



CASE REPORT

1. Complaint reference number	430/08
2. Advertiser	Diageo Australia Ltd
3. Product	Alcohol
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 12 November 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The commercial is set around a farewell house party that a close-knit group of flatmates have organised for their best mate, "Davo". We see Davo sharing a joke with one of his mates who moves away, leaving Davo standing alone, beginning to comprehend his imminent departure and the "spirit of mateship" he is leaving behind. He looks up to see a huge banner proclaiming "bugger off Davo" and he shakes his head as if to say "typical". At this point the music to the famous and emotional Lionel Ritchie song, "Stuck on you" rises and Davo starts casually singing the lyrics as he wanders around the party enjoying the strange behaviour of his friends (mates dancing the robot dance oblivious to the world around them; one of his mates walking around with a fish which we later see him place in Davo's suitcase; another turns up at the party inappropriately dressed in a toga at which point he realises his mates have "had" him). Davo passes a wall full of photos of him and his mates (and the Bundy Bear) which reminds him of the good times and laughs he has had with his mates. To his surprise, the photo of the Bear turns towards him and sings "Gonna miss you mate" to which Davo replies "Thanks mate". Davo farewells his mates at the front door as he sings the last verses of the song, only to walk up the path directly next door, past a "for sale" sign and into his new house. Finally, he steps outside into his new back yard to find the Bundy Bear looking over the garden wall and say "g'day neighbour, coming over for a drink?"

THE COMPLAINT

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

It promotes more drinking. In the Bundy ad it insinuates that the rum is your friend.

THE ADVERTISER'S RESPONSE

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

We would like to take this opportunity to make some general comments about the advertisement for consideration by the Board and to respond to your specific questions. We would also like to confirm our long standing support for the Advertising Standards Bureau and commitment to uphold the AANA Advertiser Code of Ethics, the Alcohol Beverages Advertising Code (ABAC), as well as our own global best-practice marketing standards.

General Comments about the TVC

The storyline for this TVC is set around a farewell party that a close-knit group of housemates have organised for their best mate, 'Davo'. We see Davo moving around the party, watching all his mates enjoying themselves and playing practical jokes on each other, and seeing things like photos that remind him of their times together. As Davo walks down the path, we're surprised to see him walk directly to the house next door, past a 'For Sale' sign and into his new house! Finally he steps

outside into his new back yard only to see Bundy Bear look over the fence and inviting him back to his old housemates.

The idea and intent behind "Davo's Farewell" is to bring the essence of Australian mateship to life and to celebrate mateship moments. This is iconic Australian behaviour, a timeless tradition that's relevant to adult males, who enjoy legendary experiences with their mates.

Bundaberg Rum has a communications heritage of bringing the best mateship moments to life. Mateship is at the heart of "Davo's Farewell" and not the consumption of alcohol. We don't see Davo drinking in either the 30-second or 60-second NC. We believe it is clear that Davo is sad to be leaving his housemates, and not "great drinking times".

The TVC is intended to appeal to adult males in their late 20's. The soundtrack (Lionel Richie "Stuck on You") was released 24yrs ago in 1984 and the average age of 1st home buyer is 27 years (Genworth Financial Survey, 2000 respondents, in 2007). The appeal of Davo's Farewell is definitely to the late 20's adult male who can relate to the content.

Diageo obtained full and complete clearance for the advertisement from the Alcohol Advertising Pre-Vetting System (AAPS) prior to final production or broadcast of the advertisement, with no concerns raised.

Specific Response

We have reviewed the AANA Code of Ethics in light of the complaint you have received and the TVC in question and strongly believe that this TVC does not breach the Code.

We note that the complainant specifically alleges a breach of section 2.6 of the Code. We address this in more detail below. We appreciate that you will also review the TVC in its entirety against Section 2 of the Code and accordingly we would like to take this opportunity to address the remaining sections of the Code.

Section 2.1: This commercial does not discriminate against or vilify any person or section of the community on any grounds.

Section 2.2: There is no violence depicted in this commercial.

