

ABAC

ABAC Complaints Panel Determination No: 35/13

Confidential Complaint Product: Great Northern beer Advertiser: Carlton & United Brewers

Professor The Hon Michael Lavarch – Chief Adjudicator
Debra Richards – Member
Professor Richard Mattick – Member

19 March 2013

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a television advertisement for Great Northern Beer produced on behalf of Carlton & United Brewers (“the Advertiser”) and arises from a complaint received on 27 February 2013.

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 complaints systems operated under the ABAC scheme and the ASB are separate but inter-related in some respects. Firstly, for ease of public access, the ASB provides a common entry point for alcohol advertising complaints. Upon receipt, the ASB forwards a copy of the complaint to the Chief Adjudicator of the ABAC Panel.

4. The Chief Adjudicator and the ASB independently assess the complaint as to whether the complaint raises issues under the ABAC, AANA Code of Ethics or both Codes. If the Chief Adjudicator decides that the complaint raises solely issues under the Code of Ethics, then it is not dealt with by the ABAC Panel. If the complaint raises issues under the ABAC, it will be dealt with by the ABAC Panel. If the complaint raises issues under both the ABAC and the Code of Ethics, then the ABAC Panel will deal with the complaint in relation to the ABAC issues, while the ASB will deal with the Code of Ethics issues.
5. The complaint raises concerns under the ABAC and accordingly is within the Panel's jurisdiction.

The Complaint Timeline

6. The complaint was received by ABAC on 27 February 2013.
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 (11500).

The Advertisement

9. The television advertisement opens with an aerial shot of a wilderness scene of a heavily treed landscape with a red dirt road winding through the trees and a four wheel drive traveling along the road accompanied by rainforest sounds. Superimposed on the scene is the text "A Great Northern adventure".
10. We then see a closer shot of the four wheel drive with a roof rack laden with equipment heading toward the camera through a rainforest. A closer shot shows three men sitting in the vehicle as it is traveling along the road looking around nervously.
11. The vehicle is then shown driving across a creek and a close up shot shows one of the passengers looking at the driver with a concerned expression.
12. In the next scene the vehicle is driving through a rocky gorge followed by close up shots of a passenger and then the driver both looking concerned. This is followed by a shot of the back of the vehicle where we see camping equipment and a carton of Great Northern beer.
13. The next scene shows the vehicle stopping and one of the passengers saying "Do we know where we are?" the driver responding by shaking his head and saying "Nuh" and the passenger responding "Good".

14. We then see a passenger removing the carton of Great Northern beer from the back of the vehicle and then an esky with six bottles of beer on ice. The three men are then shown sitting in deck chairs holding or sipping a beer as a voiceover says “Great Northern Lager” as the camera shot changes so we can see that the men are sitting on a hill overlooking a dramatic river valley with an esky beside them and a pile of camping equipment behind them. “The Beer from Up Here”, a bottle of Great Northern beer and a “Don’t Drink and Drive” logo are then superimposed on the screen as we hear the men talking and laughing and a voiceover “The Beer from Up Here”.

The Complaint

15. The complainant argues that:
 - (a) The advertisement promotes the idea that you can consume alcohol whenever the urge takes you regardless of where you are.
 - (b) The concept of making an adventurous and no doubt dangerous journey by four wheel drive to such a remote location does not fit well with the consumption of alcohol. There is no indication that one of the men is not drinking so he can be the 'designated driver' if they needed to drive on for some reason and all of the men should be abstaining to keep their wits about them in such a remote environment. They would need to camp right where they are for the night to be drive-safe.
 - (c) The advertisement depicts and promotes alcohol consumption in a public space (made clear by reason that the men do not know where they are), which is illegal in most jurisdictions in Australia. The average person would see these men as driving through a national park setting up north and deciding to stop and have some beer which would generally be an offence under the Summary Offences Act in Qld if it was on public space.

The Code

16. The ABAC provides that advertisements for alcohol beverages must:
 - (a) present a mature, balanced and responsible approach to the consumption of alcohol beverages....
 - (d) not depict any direct association between the consumption of alcohol beverages, other than low alcohol beverages, and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly –
 - i) any depiction of the consumption of alcohol beverages in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices.....

The Advertiser's Comments

17. The Advertiser responded to the complaint and questions posed by the Panel on 15 March 2013. The principal points made by the Advertiser are:
- a. The television advertisement showcases Great Northern --- “The beer from up here” (available in Queensland and Northern NSW) --- and shows three mates getting away from it all in the great outdoors. We endeavour to show popular activities in our advertisements that our target market can relate to and this advertisement is no exception. We see three men (all aged 25 years or over) traveling via 4---wheel drive in a bush setting, selecting their camping location, unloading the vehicle and then as the sun sets enjoying the view with a beer – a quintessential Australian past time. The Great Northern television advertisement is currently on air in regional Northern New South Wales and regional Queensland. The advertisement has been on television since the end of December 2012 and it's estimated that the advertisement has been viewed over 3.4 million times.
 - b. The advertisement shows blokes camping and enjoying a beer at the end of the day – a popular past time with a huge number of Aussie blokes. It is clearly a planned trip due to the quantity of equipment loaded on top of (and in) the 4---wheel drive vehicle. The advertisement depicts a specific drinking situation rather than just a scenario akin to “...whenever the urge takes you...” as stated by the complainant. Enjoying beers at an appropriate location, in this case a campsite, happens every day around the country in responsible and safe manner. We disagree that the television advertisement depicts a dangerous journey. The three men are driving an appropriate vehicle for the terrain and they are well equipped in terms of camping gear. In our case, whilst the blokes drive to their camping destination they are not depicted as having consumed alcohol prior to undertaking their drive (there is no product in shot) and they do not appear under the influence as they are alert and sober looking. In the 4---wheel drive vehicle the driver asks rather dryly: “Do you know where we are?” and receives a response of “Na” to which the driver then states “Good”. This dialogue sets the scene in terms of the experience they are after – getting away from it all in search of some serenity and solitude. It is a very deliberate search for ‘space’ versus a journey by three men who are lost, in danger and driving without purpose. I believe this would be the outtake of a reasonable viewer post viewing the advertisement in its entirety. There is no blanket law that disallows alcohol in every public space. Obviously we are depicting an area where alcohol consumption is permissible and there are no indicators to the contrary (i.e. signage).
 - c. The driving (or “4---wheel drive journey”) is finished before any alcohol is consumed and it only occurs when the three mates have arrived at their camping destination and started making camp for the night. It is the end of the day as indicated by the sun having gone down. The car trip is completed. They are seen to enjoy a beer and admire the view. The men are not taking a short toilet break or stopping briefly along the road --- they are camping and there is no sense that they will move for days. Simply showing a mode of transport in an alcohol advertisement does not automatically imply or equate to drink driving but

