

# ABAC

**ABAC Complaints Panel  
Determination No: 52/05**

## **CONFIDENTIAL COMPLAINT**

**Product: Johnnie Walker (“JW”)  
Advertiser: Diageo**

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

13 January 2006

### **Introduction**

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns the television advertisement for the alcohol beverage ‘Johnnie Walker’ (“JW”) produced by Diageo (“The Advertiser”) and arises from an email complaint. The Complainant has requested that their personal details remain confidential.

### **The External 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. Currently, alcohol advertising is subject to both:
  - (a) a generic code (the AANA Advertiser Code of Ethics) with a corresponding public complaint mechanism operated by the Advertising Standards Bureau (ASB); and
  - (b) an alcohol specific code (the Alcohol Beverages Advertising Code) and complaints mechanism established under the ABAC Scheme.
3. The ASB and the ABAC 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 specifically raises concerns under the ABAC and accordingly is within the Panel’s jurisdiction.

## **The Complaint Timeline**

6. The complaint is in the form of an email dated 4 December 2005 and was received by the ABAC Adjudication Panel from the ASB on 6 December 2005.
7. The Panel endeavours to determine complaints within 30 days of receipt of the complaint, but this timeline depends on timely receipt of materials and advice and the availability of Panel members to convene and decide the issue. In this case, the determination has not been made within 30 days of receipt of the complaint by the Panel as a result in large part of the Christmas / New Year holiday period.

## **Pre-vetting Clearance**

8. The external-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 granted to the advertisement (NoJB71B/05JW – 04/10/05).

## **The Advertisement**

9. The complaint concerns a television advertisement for Johnnie Walker Scotch which features the Australian cricketer, Justin Langer (“JL”). The advertisement opens with a shot of JL accompanied with the title “Justin Langer’s Walk”. JL is shown in front of a modern building.
10. The scene then moves behind JL and the viewer sees that he is looking at the “Millennium Wheel” in London. The balance of the advertisement follows JL as he walks through various streets in London. The visual aspect of the advertisement is accompanied by a wistful music score.
11. JL is next viewed through the window of a passing car as he walks slowly and alone along a city street. Moments before JL is seen, a very quick shot of the street is seen crowded with people shown moving in fast-frame.
12. The advertisement then features JL encountering various “numbers” found on houses, vehicles and people as he walks along the various streets. A large “10” is shown on one building; the number “13” is seen on a parked van; the number “50” on a passing London bus; the number “87” on the back of a T-shirt being worn by another man walking along the street.
13. At the time the number “50” bus is seen, a voiceover commences which is presumably JL expressing his thoughts on his “walk” through life. The voiceover explains as follows:

“They haunt me and define me. For some, it is always how many. To me it is always just one more!”
14. The juxtaposition of this personal commentary with the visual aspects makes it clear that JL is speaking about numbers. JL continues his walk past two different styled street numbers, first “88” and then “90”. He then comes to a building which features a large number of pillars, each with a number. The first and most prominent number shown on the pillars is “100”.

15. At the point the “100” is shown, the personal commentary being given by JL is interpreted by a second voice which is reminiscent of a cricket radio broadcast. This voiceover is as follows:

“That’s Langer’s maiden test century and a wonderful performance.”

The sound of a crowd cheering is heard within the radio broadcast voiceover.

16. The advertisement ends with JL continuing his walk past the long row of numbered pillars. This scene accompanies the end of his personal commentary: “To me, it is always just one more”. The advertisement ends with a shot of the Johnnie Walker logo against a black background.

### **The Complaint**

17. The complainant argues that the “just one more” catch-phrase runs counter to two public campaigns concerning responsible alcohol use, namely the responsible service of alcohol and the anti-drink-driving campaign. It is argued that “one more drink” is a message which can lead to “catastrophic” results.

### **The Code**

18. 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:
    - (iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
    - (iv) must only depict the responsible and moderate consumption of alcohol beverages.

### **Arguments in Favour of the Complaint**

16. In favour of the complaint, it might be argued that the advertisement breaches section (a) (iii) and (iv) of the ABAC by implying that “just one more” relates not only to scoring runs in cricket, but also to drinking and hence promotes excessive consumption. Equally, it might be said that any advertisement which undermines public campaigns regarding responsible use of alcohol is “offensive” within the meaning of section (a) (iii) of the ABAC.

### **The Advertiser’s Comments**

17. The Advertiser responded to the complaint and a question posed by the Panel by way of email letter dated 20 December 2005. Key points made by the Advertiser were:
- a. The advertisement concerns JL’s career aim of continuous improvement through the scoring of more runs, even when he achieves a milestone of a century.

- b. The advertisement does not visually or orally reference alcohol consumption and is consistent with section (a) of the ABAC.
- c. The “just one more” reference relates to scoring runs, not drinking more alcohol; however, the advertiser concedes the line “was open to misinterpretation” and this has been addressed by “revising the voiceover so that we overtly place JL’s statement in context by including the word ‘runs’ “.
- d. Further changes have been made in response to the complaint, namely inclusion of a new “super” at the beginning of the advertisement to clarify JL’s profession and a “super” at the end of the advertisement which states “Mark the moment responsibly”.

### **The Panel’s View**

- 18. In this case the advertiser contends that its advertisement, as broadcast prior to the receipt of the complaint, was consistent with the ABAC, but upon consideration of the complaint voluntary changes have been made to the advertisement by Diaego. The Panel notes this action by the advertiser and acknowledges the willingness of Diaego to reflect on its advertising and to respond to legitimate concerns raised by a viewer.
- 19. The Panel’s role, however, is to make its determination on the complaint and the advertisement in its form prior to the amendments of mid-December 2005. In this regard, the essence of the complaint is whether the advertisement as a whole, and the expression “just one more” in particular, could be taken by a reasonable person to promote excessive consumption or otherwise promote offensive behaviour.
- 20. The complainant took the advertisement to be advocating “just one more drink”. It was clear from the complaint that the complainant was aware that JL was an Australian cricketer. It is likely that many viewers, particularly those who are not cricket-followers, will not know JL by sight. The radio broadcast style voiceover, with its reference to a “maiden test century” also identifies JL as a cricketer, but again a viewer would need some familiarity with the sport to recognise the terms used.
- 21. Equally, there is no reference to alcohol in the advertisement until the final scene when the Johnnie Walker logo is displayed. A viewer would need to be familiar with the brand name and logo, and to have previously seen the advertisement or others in the series which are similar in format, to appreciate what they had viewed as an advertisement for an alcohol beverage.
- 22. The Panel believes that the use of the expression “just one more” is undesirable within the context of an alcohol beverage advertisement, given the ABAC’s theme that advertising must not advocate excessive consumption. However, taking the advertisement as a whole and noting particularly that no depiction of an alcohol product or alcohol consumption appears within the advertisement and that the reference to “just one more” can reasonably be taken to relate to cricket and not alcohol, the Panel, by majority, does not find the advertisement in breach of the ABAC.

23. The Panel accepts that the amendments made by the Advertiser, particularly using the word “runs” with the “just one more” phrase, removes a possible ambiguity and hence improves the advertisement. The complaint is dismissed.