



CASE REPORT

1. Complaint reference number	436/09
2. Advertiser	Brothers Ink (Skinny Blonde)
3. Product	Alcohol
4. Type of advertisement	Internet
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 23 September 2009
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

A woman is portrayed in this U Tube advertisement wearing a red bikini top and has very blonde hair. The woman talks to viewers, suggesting that she have a staring competition with you - the viewer. After 30 seconds, the woman takes off her bikini top and displays her breasts in frontal view. The images cuts to a screen shot of the Skinny Blonde logo and website address.

THE COMPLAINT

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

I would like to issue a complaint regarding the new video advertisement for Skinny Blonde Beer (dated July 22) which features a video of a girl taking off her bikini top and showing her breasts.

The video is featured on the new main page of the Brothers Ink company website.

Description: The video ad titled "Can you Win a Staring Contest With a Hot Aussie Blonde" begins with a girl dressed in a live version of the Skinny Blonde beer logo. She is wearing a red bikini with a yellow flower in her hair, and bright red lipstick. After 30 seconds the girl takes off her top, revealing her breasts. Transcript of the girl's monologue (accompanied with a tropical drum beat): "50 you think you've got what it takes to outstare me. Alright let's have a go. That's it, not bad. I wonder what your strategy is. I like to pretend my eyes are frozen, usually works quite well. You know, my great grandfather is a starrer, and so is my grandma. I think that's how they met actually. You ARE pretty good, yeah, [takes it off] I think I win. See ya' next time.

" The end of the ad reveals the Skinny Blonde Beer logo and the website address. Location: The ad is featured on the main page of the Skinny Blonde website: www.skinnyblonde.com.au and hosted on <http://www.sexyandfunny.com> viewable by anyone from Google without age restriction. It is clearly produced by Brothers Ink and is playable by clicking on the large graphic labeled "Find out what all the Fuss is about" on the <http://skinnyblonde.com.au/site/> website. The date of the video upload is July 22, 2009 which is after the Ad Standards' and ABAC's ruling on the original website which you ruled was a violation. A number counter next to the video shows that it has been viewed over 73,000 times.

Violation: this ad violates the ABAC standards in that 1.) the model appears to be under the age of 25 and is not depicted as an adult 2.) implies that consumption of alcohol leads to sex, or at least clearly associates sexuality with the beer 3.) nudity does not meet code of ethics. 4.) The ad violates section 'h' of the ABAC code, as it infers that the previous ABAC and Board decision was a "fuss."

First, I must ask: was this ad approved or cleared by the ABAC before it was built into their new website? If not, it is clear that Brothers Ink' does not respect your organisation or the ethics and

standards it represents. After two concurrent rulings, they are continuing their efforts to flaunt the code. The distributors of the beer and the designers of the website should also be held complicit right along with the Brothers Ink.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following: *Brothers Ink would like to point out that the basis for this complaint is web based content and not paid advertising. Brothers Ink has never run advertising on TV, radio, newspapers, magazines or engaged in sponsorship of sports.*

The nature of web content is that it has to be actively sought out through by the internet user and does not appear in newspapers, magazines or during TV show where the reader or viewer has no choice as to whether they view the advertisement or not.

This web clip was unscripted and not produced by an advertising agency nor was a media buyer involved.

The previous Skinny Blonde website, as short lived as it was, has gained attention internationally and is directly responsible for international export and licensing deals that Brothers Ink is currently negotiating. All material that makes up the basis of this complaint is hosted by third party websites not related or affiliated with Brothers Ink. For the record the Skinny Blonde website no longer contains the link to the 'Staring Contest' on http://www.sexyandfunny.com/watch_video/can-you-win-a-staring-contest-with-this-hot-aussie-blonde_39620.html This is not a sponsored posting and the web address at the end of the clip is not a link. Clicking on the web address does not redirect the browser to the Skinny Blonde website. In response to Complaint 436/09 the viral "Staring Contest" clip does not depict the consumption of alcohol at all nor does it even show the product. There is no mention of alcohol in the dialogue and no suggestion of consumption therefore there is no implication that Skinny Blonde beer is cause of or contributor to encounters of the kind depicted in the staring contest. Furthermore there is only one person depicted in the clip. It is a commonly held belief that two or more people are required to be present for sexual success to be achieved. The clip's probable impact upon a reasonable person within the class of persons to whom the clip is directed would be mild amusement. No reasonable person would believe that drinking the product will lead to this kind of encounter. Moreover anyone with a knowledge of Skinny Blonde will realise that the clip is a reference to the disappearing ink of the product's label. In no way does Brothers Ink intend to bring the ABAC scheme into disrepute. "Find out what all the fuss is about" is merely a slogan and is a reference to the fact that Skinny Blonde, and in particular the innovative label, has caused controversy and achieved media coverage all over the world. This is further referenced by links to news articles from Australia, the UK and the USA. The Skinny Blonde website contains no implication that the 'six pack' site is less offensive than other ads, merely a link to a funny beer ad hosted by youtube.

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 complaints about this material. The Board noted that the advertisement had been linked to the SkinnyBlonde website and that the material included the advertiser's logo and website. The Board noted that this material may no longer be linked to the advertiser's website, but noted that the material clearly indicates the advertiser and product. Regardless of whether or not the advertiser has paid for the material to be placed onto the internet, the material is marketing material which is within the jurisdiction of the Board.

The Board noted complainants concerns about the depiction of the woman in this advertisement. The Board noted that the issue of the labelling of the product is not a matter within the jurisdiction of the Board.

The Board considered the image and content of the material. The Board noted that the website depicts a young adult woman who is wearing a red bikini top and then she removes her bikini top so her breasts are completely visible.

The Board considered that the images of the woman in her bikini was not overtly sexualised and was

not inappropriate to the likely audience. However, the Board considered that once the woman removed her top the image was highly sexualised. The Board noted that the advertiser's website is not age restricted and that younger people are able to access the site. The Board considered that the nude image of the women naked from the waist up did not treat sex, sexuality and nudity with sensitivity to the relevant audience and was in breach of section 2.3 of the Code.

The Board also considered that this depiction of a woman objectified the woman to the point that amounts to discrimination against women. The Board considered that the website images of the women did discriminate against women on account of their sex and that the material breached section 2.1 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaints.**ADVERTISER'S RESPONSE TO DETERMINATION**

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

The content that forms the basis of Complaint 436/09 can no longer be accessed via the website www.skinnyblonde.com.au or any other sites operated by Brothers Ink Pty Ltd