

ABAC

**ABAC Complaints Panel
Determination No: 45/12**

**Confidential Complainant
Product: Belvedere Vodka
Advertiser: Moët Hennessy Australia New Zealand**

Professor The Hon Michael Lavarch – Chief Adjudicator
Jeanne Strachan – Member
Professor Richard Mattick – Member

21 May 2012

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a print advertisement for Belvedere Vodka and arises from a complaint received 1 May 2012.

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 and Alcohol Guidelines which includes provisions about Billboard advertising.
3. The complaint 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 1 May 2012.
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. This complaint was decided within the 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. The Advertiser did not obtain pre-vetting approval for the advertisement as it was a publisher produced advertorial.

The Advertisement

9. The complaint relates to page 59 of Vogue Australia June 2012 edition. The page features a full page photograph of a stylishly dressed man and woman depicted from shoulders down. They are sitting at a marble table on which is a napkin, pair of sunglasses, various condiments, an unopened bottle of Belvedere Vodka Bloody Mary, two Bloody Mary cocktails and boiled eggs and toast in the middle of the table and on plates in front of the man and woman.
10. A circle inset into the photograph has the following recipe:

Belvedere Skinny Mary
30ml Belvedere Bloody Mary Vodka
45ml tomato juice
45ml soda water
Dash of lemon juice

Combine ingredients in a highball glass over cubed ice. Garnish with a lemon wedge and a stick of fresh celery.
11. An advertorial inset into the includes a picture of a bottle of the product next to a Bloody Mary cocktail and states:

GET THE SKINNY

Lighten up your brunch with a new twist on Belvedere Vodka's classic Bloody Mary: the "Skinny Mary".

Your favourite brunch drink doesn't have to weigh you down. Belvedere's Bloody Mary uses a unique process of maceration to combine the seven essential ingredients: bell and chilli peppers, vinegar distillate, horseradish, black pepper, tomato and lemon. Just add tomato juice and soda water and you've got a low calorie version of an iconic brunchtime classic.

Find more great recipes and become a fan of Belvedere Vodka at facebook.com/belvederevodkaaaustralia.

The Complaint

12. The complainant argues that the advertisement is suggesting to women (and men) that they should be having vodka drinks at breakfast. I don't believe this is a responsible advert for a strong drink. Imagery is upmarket and so is aspirational to women and girls who read this.

The Code

13. The ABAC provides at Section (a) that advertisements for alcohol beverages must:
 - a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
 - ii) must not encourage underage drinking;
14. The ABAC provides at Section (b) that advertisements for alcohol beverages must:
 - b) Not have a strong or evident appeal to children and adolescents....

The Advertiser's Comments

15. The Advertiser responded to the complaint and questions posed by the Panel by letter received 15 May 2012. The points made by the Advertiser in relation to the advertisement were:
 - a. The publisher produced advertorial which appeared in Vogue Australia June issue is a once off and will not be reproduced in future publications.
 - b. Vogue Australia June Issue circulation 51,013 & estimated readership 4.7%.
 - c. Moët Hennessy take the ABAC guidelines for advertising extremely seriously and further to this correspondence have commenced a communication update to appropriate employees and third party agencies on the scheme.
 - d. The publisher's response to the complaint was supplied, namely:

- i. The promotion complies with the ABAC Code as it deals with alcohol consumption maturely;
- ii. The promotion does not offend the AANA Code of Ethics or the AANA Food & Beverages Advertising Code;
- iii. The promotion suggests the consumption of alcohol at “brunch”, a co-mingling of breakfast and lunch usually on a day of the weekend;
- iv. It does not refer to breakfast generally;
- v. The promotion appears in a sophisticated environment, Vogue Australia, where readers will be mature; the consumption of alcohol at a weekend brunch is not inconsistent with prevailing community standards; and
- vi. Such conduct does not offend any laws of the community.

The Panel’s View

16. The complaint raises two concerns, namely, that the advertisement:
 - (a) suggests that women and men should be consuming vodka drinks at breakfast; and
 - (b) uses upmarket imagery and is aspirational to women and girls reading the magazine.
17. The first concern brings into play section (a) of the ABAC which provides that advertisements for alcohol beverages must present a mature, balanced and responsible approach to the consumption of alcohol beverages. The advertisement depicts a man and woman sitting together at a table on which is placed boiled eggs, toast, jam, two bloody mary cocktails and a sealed bottle of Belvedere Bloody Mary Vodka. The caption below the picture refers to a “Skinny Mary” cocktail as an “iconic brunchtime classic”. The advertisement clearly depicts a bloody mary vodka cocktail as a suitable accompaniment to brunch, which is a meal that generally occurs in late morning and combines elements of lunch and breakfast. There is no reference to breakfast in the advertisement although eggs and toast are a common item at a breakfast.
18. The Panel does not take that the ad is advocating the consumption of alcohol at breakfast. There is nothing in the ad to suggest that excessive or immoderate consumption will occur. The Panel does not believe the ad breaches Section (a) of the Code.
19. The second issue raised in the complaint is a concern that the upmarket imagery of the advertisement makes the consumption of the product aspirational to women and girls reading the magazine. The relevant operative provisions of the ABAC go to alcohol advertising not encouraging under-age drinking or having strong or evident appeal to children or adolescents. In this case the complainant is concerned about the advertisement’s appeal to girls.

20. The Panel has considered the advertisement as a whole and does not believe that the advertisement is in breach of the relevant ABAC standards. The advertisement has a mature 'look and feel' that the Panel does not consider would encourage underage drinking or have a strong or evident appeal to children or adolescents.
21. Accordingly, the complaint is dismissed.