



CASE REPORT

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| 1. Complaint reference number | 98/10 |
| 2. Advertiser | Lion Nathan |
| 3. Product | Alcohol |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Other - Social values |
| 6. Date of determination | Wednesday, 10 March 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TVC commences with two men up a ladder. The second man is holding the first by the back of his shirt. The men are portrayed as attempting to fix a broken pipe as water sprays over them.

Voice over says, "helping a mate fix a leak, one case". The first man is seen to then fall from the ladder.

Next scene shows the first man with his neck in a brace and both arms plastered, being unable to perform basic personal tasks. He is now depicted as urinating in the toilet, with the second man depicted as helping him with this task. Voice over states "helping a mate take a leak – 10 cases" "Tooheys New official currency of the beer economy".

THE COMPLAINT

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

It is simply filthy to be affronted this type of vision on a family Sunday evening or at any other time.

THE ADVERTISER'S RESPONSE

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

The advertisement questioned is the Tooheys New 'Leak' TVC, which was launched as part of the broader Tooheys NEW brand's new 'Beer Economy' campaign. As an overall introduction, I would first like to address the concept of the 'Beer Economy'. The 'Beer Economy' series of advertisements are based on an insight into the average, Australian beer drinker. For many years mates have paid each other in beer, instead of money, to say thank you for small favours. Whether it be helping a friend move house, or fix the car, Australians like to say thank you with a beer.

Many people can relate to this simple insight and have used beer in this fashion at some stage of their lives. As such, the aim of the Tooheys NEW advertising campaign is to have fun with these experiences, and perpetuate this endearing quirk of Aussie culture. In the advertisement referenced, a situation is explored whereby the favours one mate bestows on another continue to rise in significance. Initially one mate is helping another fix a leak in his pipes – the situation is then exaggerated into a fictional scenario whereby due to a fall from the ladder, the man is now helping his friend 'take a leak'.

This exaggerated and humorous comparison is at the heart of the 'Beer Economy' campaign. In all the executions, the favours one mate bestows on another move from the average to the absurd – it is very clearly comical hyperbole, and it is not expected a reasonable person would think

otherwise. With regards to Section 2, Clause 2.3 of the AANA Advertiser Code of Ethics, the Tooheys NEW 'Leak' advertisement is in no way in breach of this Section.

The complainant is referring to the final scene where one mate helps another 'take a leak'. The scene is treated delicately, and at no stage is any sex, sexuality or nudity featured. It is also important to point out that assisting a friend in this manner isn't a sexual act at all.

We are confident the advertisement is in line with community standards. The overwhelmingly positive feedback we have received to date demonstrates the advertisement has resonated with TV viewers.

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 is inappropriate.

The Board noted that the advertisement depicts one man providing beer to his friend as a means of thanking him for helping him out in various ways. The amount of beer given varies depending on how significant is the help that the friend provides. The Board noted that the advertisement does not depict any consumption of alcohol.

The Board considered that the advertisement humorously depicts situations in which friends help each other out and that it depicts a common Australian way of thanking a friend - providing beer. The Board considered that the advertisement does not suggest that alcohol should be used as a means of coping with unhappy events and that the person 'suffering' is giving the beer away - not consuming it himself.

The Board considered that the advertisement did not encourage excessive alcohol consumption nor did it suggest that people should turn to alcohol as a means of coping with unhappy situations. The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

The Board noted that the advertisement depicts one man assisting another to urinate as he has two broken arms. The Board considered that some people would find this depiction somewhat unpleasant but determined that the depiction was suggestive rather than detailed, and was clearly intended to be an awkward but amusing depiction of how friends help each other out.

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