

ABAC

**ABAC Complaints Panel
Determination No: 18/06**

COMPLAINT OF MR PETER SHIELDS

**Product: Carlton Draught Beer
Advertiser: CUB**

Professor The Hon Michael Lavarch – Chief Adjudicator
Professor Fran Baum – Member
Ms Liz Dangar – Member
Ms Jeanne Strachan – Member

25 May 2006

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a series of billboard advertisements for the alcohol beverage ‘Carlton Draught Beer’ produced by the company Carlton United Breweries (“The Advertiser”) and arises from a complaint by Mr Peter Shields (“The Complainant”).

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; and
 - (c) certain broadcast codes, notably the Commercial Television Industry Code of Practice (CTICP) which restricts when direct advertisements for alcoholic drinks may be broadcast.
3. The ASB and the ABAC 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. The complaint raises concerns under the ABAC and accordingly is within the Panel's jurisdiction.

The Complaint Timeline

6. The complaint is the form of an email dated 20 March 2006 and was received by the ABAC Adjudication Panel on 23 March 2006.
7. The Panel endeavours to determine complaints within 30 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.

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 advertisement was subject to pre-vetting and given approval (JB33/05CAS).

The Advertisement

9. The complaint concerns a series of three billboard advertisements which feature ordinary, and quite unattractive, male characters who are placed with the alcohol product in scenes which are reminiscent of women's beauty product advertisements.
10. The first in the series, which features the words "Deep Cleansing Formula", depicts a middle aged slightly tubby man washing his face with Carlton Draught from an oversized glass. He is shirtless, and his lips are pursed as he drenches his face in beer. The scene is similar to glossy advertisements for cleansing formulas for women.
11. The second in the series, which features the words "Because you're worth it", depicts another middle aged slightly tubby man, with a towel around his waist and another over his shoulder. The man appears to be preparing for a bath, spa or similar activity. He smiles in a flirtatious manner and holds a glass of Carlton Draught. The slogan appears to be a direct reference to the L'Oreal campaign for hair care products.
12. The third in the series, which features the words "Model Wears Carlton Draught", depicts a middle aged man sitting against a wall drinking Carlton Draught from a large glass. His eyes look to the side to the sky, and his shirt features a large water stain, which suggests that the man has spilt the beer.
13. All three advertisements feature the Carlton Draught logo and the slogan "Made from Beer".

The Complaint

14. The complaint lists two principal grounds of concern, namely:
- That the advertisements present behaviour that would normally be associated with irresponsible over-consumption of beer. This behaviour is shown to be acceptable and celebrated.
 - That the advertisement "Model Wears Carlton Draught" appears to promote the irresponsible consumption of beer. The advertisement suggests that the character has drunk so much beer that he has lost control of his motor skills and spilt the beer on himself.
15. Mr Shields points out that over-consumption of alcohol is the cause of major financial, social, medical and familial problems for society.

The ABAC

16. The ABAC provides at Section (a) that advertisements for alcohol beverages must present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly:
- (i) must not encourage excessive consumption or abuse of alcohol;
 - (iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages; and
 - (iv) must only depict the responsible and moderate consumption of alcohol beverages.

Arguments in Favour of the Complaint

17. In favour of the contention that the advertisement promotes excessive consumption of alcohol beverages, it could be argued that by parodying popular beauty product advertising, the billboards make light of the serious consequences of excessive consumption of alcohol and promote such consumption. Further, by placing the product in settings such as a bathroom, it might be argued that this suggests excessive consumption akin to an alcoholic's pattern of drinking is occurring.

The Advertiser's Comments

18. The Advertiser responded to the complaint and a question posed by the Panel by way of letter dated 28 April 2006. The principal points made by the Advertiser were that:
- (a) The characters that are depicted in the advertisements are not shown to be intoxicated.
 - (b) The man which is featured in the "Model Wears Carlton Draught" could easily have spilt the beer while carrying it from the bar.

- (c) The advertisements are a parody of advertising by the fashion and beauty industry. The 'strap' lines that are used by the advertisements feature a type of language that is commonly seen in glossy fashion magazines in which the picture captions usually start with "Model Wears.....".
- (d) The advertisements do not suggest excessive consumption, intoxication or offensive or dangerous behaviour. The campaign is poking fun at the imagery and headlines from women's glossy magazine advertising. The advertisements use average looking blokes in scenarios that are usually reserved for fashion and beauty conscious women to promote beer in a humorous way.
- (e) In the "Deep Cleansing Formula" and "Because You're Worth It" advertisements there is no bathroom imagery, though a toilet roll holder can be seen in the background of the "Because You're Worth It" advertisement. Nonetheless, the beer is clearly contained in a glass and do not imply that the characters are using alcohol in the bath or shower.
- (f) The advertisements embody the Carlton Draught tongue in cheek and irreverent approach to advertising.

The Panel's View

19. The principal matter to be resolved in this decision is how the advertisements would be interpreted. In this regard, the preamble to the ABAC provides that advertisements are to be assessed in terms of "probable impact" upon a "reasonable person" and taking its content as a whole. In doing this, the Panel is to take account of the billboard campaign as a whole, as Mr Shield's complaint is to the series of billboards, rather than a single execution of the campaign.

20. In essence, the question is whether the campaign promotes excessive or irresponsible consumption of alcohol by placing alcohol into non-traditional settings and suggesting uses of alcohol as a beauty product. Mr Shields in part argues the billboard "Model wears Carlton Draught" indicates a loss of motor skills by the fact the male character on the billboard appears to have spilt beer on himself. The complainant takes this to be a consequence of over-consumption.

21. On the other hand, the advertiser contends that the campaign is "tongue in cheek" and "pokes fun" at the nature of advertising of women's beauty products. It contrasts the style and attraction of the models used in the beauty product campaign with the unattractive models used in the billboards. The campaign adopts strap lines used in the beauty campaigns and applies them in a humorous way to the Carlton beer campaign.

22. All advertising and often alcohol advertising commonly use humour as an important feature. In previous decisions the Panel has made the point that humour is a factor to be considered how a "reasonable person" would assess the advertising. Humour will not mean an advertisement cannot breach the ABAC, but a common sense interpretation of the advertisement has to be taken, and humour will be part of this.

23. In this case, the Panel does not believe the ABAC has been breached by the advertisements. In reaching this decision, the Panel has noted:

- That the advertisements are clearly a parody of well-known beauty product advertising and are intended to be humorous and not taken seriously; and
- The “spilt beer” depiction in this context is a take-off of a beauty product strap line and would not be interpreted as indicating a loss of control caused by over-consumption.

24. Accordingly the complaint is dismissed.