty) to drinking are made to testing, which does not imply excessive drinking. On the contrary to properly test a product you need to maintain sobriety.*

*The complainant alleges that the Loyalty section of the Code in particular encourages excessive consumption or abuse of alcohol. The complainant thinks that 'I pledge to test Boag's Draught and only Boag's Draught, as long as I have breath in my body' means that you will drink your self to death. We believe that the average person would interpret this line as it was intended, that it implies that you will remain a tester of Boag's Draught for your whole life and will not drink other beers. As the Code and the site are humorous and membership of the Reserve is voluntary we are confident that the average person would not interpret that they should continue to drink Boag's Draught if it were in any way going to put their health at risk.*

*Similarly, we refute the concern that the Code does not depict the responsible and moderate consumption of alcohol beverages. The complainant believes that the Self Sacrifice section of the Code condones drink driving. We believe that the average person will interpret 'I shall never say no to making a bottleshop run, no matter how far it is, or what time of the day' as a pledge to always provide Boag's Draught when asked for it, even if it means having to go out and buy it. There is no implication that you must drive to get it, there are many other ways of travelling (literally running, taking a bus, taxi etc). We think it is a false assumption to think that the average person will believe we are implying that drink driving is acceptable with this statement.*

*In conclusion we believe that almost everyone who reads the Code on the Tester Reserve website will interpret it as a humorous attempt to promote loyalty to Boag's Draught and does not encourage people to act in any way which will compromise their or others' health or 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 noted the complainant's concern that the Boag's advertisements encourages unsafe behaviour in relation to alcohol in particular excessive drinking, possible drink driving and drinking the product even if near death. The Board noted that the material on this website is consistent with a series of advertisements which depict and play on a stereotypical army training situation. The Board considered that the advertisements were intended to be humorous and that the code of conduct was clearly seen as a humorous way of evoking brand loyalty. The Board considered that the advertisement did not encourage excessive drinking but rather was clearly focusing on the consumer making this product the beer of choice. Similarly the Board considered that the reference to making a 'bottle shop run' did not encourage people to drive while drunk to buy more beer as there are many ways for someone to get to a bottle shop.

The Board considered that the advertisement was intended to be humorous, would be found to be humorous (rather than serious) by most people in the community, and did not amount to a depiction or encouragement of unsafe drinking or drink driving. On this basis the Board determined that the advertisement did not breach Section 2.2 of the Code.

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