

# ABAC

## ABAC Complaints Panel Determination No: 50-51/12 & 53-55/12

**Complaint by confidential complainants, Mrs Susheel Croft and Ms Wendy Wisniewski**  
**Product: Carlton Mid**  
**Advertiser: Fosters Group**

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

23 July 2012

### Introduction

- 1 This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns print advertisements for Carlton Mid by Fosters Group (“the Advertiser”) and arises from complaints received on 8 and 12 June 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 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 complaints raise concerns under the ABAC and accordingly are within the Panel's jurisdiction.

### **The Complaint Timeline**

- 6 The complaints were received by the ABAC Panel on 8 and 12 June 2012.
- 7 The Panel endeavour 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 complaints have been determined within this 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 obtained pre-vetting approval for the advertisements [11076].

### **The Advertisements**

- 9 The complaints refer to a three print advertisements for Carlton Mid that appeared in the West Australian newspaper.
- 10 The advertisements each depict a different photograph of a man and woman on the left side of the advertisement. On the right side of each of the advertisements is the message "Spending too much time with the wife?" above a picture of a stubby of Carlton Mid with the tagline "Stay a Little longer" superimposed below the label on the bottle. The Enjoy responsibly logo is included in small print on the top right side of the advertisement.
- 11 The first advertisement includes a photograph of a man and woman standing with arms on each other's shoulders against a backdrop of unfashionable floral wallpaper. They are wearing matching beige turtleneck jumpers and jeans with a brown belt and have a similar hairstyle, colouring and smile.
- 12 The second advertisement includes a photograph of a man lying on his stomach on the floor resting on his arms and looking at the camera with a woman lying on his back resting her arms on his shoulders and looking at the camera. They are wearing matching pastel knitted jumpers and have a similar hairstyle, colouring and expression. The backdrop is a grey/green carpet, pink painted staircase banister and a pot of hydrangeas.
- 13 The third advertisement includes a photograph of a man standing with his arm around a woman against a backdrop of a green hedge. They are wearing matching white polo shirts and pants and pale yellow knitted jumpers over their shoulders knotted at the front. They have similar hairstyles, tans and expressions and are both looking up and to the left of the camera.

## **The Complaints**

- 14 The first complainant argues that the advertisements defame family values by suggesting you should drink more beer rather than spend time with your family (wife).
- 15 The second, third, fourth and fifth complainants all argue that the advertisements:
  - a) imply that a man should choose sharing a beer with a mate ahead of spending time with his spouse, referred to in a generic manner as “the wife”;
  - b) attack the fabric of our society by suggesting (humorously) that time shared with his spouse will cause a husband to appear effeminate;
  - c) many Australian families are time poor and it is the influence of alcohol consumption and lack of time together that are contributing factors to the breakdown of family life; and
  - d) the advertisement is destructive to family life and denigrates the institution of marriage.

## **The Code**

- 16 The ABAC provides at Part 1 that advertisements for alcohol beverages must:
  - a) Present a mature, balanced and responsible approach to the consumption of alcohol beverages ...

## **The Advertiser’s Comments**

- 17 The Advertiser responded to all five complaints and questions posed by the Panel by way of letter dated 25 June 2012. The principal points made by the Advertiser were as follows:
  - a) The five complaints we have received are for the Carlton Mid print campaign, which included three individual print executions. Of the five complaints, we note that four of the complaints are almost identical in their “reason for concern” and all complaints are dated long after the advertisements ceased to appear in market.
  - b) In each print advertisement a man and woman have become ‘one’ in terms of their appearance – same hair do, same clothes and same expression and in one case, same fake tan. The man looks like the woman. The woman looks like the man – there is no sense of individuality. The tagline “Spending too much time with the wife?” is accompanied by an image of a stubby of Carlton Mid and the brand’s tagline “Stay a little longer”.
  - c) For your information, these print advertisements (with a 1.1 million readership in Western Australia) ran between November 2011 and February 2012 in WA, NSW and Queensland.
  - d) Each print advertisement shows such a completely exaggerated image that it is difficult to take them seriously – it is very clearly a tongue in cheek advertisement. They suggest to blokes, in a fun way, that they enjoy some time with their mates over a Carlton Mid beer. It does this in a humorous way that grabs your attention and the exaggerated images play an important role in achieving this. As flagged above, it was our intention that the couple give the sense that they are one – they each look like

the other. It was not our intention to show that only the man looked like the woman and as such was “effeminate”. And we’d argue that we were successful. It’s clear the couples have shared characteristics/look the same - that’s the basis for the gag and it’s what makes this print advertisement work. Adding credence to this we have just been awarded the top advertising gong – a Gold Lion - for this particular campaign.

- e) The concept of occasional time away from your partner/spouse is commonly brought to life in popular culture and so too in the real world for both sexes (both men and women have nights out/weekends away with friends). You could in fact argue that some time spent outside of a relationship can strengthen it. It’s important to remember that the advertisements are making a cheeky comment that relates specifically to the exaggerated situation/imagery it presents (couples who have literally become one) – it’s not making a general statement or recommendation about how couples should manage their relationships and we don’t believe the ‘average’ reader would interpret it as such.
- f) In relation to the complainants’ concern about alcohol consumption, alcohol abuse can negatively impact families however we don’t believe that this advertisement, as suggested, “...attacks the fabric of our society...many Australian families are already time poor and it is the influence of alcohol consumption... which is contributing to the breakdown of family life. This advertisement is destructive to family life and denigrates the institution of marriage”. The latter view is a long bow to draw given the tone/material presented and we don’t believe it would be the view taken by a ‘reasonable’ person.
- g) Importantly, the representation of the alcohol is a stubby image and brand slogan and there is no imagery or wording that implies or encourages excessive consumption. Whilst we understand from previous rulings that the adjudication panel applies a wider concept of “consumption”, we don’t believe excessive drinking is being suggested either. In terms of the tagline, it has been referenced in previous rulings (Determination No: 98/08) and it was not considered to breach section (a). It is a long time tagline for the brand (not specific to just the creative under discussion) that is designed to communicate that given Carlton Mid is a reduced alcohol beer (one standard drink per stubby) you are able to enjoy extra time with your mates savouring a beer.
- h) During their development the advertisements were carefully considered against the Alcohol Beverages Advertising Code and were also prevetted by the Code’s independent pre-vetters (AAPS number 11076).
- i) Carlton Mid traditionally promotes blokes enjoying a beer at the footy or a quiet beer at the pub.

### **The Panel’s View**

- 18 The Advertiser’s campaign has attracted a number of complaints which raise issues under the AANA Code of Ethics and the ABAC. The Code of Ethics issues go to the questions as to whether the ads are destructive to family life and denigrate the institution of marriage and these concerns are not dealt with in this determination rather this determination deals only with issues raised under the ABAC.
- 19 In essence each of the complaints is suggesting that the ads are encouraging men to choose sharing beer with their mates over time with family and are damaging to the family. This concern raises section (a) of the ABAC which requires alcohol advertisements

to present a mature, balanced and responsible approach to the consumption of alcohol beverages.

20 The Panel does not believe the ads are in breach of the ABAC provision. The ads are “tongue in cheek” and do suggest that couples can spend too much time together. However, the Panel believes a reasonable person could not seriously take the ads as advocating alcohol use in a manner which would be damaging to the institution of the family.

21 Accordingly the complaints are dismissed.