



CASE REPORT

1. Complaint reference number	398/06
2. Advertiser	Maxxium Australia Pty Ltd (Galliano)
3. Product	Alcohol
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 10 October 2006
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement announces a search for “Galliano Stunt Guys” and a male (Matt) standing beside a little old lady seated on a bench, informs viewers “The hunt is on Australia . We’re searching for the Galliano Stunt Guy. Someone who’ll do the stunt that stops the nation – and lets nothing get in the way of a good gag. Is it you? Go to gallianostuntguys.com and tell us what you’d do to get on TV. Footage is shown of various suggested stunts such as “sharing an ice spa with your mates” (shot of men in ice bath in middle of a snowy icy road with traffic driving by) or “lick your car clean?” (a man is shown cleaning his filthy car with his tongue). The man speaking looks at the old lady who has applied red lipstick and is puckering up for a kiss. Matt continues “Tell us what you’d do to win the title and the ultimate boys’ weekend worth over seven grand”. As Matt steels himself to kiss the old woman, he suddenly backs off, unable to complete the action and admits “Alright, alright – so I’m no Galliano Stunt Guy. Are you?”

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Galliano’s association with this campaign is hardly promoting responsible consumption of alcohol. Promotion and encouragement of dangerous behaviour is in itself, irresponsible. Linking this behaviour with alcohol should be illegal!

THE ADVERTISER’S RESPONSE

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

We note that the complaint seems to be based on a false premise – Galliano’s promotion of alcohol-fuelled stunts.

Firstly we note that the stunts are not meant to be “alcohol-fuelled”. All contestants have been told in the terms and conditions that they will not be eligible to take place in the competition if they have taken alcohol. It is our intention to breath-test all competitors before they undertake their stunts. If the breath test is positive then the competitor will NOT be permitted to undertake his/her stunt.

The advertisement is a humorous encouragement for potential contestants to undertake funny stunts that customers will vote on to find the Galliano Stunt Guy. It is NOT an advertisement for any Galliano product – it is an advertisement for the event. The advertisement features a picture of the product momentarily, but there is no-one consuming the product. The advertisement does not promote offensive behaviour (unless kissing an elderly lady is considered to be offensive) and as it does not feature the product being consumed cannot be held to promote the excessive consumption, misuse or abuse of alcohol beverages.

As the advertisement does not feature the product being consumed then it cannot suggest that the consumption or presence of Galliano is fuelling the stunt guy to attempt to kiss the elderly lady or indeed is fuelling the elderly lady to chase the stunt guy at the end of the advertisement.

Galliano is not promoting and encouraging dangerous behaviour. Kissing an elderly lady is not dangerous in our opinion.

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 whether the advertisement depicted material contrary to prevailing community standards on health and safety. The Board noted that the examples of stunts provided in the advertisement were not of themselves dangerous (having an ice bath or licking a car clean) and that any health risks associated with the examples depicted were minor in the context of the light-hearted nature of the competition and the target audience (young men). The Board also noted that the advertisement did not depict any consumption of alcohol.

The Board also noted the advertiser’s response which pointed out that the terms and conditions of its competition excluded stunts of ‘high or medium level of risk of injury’ and that the competitors in the competition would be ineligible if they were under the influence of alcohol.

On the basis of the depictions used in the advertisement, and the conditions of entry of the competition, the Board determined that the advertisement did not depict material that is contrary to prevailing community standards on health and safety, either by depicting or encouraging unsafe stunts or by excessive consumption of alcohol.

The Board then considered the sequence depicting the man in the advertisement about to kiss a woman, who appeared to be over the age of 70, and whether the advertisement contravened section 2.1 of the Code in relation to vilification of a section of the community based on age and gender.

The Board determined that the sequence implied that kissing a woman of this age is unpleasant and that the sequence also depicts a level of ‘disgust’ associated with older women generally.

While previous determinations on age issues have taken account of good-natured humour in relation to everyday situations, in this case the Board felt the implication that elderly people are repugnant was not offset by the associated attempted humour.

The Board determined that the material contravened the provision of the Code relating to the vilification of a section of the community based on sex and age. Accordingly, the Board upheld the complaint.

ADVERTISER’S RESPONSE TO DETERMINATION

We refer to the complaint mentioned above. We note that the advertisement will not be used again as the promotion that it is advertising has been undertaken and the stunts filmed.

Please note that the advertisement was an attempt to encourage contestants to devise humorous stunts. There was absolutely no intention to vilify any section of the community, either the elderly or women. We apologise if our advertisement is seen by some people to have done so.