

ABAC

**ABAC Complaints Panel
Determination No: 52/12**

**Confidential complainant
Product: Carlton Mid
Advertiser: Fosters Group**

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

23 July 2012

Introduction

- 1 This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a television advertisement for Carlton Mid by Fosters Group (“the Advertiser”) and arises from a complaint received on 8 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 complaint raises concerns under the ABAC and accordingly is within the Panel's jurisdiction.

The Complaint Timeline

- 6 The complaint was received by the ABAC Panel on 8 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 complaint has 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 [68/08].

The Advertisements

- 9 The complaint refers to a television advertisement.
- 10 The advertisement opens with a man walking down the front steps of a house toward a second man standing next to a wagon and saying "Told ya. Mitch forgot to tell Karen. She won't let him go." In the background a woman can be heard loudly berating someone.
- 11 The camera moves to the second man standing next to the car and reveals a third man sitting in the car. The two men sigh and look concerned and downcast. The man standing next to the car looks up and says "I'm goin' in." The man in the car looks at him and asks the first man "What's he doin'". The first man replies "Speaks woman".
- 12 The second man is then shown walking up the steps and into the house toward a woman wearing pyjamas yelling at a sheepish looking man "Well that's just great Mitch, when were you thinking of telling me, huh?" Mitch and Karen turn to look toward the man entering the house who is moving slowly toward Karen and saying to her in a quiet slow voice "Hi Karen, I'm Dave." Karen casts an angry look at Dave and Mitch grimaces. Dave continues "Part of Mitch's support network." Dave takes Karen's hands and continues looking straight into her eyes "Mitch loves you, but he feels he needs some time out with some special friends, to invigorate his soul, so he can love you even more." Karen begins to sob and says to Mitch, "It's so beautiful". Mitch nods. Dave says "I know". Karen says to Mitch "Go baby". Dave turns to Mitch and says quietly "Don't forget your golf clubs".
- 13 The closing scene is of the four men standing on a decking overlooking beautiful scenery and drinking and toasting each other with cans of Carlton mid strength beer. The song and strap line accompanying the closing frame is "Stay a Little Longer".

The Complaint

- 14 The complainant argues 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) 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
- c) the advertisement is destructive to family life and denigrates the institution of marriage.

The Code

15 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

16 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 single complaint we have received is for a Carlton Mid TVC known as “Speak Woman”. This TVC played in NSW between October 2011 and March 2012 and the Carlton Mid TV campaign (which also included the “Woman Whisperer” TVC) was viewed over 2.5 million times.
- b) During the development of this advertisement the Alcohol Beverages Advertising Code was given careful consideration and it was also prevetted by the Code’s independent pre-vetters [BH68/08].
- c) The TVC shows a group of mates keen to set out on a weekend away. Unfortunately “Mitch” has forgotten to tell “Karen”, his wife, of their plans. One of the men ‘speaks woman’ and communicates with Karen in a way that connects with her and as such she tells her husband to go and enjoy some time out with mates. The idea for this TVC is based on the perceived difference in communication styles between men and women (and documented in the likes of “Men are from Mars, Women are from Venus”). We would argue that it is nothing new to highlight what is widely known and understood by both sexes and the advertisement is essentially a humorous sketch about the different ways men and women converse.
- d) 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. There is no sense that the men are influenced by alcohol and/that the objective is to leave and consume excessive amounts of alcohol. This is supported by the dialogue and the action that transpires, consequently the reasonable viewer’s outtake would be of a weekend away that will involve perhaps a spot of golf, watching some sport on TV and a quiet beer at day’s end.

- e) In terms of how the alcohol is represented in the TVC, the early scenes are set in the morning with Karen in her pyjamas. A group of male friends wait for Mitch outside his house before one bloke decides to go in and give him a helping hand. There is no alcohol present in these scenes and there is nothing to imply consumption either before or during the discussion. No alcohol can be seen in the home or the surrounds and none of the dialogue suggests there has been or will be alcohol consumption of any kind. The only consumption of alcohol occurs in the end frame in the early evening (it's dusk) and we only see a mouthful taken at most. The demeanor of the characters throughout is mature, balanced and sober. We firmly believe this to be in line with the ABAC and it was our understanding that so too did the ABAC Complaints Panel as per determination 103/08 (while the complaints differ slightly the same section of the code was under consideration). With regard to 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. Carlton Mid traditionally promotes blokes enjoying a beer at the footy or a quiet beer at the pub.
- a) 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 are contributing factors 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.

The Panel's View

- 17 In essence the complaint is suggesting that the ad is encouraging men to choose sharing beer with their mates over time with 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.
- 18 The Panel previously considered the consistency of this advertisement with section (a) of the ABAC in Determination 103/08. In that matter the Panel considered and dismissed the concern that the ad suggests the behaviour, namely the manipulation of women by the men, is enhanced by the use of alcohol. This complaint raises a different concern, namely the suggestion that beer with mates should be chosen over time with family.
- 19 The current concern is similar to that raised in respect of a different television advertisement in the "Stay a little longer campaign" in Determination 117/08. That advertisement essentially involved a man's partner being convinced by "the woman whisperer" to allow her man to remain at a pub and drink another beer with his mates. The Panel found there was nothing depicted in the ad which showed that alcohol has an importance in either the male or female character's life which demonstrates that alcohol is more valuable than family relationships.
- 20 The preamble to the ABAC provides guidance as to how the Code provisions are to be interpreted. The preamble provides that "conformity of an advertisement with this Code is to be assessed in terms of its probable impact upon a reasonable person within the class of persons to whom the advertisement is directed and other persons to whom the advertisement may be communicated, and taking its content as a whole".

21 In essence the advertisement is depicting a scenario where a man wishes to go away for a weekend with friend and his partner does not wish him to go. There is intervention from a friend and he is permitted to go. The Panel believes that spending time with friends and consuming alcohol moderately is acceptable to a reasonable person within the Australian community and does not believe that the advertisement fails to present a mature balanced and responsible approach to alcohol consumption.

22 Accordingly the complaint is dismissed.