Section 2.3: There is no sex or nudity depicted in this commercial.

Section 2.4: Having regard to the theme, visuals and language used, this commercial is not directed primarily to children, nor to anyone under 18 years of age. Our media placement has been strictly guided by the times stipulated by the CAD placement code (Code L), which governs when Liquor advertising can be aired on Free to Air TV.

Section 2.5: No strong or obscene language is used in this commercial.

Section 2.7: Not applicable

Section 2.8: This commercial complies with the AANA Food & Beverages Marketing Communications Code in addition to Diageo's own internal Marketing Code.

Section 2.6

Section 2.6 of the Code reads "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

Specifically, the complainant alleges concern that the N C "promotes more drinking" and "insinuates that the rum is your friend".

We disagree with the complainant's comment that the TVC promotes more drinking. The TVC presents a balanced and responsible approach to the consumption of alcohol beverages, which we believe is entirely consistent with prevailing community standards on health and safety. There is no suggestion of nor encouragement of excessive consumption or abuse of alcohol, underage drinking or other offensive behaviour. The TVC depicts only the moderate consumption of alcohol, and in fact the main character is not shown to consume any alcohol while some other characters consume non-alcoholic beverages like orange juice. The core message is one of Aussie mateship, one brought home by practical jokes revealing genuine affection for one another. Alcohol is not depicted as a core element of this mateship.

At the end of the commercial, Bundy Bear invites his friend to "come on over for a drink". This is a general invitation to Davo to come back and join his group of mates, from whose shared accommodation he has just moved out. In extending this invitation, Bundy Bear is not drinking, nor is drinking a significant element of the scene.

We disagree with the complainant's comment that the TVC depicts a man sad to be leaving "great drinking times". The man is shown to be sad to be leaving his old housemates but the humour lies in the fact that he is only moving next door and can stop by to see his mates anytime through the hole in the fence. Some (but not all) of the characters depicted are shown to consume Bundaberg Rum, but Bundaberg Rum is not in any way depicted as a cause for the friendship or the party. Moving out from a house shared with his mates to his own home is a concept much broader and richer than the complaint suggests.

We disagree with the complainant's suggestion that the TVC suggests Davo thinks of Bundaberg Rum as a friend. Bundy R Bear is a key mascot for the Bundaberg Rum product and is a representation of core aspirational aspects of raw Aussie charm found in our target consumer. Bundy R Bear is not presented as a metaphor for the product itself. The research carried out during the design of the TVC clearly shows that taking the advertisement as a whole, this message is clear to a reasonable person within the class of persons to whom the advertisement is directed and other persons to whom the advertisement may be communicated.

End of Planned Run for Advertisement

While we are pleased to have had this opportunity to confirm our long standing support for the Advertising Standards Bureau and commitment to uphold the AANA Code of Ethics and the Alcohol Beverages Advertising Code (ABAC), our marketing department and media buying agency (Mindshare) planned to run this advertisement during the period wc 20 July to wc 2" November. As such, we do not have plans to screen this TVC in the near future.

In summary, we strongly believe that the Bundaberg Rum commercial in no way breaches any part of either the AANA Advertiser Code of Ethics or the Alcohol Beverages Advertising Code. Our advertising agency (Leo Burnett) and Diageo, in particular, are very mindful of the requirements of both Codes, and pro-actively provided material to AAPS for approval throughout the planning and production stages of the commercial in question. We also screen all of our marketing activities through our rigorous internal approval process against the Diageo Code of Practice for Marketing Alcohol Beverages.

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 suggests that Bundaberg bear is your friend and that this concept will lead a person to excessive or additional alcohol consumption.

The Board noted that the advertisement uses a now well recognised scenario of a group of men who enjoy the product and have the Bear as a friend. The Board considered that the association of the Bear did not of itself promote irresponsible or unsafe drinking. The Board determined that the advertisement did not depict consumption of alcohol in a manner that would contravene prevailing community standards relating to public health and safety and did not therefore breach section 2.6 of the Code.

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