the depiction must be in line with the ABAC. The ABAC requires us to ensure any alcohol consumption must not be “represented as having taken place before or during the activity in question and must in all cases portray safe practices”. The absence of any alcohol containers and the fact that the driver and passengers appear completely sober makes this advertisement compliant with section d. As indicated above, the consumption part of the advertisement takes place at the conclusion of the advertisement in the camping part of the trip (not the driving part).

- d. This advertisement does not show consumption whilst the men are driving nor is there a sense that the three men are under the influence of alcohol when they are driving. The driving (or “4--wheel drive journey”) has been successfully completed before any alcohol is consumed and only when the three mates have arrived at their camping destination and started making camp for the night. They are then seen to enjoy a beer and admire the view. Furthermore, it is the end of the day as indicated by the sun having gone down and there is no sense they will move for days. The advertisement ends on a relaxed note (there is no sense of looming danger) and does not depict the men returning to their car to drive. If you were to extrapolate beyond what is depicted it would only be that the three blokes enjoy a safe and enjoyable camping trip. The CUB team takes its commitment to responsible marketing very seriously and worked with the allocated prevetter to ensure the television advertisement was ABAC compliant.

The Panel’s View

18. The complaint is about a television advertisement for Great Northern Beer that is based on a four wheel drive vehicle journey and camping trip in a remote location. The advertisement is light hearted as it creates a scenario of initially suggesting the men in the vehicle are worried about being lost, but it turns out that the men are ‘deliberately’ lost in their desire to find a completely secluded spot to camp.
19. The complainant is concerned about the message the advertisement is sending. It is argued that the advertisement promotes dangerous and anti-social behavior in that:
 - It promotes the idea that you can consume alcohol whenever the urge takes you, irrespective of the circumstances.
 - That it is irresponsible to associate alcohol use with the inherently dangerous activity of travelling by vehicles in remote areas, and this is reinforced by the fact that a basic precaution of having at least one man on the trip not consuming alcohol is not followed.
 - It is generally illegal to consume alcohol in public places and clearly the advertisement is set in a national park or similar public area.
20. The advertiser’s response to these concerns is that the advertisement establishes:
 - The use of alcohol occurs after the end of the day’s driving and when a camp is going to be made up.

- The men are not affected by alcohol, nor are seen consuming alcohol while the vehicle is being operated.
 - Alcohol use is not prohibited outright in all public places.
21. The relevant ABAC provisions require that the advertisement present a responsible approach to alcohol consumption (section (a)) and not depict a direct association between the consumption of alcohol and the operation of a motor vehicle (section (d)). In assessing an advertisement's consistency with these standards, the Panel is to have regard to the probable impact of the advertisement on a reasonable viewer, taking the advertisement's content as a whole.
22. The 'reasonable person' test embodied in the ABAC preamble is a reference to the basic standard contained in Australia's common law system. Essentially, it requires the Panel to take a common sense approach in applying the Code, with regard to the attitudes, values and opinions held by the majority of the community.
23. Like most advertising, this advertisement relies upon the creation of a scenario which is unlikely to be taken literally in every respect by viewers. Rather, the advertisement creates a romanticised notion of getting away from the busyness of the everyday to the beauty and solitude of a remote part of Australia. It shows a scenario, which does not reflect the reality of travelling and camping in remote regions – for instance, the mosquito bites, the flies, the effort in setting up a proper camp site and the lack of basic amenities are not shown. A viewer knows, however, the reality of actually camping in such a remote area, but the advertiser's aim is to appeal to a particular notion of this activity and link it to a brand value of the product.
24. The Panel does not believe that the advertisement breaches the section (d) standard. The advertisement does not depict alcohol consumption during the operation of the vehicle and, further, when consumption is depicted, it is sufficiently established by the unloading of the vehicle and the placement of camping equipment near where the men are drinking that the vehicle is not going to be used again, as the men have finished driving for the day.
25. Section (a) of the Code provides that advertisements must present a balanced, mature and responsible approach to alcohol consumption. The Panel does not believe the advertisement breaches this standard. In reaching this conclusion, the Panel has noted:
- Portraying modest alcohol consumption in an open space when properly contextualised is not considered to offend the 'reasonable person' test of a responsible approach to alcohol consumption.
 - While traveling in remote areas does require prudent precautions and careful preparation, the men are shown in an off road vehicle, apparently carrying appropriate provisions and equipment.
 - The alcohol use depicted is restrained and occurs at the end of the day, indicating that driving and other activity is at an end.
26. Accordingly, the complaint is dismissed.