



## CASE REPORT

1. Complaint reference number	453/09
2. Advertiser	Meat & Livestock Australia
3. Product	Food & Beverages
4. Type of advertisement	Internet
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 14 October 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This television commercial appears to be a take-off of a 70's hippie Woodstock festival. Everyone is looking free and relaxed in the sunshine and someone is barbecuing the meat. There is a lot of smoke and everyone seems to be enjoying the fragrant air. The hippies share some food and some are playing music.

## THE COMPLAINT

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

*It clearly depicts the use of cannabis and it is on during a period when my children are watching TV.*

*It should be banned and fine the ones who created it or ordered its making.*

*The add implies drug use in relation to the consumption of a food product. My understanding is that drug use is illegal in Australia*

## THE ADVERTISER'S RESPONSE

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

*The complaint relates to a Meat & Livestock Australia Pty Ltd (MLA) television commercial for lamb titled "Lambstock" featuring hippies in a large field enjoying a barbecue.*

### **Background**

*The "Lambstock" television commercial does not make any nutritional claims with respect to lamb which require scientific substantiation. Given the lack of controversial scientific claims, MLA does not consider that the Advertising Standards Bureau (ASB) needs to obtain independent expert advice. In the event that the ASB considers that expert input is required, MLA wishes to be consulted on the process by which this is to occur, as it is not set out on the ASB website or in the information provided when the complaint was brought to MLA's attention.*

*MLA also notes that its advertising agency, BMF, received approval for the "Lambstock" television commercial from Commercials Advice Pty Limited (CAD) (approval number WQUFDFDA). CAD gave the advertisement a rating of W "General/Care in Placement", which states that the television commercial may be broadcast at any time except during preschool children's (P) and children's programs (C) or adjacent to these program periods. The Children's Television Standards 2005 indicates that the program period for P and C programs ends at 8.30pm. MLA also notes that the complaint indicates that the advertisement was seen at 9.15pm, outside the relevant period.*

### **The complaint**

*The complaint claims that the advertisement implies "drug use in relation to the consumption of a food product"; however, the complaint does not provide any further details. It also suggests that the advertisement breaches section 2.6 of the AANA Code of Ethics. This section of the Code relates to the depiction of material contrary to Prevailing Community Standards on health and safety. MLA notes that "Prevailing Community Standards" is defined as: "the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to Advertising or Marketing Communications."*

*MLA submits that there is nothing in the television advertisement that breaches this section of the Code.*

*MLA notes that none of the hippies depicted in the television advertisement are seen to be using drugs or in any way actively advocating drug use. The advertisement depicts a group of hippies gathering together in an open field similar to the music festival Woodstock in White Lake, New York in the United States of America in the 1960s. There is a barbecue underway and the smoke from the cooking lamb chops and cutlets is causing a number of people to turn to see where the smell is coming from and to join the line for the barbecues.*

*MLA assumes that the subject of the complaint relates to an image of a hippie sprinkling rosemary onto a lamb wrap. Once he has taken a bite from the wrap, he then passes it to another person for a bite and it is then passed on again to another person. The wrap is shared in the way that a marijuana joint might have been at Woodstock or a similar gathering. These images were intended, and MLA submits will be taken by reasonable viewers, to be a humorous play on the culture and symbols of the original Woodstock festival. At the same time the images clearly show a more innocent, healthy version of a shared experience - an outdoor barbecue. The hippies are sharing a lamb wrap and, contrary to the claim in the complaint, are not in any way using drugs.*

*MLA is of the view that it is far fetched to assert that the "Lambstock" television advertisement breaches section 2.6 of the Code by depicting material contrary to Prevailing Community Standards on health and safety. MLA accepts that community concerns exist with respect to drug use. However, MLA notes that many television commercials, programs and films broadcast in Australia include drug use and/or drug references. Viewers are well aware of this issue, of aspects of the drug culture and of its history – including the hippie movement and Woodstock. If viewers were not aware of these things the television advertisement would not make sense. MLA submits that the advertisement would only contravene standards regarding health and safety if it advocated or supported or encouraged illegal drug use. It clearly does not. This advertisement does not depict images or include references of this kind but only makes humorous use of references to a culture that involved drug use.*

*In view of the above, MLA respectfully submits that the complaint should not be upheld as the "Lambstock" television commercial complies with the provisions of the AANA Code of Ethics.*

## **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 complainants concerns that the advertisement was depicted people smoking cannabis.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.6 of the code. Section 2.6 of the Code states:

*"Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".*

The Board noted that the advertisement was for the promotion of lamb and depicted a humorous take-off of the Woodstock festival from the 1970s. The Board agreed that most members of the community would understand that the advertisement was a take-off of an historic event in Australian if not, international history and was not sending out a message which condoned the use of drugs. The Board noted that the advertisement was not shown during children's program times and that the advertisement was played at 9.15pm - during an adult CAD viewing period. The Board agreed that the smoke from

the barbecue and sprinkling of rosemary on the wrap, or sharing of food was likely to be perceived as alluding to drug use but considered that the advertisement was not actually depicting drug use and the humorous context did not amount to advocating or condoning drug use. The Board considered that the advertisement did not depict material that was in breach of prevailing community standards in relation to health and safety.

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