

## Case Report

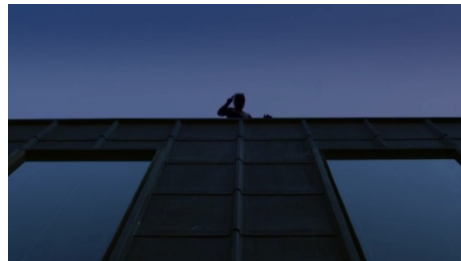
1. Case Number :	0054-24
2. Advertiser :	Lion-Beer, Spirits & Wine Pty Ltd
3. Product :	Alcohol
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	6-Mar-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement follows a bottle of beer being passed from person to person, including a scene where it is dropped from a high up on a building and caught by someone on a balcony lower down.



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*At the end of the advert a bottle of beer is "delivered" from the roof of an apartment block to someone standing on a balcony The someone catches the bottle but what would happen if he didn't ??*

*So if someone copy's this action and misses etc etc -the person walking on street level gets hit on head with the bottle or the bottle smashes and there's glass everywhere on the street or worse? It is such a dangerous concept which should not be part of an advertisement on any media!*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*While the complaint mentions that the Advertisement was received while viewing Free to Air television, we confirm the placement for the referenced time would've been via the Channel 7 TV on Demand platform. Nonetheless, we confirm the Advertisement was rated "L" and enclose the ClearAds classification – ClearAds Reference No. 2978974.*

*Thank you for raising this complaint and providing the opportunity for us to respond to the concerns of the complainant. Lion – Beer, Spirits & Wine Pty Ltd (Lion) reiterates its commitment to the AANA Code of Ethics and that it takes its obligations to responsibly advertise its products seriously.*

*For the reasons set out below, and with respect to the complainant, we submit that there has been no breach of Part 2.6 of the AANA Code of Ethics by Lion and the Complaint should be dismissed by the Ad Standards Community Panel.*

*We do not consider that the final balcony scene of the Advertisement breaches Part 2.6 of the AANA Code of Ethics for the following reasons:*

- 1. the whole premise of the Advertisement is fantastical;*
- 2. there are numerous and deliberate cues throughout the Advertisement that exaggerate the product's journey and indicate it doesn't reflect reality – these include the way the bottle spins across the counter (0:04 – 0:06), the arc of the bottle when it initially passed into the crowd (0:06), the kaleidoscopic effect on the escalators (0:13), the bottle defying well-known physics principles by remaining on the back of the motor scooter (0:15 – 0:17) and the bottle being delivered from above, caught without the recipient looking and using a rubber banding effect (0:23 – 0:25). Notably unreal cues appear well before the balcony scene, and act to contextualise this sequence;*
- 3. we respectfully submit that:*
  - a. the adult settings and muted colour scheme / grading of the Advertisement would not attract the attention of children; and*
  - b. reasonable members of the community would recognise these surreal cues and not understand that the Advertisement is encouraging or condoning unsafe behaviour.*

*We do not consider that the Advertisement is in breach of any of the other AANA codes which may apply.*

*We also note that the same complaint has been considered and dismissed under the ABAC Code – we enclose ABAC Adjudication No. 24/24.*

*As a responsible marketer, Lion has demonstrated a long-standing commitment to upholding both the letter and spirit of the AANA Code of Ethics. Lion maintains strict internal and external processes to help ensure its compliance.*

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts unsafe behaviour by showing a person dropping a bottle of beer from a balcony.

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

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note to Section 2.6 includes:

*“Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.”*

The Panel considered that a person dropping a beer bottle off a building with a person below was unsafe behaviour which could result in injury.

However, the Panel considered that this scene was at the end of the advertisement which depicted the beer being delivered in an over-the-top and fantastical manner following a sequence of unlikely events. In particular, the Panel noted the depiction of the beer defying gravity and staying on the back of a scooter was fantastical. The Panel considered that the overall impression of the advertisement was that the behaviour was not real.

The Panel considered that the depiction in the advertisement was fantastical, did not depict actual unsafe behaviour and was unlikely to result in people attempting to copy the behaviour.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

## **Conclusion**

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.

## **ABAC**

The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics