

ABAC

**ABAC Complaints Panel
Determination No: 103/11**

**Confidential COMPLAINT
Product: Chandon
Advertiser: Moët-Hennessy Australia Pty Ltd**

Jeanne Strachan – Acting Chief Adjudicator
Professor Richard Mattick – Member
Debra Richards – Member

21 December 2011

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a print advertisement for Chandon by Moët-Hennessy Australia Pty Ltd (“the Advertiser”) and arises from a complaint received on 1 December 2011.

The Quasi-Regulatory System

2. Alcohol advertising in Australia is subject to an amalgam of laws and codes of practice which regulates and guides the content and, to some extent, the placement of advertisements. Given the mix of government and industry influences and requirements in place, it is accurate to describe the regime applying to alcohol advertising as quasi-regulation. The most important provisions applying to alcohol advertising are found in:
 - (a) a generic code (the AANA Advertiser Code of Ethics) with a corresponding public complaint mechanism operated by the Advertising Standards Bureau (ASB);
 - (b) an alcohol specific code (the Alcohol Beverages Advertising Code) and complaints mechanism established under the ABAC Scheme;
 - (c) certain broadcast codes, notably the Commercial Television Industry Code of Practice (CTICP) which restricts when direct advertisements for alcoholic drinks may be broadcast; and
 - (d) The Outdoor Media Association Code of Ethics which includes provisions about Billboard advertising.
3. The ASB and the Panel both assess complaints separately under their own rules. However, for the ease of public access to the complaints system, the ASB receives all complaints about alcohol beverage advertisements and forwards a copy of all complaints to the Chief Adjudicator of the ABAC.

4. The Chief Adjudicator of the ABAC then determines if the complaint raises issues which are solely within the province of the AANA Code of Ethics. If not, then the complaint will be forwarded to the ABAC Adjudication Panel for consideration. If only AANA Code issues are raised, then the matter is determined by the ASB.
5. This complaint raises concerns under the ABAC and accordingly is within the Panel's jurisdiction.

The Complaint Timeline

6. The complaint was received on 1 December 2011.
7. The Panel endeavours to determine complaints within 30 business days of receipt of the complaint, but this timeline depends on the timely receipt of materials and advice and the availability of Panel members to convene and decide the issue. The complaint has been determined within the 30 day timeframe.

Pre-vetting Clearance

8. The quasi-regulatory system for alcohol beverages advertising features independent examination of most proposed advertisements against the ABAC prior to publication or broadcast. Pre-vetting approval was obtained for this advertisement [10851].

The Advertisement

9. The complaint refers to a print advertisement for Chandon. The advertisement features a photograph, from shoulders down, of four women walking away from the camera across a parquet floor. The women are all wearing short light coloured cocktail dresses and high heels. One woman is carrying an evening bag and another is carrying a bottle of Chandon sparkling wine. The tagline on the bottom right side of the page is "Only Chandon". On the bottom left side of the page in small print is the text "Enjoy Chandon Responsibly".

The Complaint

10. The complainant argued that the words "Enjoy Chandon Responsibly" are barely visible and appear to be intentionally obscure, in a similar manner to the warnings on tobacco ads of the past and this appears to make a joke of the requirement to include the "responsible use" message.

The Code

11. The ABAC provides that advertisements for alcohol beverages must-
 - (a) present a mature, balanced and responsible approach to the consumption of alcohol beverages ..

The Advertiser's Comments

12. The Advertiser responded to the complaint and questions posed by the Panel by way of letter received 20 December 2011. The principal points made by the advertiser are as follows:
 - (a) The advertisement received pre-vetting approval.
 - (b) The Advertiser will review remedial options to the 'Enjoy Chandon responsibly' phrase in the Only Chandon campaign to ensure better clarity within the creative.

The Panel's View

13. The complainant's concern is that the Drink Responsibly message on the advertisement is illegible.
14. Winemakers' Federation of Australia ("WFA") has advised that there is no mandatory requirement to include Drink Responsibly messages in advertising. The ABAC also contains no positive obligation to include a "drink responsibly" style of message.
15. The Panel believes there is nothing in the substance of the ad which can be taken to be encouraging the irresponsible use of alcohol. Not incorporating a "drink responsibly" message is not of itself a breach of the ABAC, nor would the inclusion of such a message excuse an ad from otherwise breaching the ABAC if the content of the ad failed to meet a code standard.
16. Accordingly the complaint is dismissed.