

ABAC

**ABAC Complaints Panel
Determination No: 32/14**

**Confidential Complaint
Product: Carlton Mid
Advertiser: Carlton & United Brewers**

Professor The Hon Michael Lavarch – Chief Adjudicator
Ms Debra Richards – Member
Professor Louisa Jorm – Member

19 June 2014

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a television advertisement for Carlton Mid by Carlton & United Brewers (“Advertiser”) and arises from a complaint received 2 June 2014.

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 on 2 June 2014.
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 the 30 day timeframe.

Pre-vetting Clearance

8. The quasi-regulatory system for alcohol beverages advertising features independent examination of most proposed alcohol beverage advertisements against the ABAC prior to publication or broadcast. Pre-vetting approval was obtained for this advertisement (577/12).

The Advertisement

9. The complaint refers to a television advertisement. The advertisement opens with a woman, dressed in evening clothes and putting on earrings in front of a mirror in a bathroom, saying "Dinner tonight's at 7.30, maybe we should have some oysters." She walks out of the bathroom into a hotel bedroom and says "Babe?".
10. We then see a man, the woman's partner, smiling and holding a stubby of beer as he walks through a door into the room with another man behind him also holding a can of beer. The partner excitedly says to the woman "Adjoining rooms", then turns to the man behind him and says "What are the chances?". The woman looks surprised. The man continues "I opened the door thinking it was a closet and Rog was there, it's a room exactly the same as ours, mirror image." Rog then says "You see it's like we're sleeping in the same bed". The woman is trying to smile but looks uncomfortable.
11. We then see a third man holding a stubby of beer enter through a door on the other side of the room as he says "What's this door for?". He sees the people in the room and excitedly says "Adjoining rooms, oh, what are the odds" as the

other men express excitement and laughter to see him but the woman looks increasingly uncomfortable and stares at her partner.

12. We then hear a song with the lyrics “Oh won’t you stay…” as the scene changes to a stubby and glass of Carlton Mid on a bar outdoors with a superimposed tagline “Stay a little longer”. We see a partial shot of three men laughing in the background as one of the men picks up the glass and taps it against another man’s stubby.

The Complaint

13. The complainant is concerned that the advertisement:
 - (a) is sexist because:
 - it is men and not the woman drinking,
 - the men ignore the woman so that they can drink beer, and
 - it suggests the beer is more important than the company of a woman; and
 - (b) promotes alcohol consumption not just in adults but in kids too because:
 - it shows the men as all happy therefore promoting the view to kids that drinking excessive amounts of alcohol is okay and that this will make you happy, and
 - shows women as second-rate to alcohol and that spending time with your mates is more important than your wife, partner or girlfriend.

The Code

14. The ABAC Part 1 provides that advertisements for alcohol beverages must-
 - (a) 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;
 - (ii) must not encourage underage drinking;
 - (iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
 - (b) not have a strong or evident appeal to children or adolescents...

- (c) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment.

The Advertiser's Comments

- 15. The Advertiser responded to the substantive issues raised in the complaint and questions posed by the Panel by way of letter dated 13 June 2014. The principal points made by the Advertiser are as follows:
 - (a) This single (1) complaint relates to a Carlton Mid 30 second television commercial (TVC) titled "Adjoining", which has been on air since June 2013. This execution sits as part of a campaign that includes five TVCs. The Carlton Mid campaign launched in March 2013 in regional markets and has been on air continuously since then. In June 2013 the campaign went to air in selected capital cities and then more broadly from November 2013. In metropolitan markets the "Adjoining" TVC has been viewed by over 6.3 million adults to date.
 - (b) "Adjoining" is part of the Carlton Mid campaign that embodies the idea of "Stay a Little Longer". This campaign depicts the ingenious lengths that blokes go to in order to get some much needed mate time. The TVC in question shows three mates, who are on a romantic getaway with their partners on the same weekend and at the same resort, 'discover' they have adjoining rooms.
 - (c) The complainant states: "This a <sic> is sexist because it is men drinking not women and the men ignore the woman just so they can drink beer, as though the beer is more important than the company of a woman." And also: "...all men then they <sic> say let's go to the pub, leaving the wife behind without giving her a second thought." The TVC depicts the mates hamming up their disbelief as they 'discover' they have adjoining rooms. It's clearly part of an elaborate plan they have concocted but in a humorous way highlights the lengths that these mates have gone to so they can spend time together. All the action/dialogue focusses on their delight at having adjoining rooms and there is no reference to going to the pub or leaving the female talent behind. You are very much left with the impression that the 7.30pm dinner plans (mentioned by the female talent) are unaffected and her partner/husband engages with her throughout the TVC. As such, I contend the TVC is compliant with Section (a) of the ABAC.
 - (d) Regarding the depiction of beer in the TVC, the men do each have a single Carlton Mid - a mid strength beer that is one standard drink – in their hand but they appear sober and alert. Very clearly their excitement (from their words and body language) is derived from their 'adjoining rooms' discovery and not because they are intoxicated. The alcohol in this scene is incidental to the dialogue/action – in fact whilst they do have a beer in hand they don't actually take a sip of their beer. The final frame (in soft focus), which features men clinking a beer at a bar, sits behind the Carlton Mid logo and tagline. It is a closing shot for branding purposes and shows the talent in different

