

Case Report

1. Case Number :	0020-25
2. Advertiser :	Lion-Beer, Spirits & Wine Pty Ltd
3. Product :	Alcohol
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	5-Feb-2025
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two 4WD vehicles on the beach. A man is tightening a ratchet strap. There are a number of people pulling on a rope with a man saying "Little more, come on, little more, little more. liiiittle more. Down yep, nah a little less, up up up up up up, up up, down, there it is." There are then seven people sitting in a hammock suspended between the two 4WD vehicles using the winches mounted to their bumper bars.



THE COMPLAINT

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

This ad promotes unsafe use of 4wd equipment.

This ad will encourage people to use winches in unsafe ways and not how they should be used. Incorrect use of winches can end in accidents/death/decapitation. Winches are already dangerous equipment to use, and this should not be promoted.

THE ADVERTISER'S RESPONSE

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

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 depicted use of winches to set up a hammock in the Advertisement breaches Part 2.6 of the AANA Code of Ethics for the following reasons:

- the tension on the hammock is shown to be gradually and safely applied, as demonstrated by the rate the rope is taken into the winch (0:00 – 0:01) and the slow rate that the hammock rises off the sand (0:01 – 0:02);*
- the main character in the blue shirt who is instructing the winch operator (0:03) and winch operator shown to be walking away from the vehicle (0:05) are not shown to be consuming alcohol until after the hammock is fully set up;*
- the main character in the blue shirt is shown to be alert and taking the role of instructing the winch operator seriously (0:03 – 0:04);*
- the completed hammock is shown to be secured by a number of other straps and ropes to ensure stability and safety of its users (0:04 – 0:08 and 0:11 – 0:15). The wheels of the vehicles are also shown to be supported by mounds of sand to ensure grip;*
- the Advertisement does not show the people sitting on the hammock whilst it is being winched. Reasonable members of the community would assume that the people got onto the hammock after the winching stopped;*
- the final set-up of the hammock is very close to the ground and the people sitting on the hammock appear safe and secure (0:15); and*
- the vehicles are shown to be stationary at all times throughout the Advertisement and parked in an enclosed camping area with no drivers shown to be in the vehicles at any time.*

We respectfully submit that:

- it is common for 4WD winches to be used for a range of outdoor purposes;*
- the depicted operation of the 4WD winches is shown in a safe and responsible way;*

- *reasonable members of the community would recognise that the depicted measures made the operation of the winches safe and not understand that the Advertisement is encouraging or condoning unsafe behaviour; and*
- *the Advertisement was first broadcast on 1 July 2023. This is the first complaint received in respect of the Advertisement, which demonstrates that reasonable members of the community do not consider the Advertisement to depict conduct which is unsafe.*

We do not consider that the Advertisement is in breach of any other section of the AANA Code of Ethics or any of the other AANA codes which may apply.

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 the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement promotes unsafe use of a winch.

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 for this section of the Code includes:

“Advertising which demonstrates the unsafe use of machinery, even when not the focus of the advertisement, is likely to be seen as unsafe and against prevailing community standards on health and safety.”

The Panel noted the advertiser's response that 4WD winches are often used for a variety of purposes, and in the advertisement they are shown to be used in a safe and controlled manner.

The Panel considered that incorrect use of winches can cause injury and death. The Panel acknowledged the advertisements attempt to depict a light-hearted situation while adhering to safety standards. The Panel noted the safety protocols identified by the advertiser, including gradually applying tension, securing the hammock with a

number of other straps, supporting the wheels of the vehicle with mounds of sand, and not showing people sitting in the hammock as it is rising.

The Panel considered that the amount of safety precautions needed to depict the scenario was indicative of the dangers that could occur if the winches were used incorrectly. The Panel considered that all these safety precautions would not be immediately apparent to people watching the advertisement. The Panel considered that the advertisement depicted and condoned the use of 4WD winches for frivolous activities, which could lead to copycat behaviour where the appropriate safety precautions are not taken.

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel concluded that the advertisement did breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement breached Section 2.6 of the Code the Panel upheld 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.

THE ADVERTISER'S RESPONSE TO DECISION

We confirm that Lion will discontinue using this advertisement.