



CASE REPORT

1. Complaint reference number	415/07
2. Advertiser	J Boag & Son Brewing Pty Ltd
3. Product	Alcohol
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 11 December 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This black and white television advertisement follows a man into a party situation, passing a number of guests in evening wear, one of whom is a young woman leading an older man down a corridor. A woman is seen to be watching the first man as he reaches for a Boag's drink from a waiter's tray. As he drinks, men in a security centre spy him on their cameras and head off in his direction. The woman, whispers into the ear of an older waiter and as others gather around, the security guards lose sight of the man they have been watching. Text appears "Who is James Boag?"

THE COMPLAINT

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

Opening with a suggestive inference of a girl leading an elderly man towards which we can only guess.

THE ADVERTISER'S RESPONSE

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

The advertisement depicts a man walking down a long corridor towards a crowd of people. As he walks down the corridor towards the function he passes a number of guests including a woman leading an older man by the hand into a room off the corridor. The setting is a high society function, both characters are dressed in evening wear which is consistent with both the party setting and other guests present.

We believe that it is unreasonable to assume that anything licentious may transpire between the couple. There is nothing to indicate that anything is occurring other than people having a good and responsible time interacting with each other at this party.

We are of the strong opinion that there is nothing in this commercial that breaches the code and that a reasonable person would not find any aspect of this commercial un-tasteful or indecent.

This commercial has appeared nationally on television and on our website since June 2007.

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 suggested inappropriate sexual activity.

The Board considered that the advertisement does not depict any sexual activity and that image of a woman leading a man into a room, in the context of this advertisement, was not necessarily or even strongly suggestive of any sexual activity. The Board considered that the linking of a younger woman with an older man was not inappropriate as the two people were clearly well over the age of consent.

The Board determined that there was no sexual suggestion in the advertisement and that even if some people did take some sexual inference from the advertisement that any such inference was discreet and not inappropriate or a breach of section 2.3 of the Code.

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