



## CASE REPORT

1. Complaint reference number	426/07
2. Advertiser	Fosters Australia (Corona)
3. Product	Alcohol
4. Type of advertisement	Outdoor
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 16 January 2008
7. DETERMINATION	Upheld – discontinued or modified

## DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement depicts a couple on a bicycle alongside a beach. The man is seated on the bike seat and the woman is perched behind him, sitting on a carton of Corona Extra, and holding onto a surfboard. Text reads "From where you'd rather be."

## THE COMPLAINT

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

*An appalling message relating to one of the most vulnerable road user groups, depicting illegal and unsafe behaviour.*

*By law, you must wear an approved bicycle helmet while cycling in New South Wales.*

*I find the advertisement offensive because it is associating the normally healthy outdoor activities of young people (such as cycling and surfing in a healthy natural environment) with the consumption of alcohol. Many young people might consider that it is okay to ride a bicycle after the consumption of alcohol and see it as an alternative to driving a car while intoxicated. The advertisement shows these young couple riding their bicycle 'two up' and not wearing helmets which contravenes the Road Rules in any State. The advertisement seems to suggest to the young male that he will be regarded in high esteem by the young females for his beer drinking ability and disregard for safety. It is placed at such a time of the year and location on the 'schoolies' area of the Gold Coast with young people in the ad to be attractive to that vulnerable group. There is nothing positive or responsible about this ad, it is just a beer company trying to push more of their product onto young people who might otherwise lead a healthy and active lifestyle.*

## THE ADVERTISER'S RESPONSE

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

*We fully support and endorse the notion of bicycle safety however this advertisement is in no way representative of day to day life here in Australia (to the extent that the imagery was photographed overseas). The advertising campaign entitled "From where you'd rather be" depicts a mystical make-believe place and as such, is not a representation of our 'real' world. This is made more credible by the brand itself - Corona, a well known Mexican beer – which is strongly associated with escape beyond Australian shores.*

*The theme across the campaign suggests that it's a place where we would all like to escape to, an idyllic place which is relaxed, carefree and a world away from our own. As such this fantasy world*

*should not be taken literally. We would argue that given the advertising environment Australian consumers are consistently exposed to, a reasonable person would not take the Corona advertisement literally. Adding credence to this is the fact that advertisements frequently depict exaggerated (i.e. cars moving across roof tops) or dramatised stories (i.e. a man in only a suit climbing snow capped mountains) to capture the imagination of and entertain consumers. The common place nature of these types of advertisements would no doubt mean that when you apply the reasonable person test, the Corona advertisement would be seen both in the context of its imagery/slogan and of 'ad land' and not taken literally.*

*Based on the above we believe that the Corona advertisement upholds both the ABAC and AANA Code of Ethics for alcohol beverage advertising in Australia. The advertisement was also pre-vetted and approved.*

## **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 depicted people riding a bicycle without a helmet and with more than one person. The Board also noted the advertiser's response that the advertisement depicts a fantasy image and should not be taken literally.

The Board considered section 2.6 of the Code which requires that advertisements not depict material that is contrary to prevailing community standards on health and safety. The Board also considered that Australian Road Rules specifically state that:

'the rider of a bicycle must not carry more persons on the bicycle than the bicycle is designed to carry' Part 15 clause 246; and

'the rider of a bicycle must wear an approved bicycle helmet securely fitted...' Part 15 clause 256.

The Board considered that the advertisement did not depict a fantasy situation. Rather they considered that the advertisement depicted a scene that would be common in Australia namely people riding a bicycle on a road overlooking a beach. The Board considered that the Australian Road Rules constituted the applicable community standard regarding bicycle safety and that unfortunately the advertisement did therefore depict material that breaches the Australian community's standards.

The Board determined that the advertisement did depict material contravening prevailing community standards on bicycle safety and therefore did contravene section 2.6 of the Code.

