



## **CASE REPORT**

1. Complaint reference number	62/07
2. Advertiser	Brown Forman (Southern Comfort)
3. Product	Alcohol
4. Type of advertisement	Cinema
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 13 March 2007
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This cinema advertisement shows a group of young people enjoying themselves inside a club/bar. A female bartender pours Southern Comfort and lime at the request of a patron as the lyrics of the Luxemborg Brothers' song Usual Suspects are sung as background to scenes of young people enjoying like company.

## **THE COMPLAINT**

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

*I object to this advertisement because it clearly targets adolescents. In view of the Federal and State government's attempts to curb alcohol consumption of adolescents, I find this advertisement inappropriate.*

*Although the (Eragon) film rating is M the audience in the theatre was mostly younger than 15. There were children apparently as young as 8 and many aged in their early teens. The issue is that the advertisement for spirits is not appropriate for the age of the target audience for the film. Quite apart from younger children, I would be concerned about advertising spirits to young people of 15 years, many of whom will be drinking and experimenting with binge drinking. Advertising spirits to 15 years old youth is harmful and counter to efforts by governments to limit drinking among youth.*

## **THE ADVERTISER'S RESPONSE**

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

*We submit that the Advertisement does not “target adolescents”, and there is nothing about the Advertisement that in any way offends Section 2 of the AANA Advertiser Code of Ethics*

*We particularly note that:*

*(i) the Advertisement does NOT depict “mid adolescents”.*

*Only adult actors feature in the Advertisement, and all of those adults are at least 25 years of age (one is 31 and two are 28). They are, moreover, clearly depicted as adults.*

*(ii) the actors are not simply “partying” (which could be happening in a private home). They are depicted drinking in a bar, a place accessible only to persons aged 18 year of age, or older.*

*Acknowledging the complainant's concerns as to the ages of some of the members of Eragon's cinema audience, we have:*

- (i) withdrawn the Advertisement from further screening during Eragon, and*
- (ii) reviewed the implementation of our cinema advertisement placement policy.*

*Our policy has always been to show our cinema advertisements only during movies primarily directed at audiences whose members are 18 years of age, or older. G and PG rated movies are always excluded from consideration. For movies with other ratings, such as the M rated Eragon, there is a subjective evaluation of the likely ages of each movie's probable audience.*

*We trust these comments are of assistance to you. We look forward to your findings that there have been no breaches of Section 2 of the AANA Advertiser Code of Ethics, and that the complaints do not raise any issues covered by ABAC.*

### ***THE DETERMINATION***

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

In particular the Board considered whether the advertisement breached Section 2.6 of the Code dealing with issues of health and safety.

The Board found no evidence that the advertisement was targetting adolescents. The Board was also mindful that this complaint would be considered by ABAC.

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