clothing and in a different location – and so is removed from the hotel room scenes in both time and place. Regardless of whether you interpret it this way or not, it doesn't change the TVC in its meaning nor its compliance with the ABAC. Neither do I believe this TVC could be said to encourage excessive consumption to children (or anyone), as it's fair to say it contains adult themes and shows very limited consumption of a reduced alcohol beer. The advertisement also only airs post 8.30pm except on weekends/public holidays during live sport programming.

- (e) As previously stated the men are "happy" because they have adjoining rooms and I believe this is very clear. This happiness has no connection with alcohol consumption. There is also no sense whatsoever based on their demeanor/dialogue, beer quantity or the whole set up of the scene that the TVC is encouraging excessive consumption. That said, I don't think the concept of looking forward to a beer with your mates (as raised in your question) is inappropriate particularly if presented in line with the ABAC. In relation to the tagline, it simply communicates that given Carlton Mid is a reduced alcohol beer (one standard drink per stubby) you are able to have extra time with your mates whilst still enjoying a beer.
- (f) I believe there is no mood change depicted in the TVC. Please refer to previous paragraph.
- (g) Whilst I respect that the complainant has a perspective of "Adjoining", given this is the only complaint I have received for this long running TVC, it's fair to say their view does not represent the way the broader community has interpreted the TVC. The Carlton and United Breweries (CUB) team take our responsible marketing commitments seriously and considered both the AANA Code of Ethics and the Alcohol Beverages Advertising Code (ABAC) during its development. For this TVC the CAD rating is L and the CAD reference is 979036. In addition, this TVC was independently prevetted through the ABAC scheme.

The Panel's View

- 16. This complaint relates to an advertisement, of which there are a series, where men are on holiday with their female partners when co-incidentally their mates arrive at the same accommodation.
- 17. The complainant expresses several concerns about the advertisement. Firstly, there is a concern that the advertisement is sexist. Secondly, that it will appeal to children and adolescents as it encourages excessive consumption by showing men happy to be consuming alcohol with mates and also that alcohol and spending time with mates is more important than spending time with a partner.
- 18. As mentioned in paragraph 2, alcohol advertising is subject to several codes of practice, including the AANA Advertisers' Code of Ethics administered by the Advertising Standards Board ("ASB"). The Code of Ethics applies to most

advertising, irrespective of the kind of product or service being advertised. In contrast, the ABAC applies only to alcohol advertising. This means that an alcohol advertisement, such as the one being considered needs to be consistent against both the AANA Code as well as the ABAC.

19. The Panel will not deal with the Code of Ethics issues, namely whether the advertisement is sexist, as this is a matter for the ASB to consider. Rather, the Panel will deal with the concerns raised under sections (a), (b) and (c) of the ABAC, namely that an alcohol advertisement must present a mature, balanced and responsible approach to alcohol consumption, must not promote excessive or underage consumption, appeal to children or adolescents or suggest that the consumption or presence of alcohol may create or contribute to a significant change in mood or environment.
20. In undertaking its task, the Panel is to have regard to the probable impact of an advertisement upon a reasonable person taking the content of the advertisement as a whole. The notion of a “reasonable person” is drawn from Australia’s common law system and means that regard is to be had to the attitudes, values and beliefs commonly held in a majority of the community. A person holding a different view is not ‘unreasonable’, but their view may not accord with the opinions held by the majority of the community.
21. The Panel does not believe the advertisement is in breach of the three ABAC standards raised by the complaint. In reaching this conclusion, the Panel has noted:
 - (a) The advertisement displays only moderate consumption and the characters depicted do not appear to have been affected by alcohol use.
 - (b) There is no reasonable implication that the men will consume excessive amounts of alcohol in any subsequent meeting they may have.
 - (c) The theme, style and behaviour of the characters, and the scenario depicted in the advertisement cannot be said to have strong or evident appeal to children or adolescents. Rather, the advertisement would appeal more to an older demographic.
 - (d) While the advertisement shows the men to be happy, the context of the advertisement establishes that the happiness is brought on by the men finding each other in the adjoining rooms and is not caused by the use of alcohol. Any alcohol use follows the mood of the men, as opposed to causing the mood of the men.
22. Accordingly, the complaint is dismissed.