



CASE REPORT

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| 1. Complaint reference number | 490/08 |
| 2. Advertiser | Bacardi |
| 3. Product | Alcohol |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 10 December 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Bacardi begins with a bottle of Bacardi splashing into a pool of water. This water then turns into two computer generated images of robotic people - one dark and one white. The images dance to music and eventually combine and turn into a glass filled with liquid. The glass rotates showing a different coloured liquid in it. A voiceover at the end of the advertisement says, "Bacardi, made to mix" and the viewers see a Bacardi bottle with the words also shown on screen.

THE COMPLAINT

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

I believe the ad is sending out the message that Baccardi is a fun, party drink. I think it promotes itself to the younger generation who will be impressed by the computer generated images and excited by the prospect of this much fun. I was under the impression that alcohol was not allowed to be portrayed as fun and exciting. Perhaps Baccardi has gotten around this by using computer generated liquid in place of real people. In any case, I think the ad sends a bad message. Thank you.

THE ADVERTISER'S RESPONSE

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

Thank you for notifying us of the recent consumer complaint received by the ASB. In your notification, you advised that our response should address any issues that fall broadly within Section 2 of the AANA Code of Ethics, which includes the AANA Food and Beverages Marketing and Communications Code.

Section 2 of the Code of Ethics includes 8 sub-sections; none of which we believe are contravened by the TVC in question, however as two sub-sections in particular are relevant here (2.6 and 2.8), addressed specifically as follows.

Sub-section 2.6 states that no advertising should depict material contrary to Prevailing Community Standards on health and safety.

The advertisement does not breach such standards: it in no way suggests the over-consumption, misuse or abuse of alcohol; nor the encouragement of anti-social behaviour or under-age drinking.

Sub-section 2.8 states that advertising shall comply with the AANA Food & Beverages Advertising

& Marketing Communications Code. Reference to that Code - with which we believe we comply - in turn leads to the Alcohol Beverages Advertising Code, to which regulation BACARDI is subject.

As stated in the Preamble, the advertisement complies with both the spirit and intent of the Code: it presents a mature, balanced and responsible approach to the consumption of alcohol and does not encourage excessive consumption or abuse of alcohol and in fact does not show alcohol being consumed at all; does not encourage under-age drinking; does not promote offensive behaviour or the excessive consumption, misuse or abuse of alcohol beverages.

Specifically, the complainants note:

BACARDI, through this TV advertisement, is sending the message that it is "...a fun, party drink."

The underlying message of this commercial is BACARDI Superior's mixability an ideal complement to a range of mixers including cola, cranberry, orange or soda. We believe this message is delivered in a way that's mature, balanced and responsible while still giving us the reasonable opportunity to deliver this in an innovative and unusual way.

Importantly, the consumption of BACARDI is not shown to lead to a fun party or a significant change in mood.

BACARDI is targeting '...the younger generation who will be impressed by the computer generated images and excited by the prospect of this much fun.'

This commercial uses sophisticated imagery in conveying its message; imagery we believe is appropriate to our target audience of LDA -29. These are images designed to appeal to 18+, and do not hold particular appeal to under-age drinkers. The music track was chosen specifically as a reflection of tracks played in nightclubs rather than the sort of music heard on top 40 radio stations. The figures represent both BACARDI's Cuban heritage -a love of life -and its innate mixability in a way we regard as reasonable.

Overall, this commercial is a communication of BACARDI Superior's functional benefits: flavour and mixability and promotes BACARDI's mixability in a responsible and adult way.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communication Code (the "F&B Code").

The Board considered the application of Section 2.6, relating to prevailing community standards on health and safety.

The Board considered whether the message of the advertisement was contrary to prevailing community standards regarding the safe consumption of alcohol. The Board considered the advertisement used an innovative approach to depicting the product's "mixability", as noted in the advertiser response. The Board considered the tone and presentation of the advertisement was directed toward and appropriate to a mature audience. The Board considered that the advertisement was not advocating excessive consumption of alcohol or consumption by under-aged persons. The Board determined that the advertisement was not contrary to prevailing community standards on the safe consumption of alcohol and therefore found no breach of Section 2.6 of the Code.

The Board also noted that the F&B Code does not apply to alcoholic beverages.

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