The Board considered that the image in this advertisement of the young man riding his bicycle carrying a carton of beer was not suggestive of riding while intoxicated and did not encourage irresponsible drinking or unsafe riding due to alcohol consumption.

Finding that the advertisement breached section 2.6 of the Code the Board upheld the complaint.

## **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*We write to you in relation to the complaint that was recently upheld against one execution of the Corona creative (an outdoor execution). We were notified of this decision by phone on Thursday 17 January and received an e-mail outlining the decision on Friday 18 January 2008.*

*Whilst we previously provided background as to why we strongly believed the complaint should not be upheld, there was an additional complaint referred to in the case report that we received post our initial response. As parts of the complaint were included in the case report, we believe it is important, for the public record, to respond to this second complaint particularly given it raises new points that our original correspondence did not cover. As such, the purpose of this letter is to respond to the additional points that were raised by the second complainant and importantly provide details of the action we have taken in order to support the ruling.*

*The action taken: Outdoor billboard – removal begins on Wednesday 30 January and will be down*

*no later than Monday 4 February 2008.*

*In addition to the above action, we will voluntarily remove all of the same creative from the marketplace. The details of this are as follows: Magazine advertising – the creative has been withdrawn from upcoming publications. Point of sale - we have destroyed all point of sale that had been produced and in our warehouse and will work with our sales team to remove any items from venues. We aim to complete this by end of February 2008. Cinema and subscription TV (a short video piece that features only the male talent sitting on a stationary bike gazing out to the ocean – he is then approached by the female talent who brings him a Corona). By the end of February 2008 this will no longer be used. This further voluntary action is above and beyond the request made to us by the Advertising Standards Bureau and is done as a sign of our willingness to support the ruling and uphold the spirit and intent of all relevant advertising codes and guidelines.*

*The complaint dated 26 December 2007 raises a number of points, most of which use the advertisement as a starting point then hypothesises situations beyond the actual image itself. The new points raised can be summarised as follows: consumption of alcohol and the consumption of alcohol in relation to sporting activities including cycling and surfing. It also makes reference to the advertisement specifically targeting young people due to its location: “schoolies area of the Gold Coast”.*

*In relation to the first two points, there is no depiction of the consumption of alcohol. Neither is there any indication that the couple have been drinking – there is no visual representation of this (i.e. empty bottles or evidence of alcohol) nor do the couple appear to be intoxicated. Consumption would be depicted through behaviour, empty bottles or an open carton – and this is not the case with this advertisement. The complainant incorrectly states there is a “very large quantity of alcohol with them”. The Corona box on the back of the bike is just that – a box. It is not an esky nor is it a carton of beer and it is not representative of current Corona packaging in either look or size. Instead it is an old, slightly battered box that suggests it has been part of the guy’s bike for some time. It is fixed to the bike and could contain a variety of things (personal effects, beach paraphernalia etc), or for that matter may contain nothing. It does not specifically suggest that it contains beer. For us it represents a way of branding the ad in a cool way that has meaning and context to the scene.*

*In relation to targeting young people, Foster’s is a responsible marketer which abides by the regulatory codes (the Corona ad was pre-vetted and approved) and the alcohol advertising guidelines. We advertise throughout summer as it is the peak period for consumption and we use a number of mediums, but when doing so are always governed by the relevant restrictions that apply to alcohol advertising. In the case of Corona, the billboards selected contain a mix of high profile sites across the nation and available to advertisers. The Gold Coast is specifically raised and as such we will provide some details about the advertising details for this region. Two Corona bicycle billboards appeared in what could be defined as the Gold Coast area (outdoor locations including the Gold Coast Highway and Pacific Fair Shopping Centre – Broadway) during the months of November and December. Whilst ‘schoolies’ would represent a portion of visitors over that period of time, it’s important to note that the Gold Coast is a large area that attracts a significant number of local and international adult residents and holiday makers. For these reasons, we strongly refute the suggestion that the sites were chosen to appeal to those under 18.*