



## ABAC Adjudication Panel Determination No. 74B/16

**Product:** VB Blue  
**Company:** Carlton & United Brewers  
**Media:** Digital & Print  
**Complainant:** Nicole Lim (FARE)  
**Date of decision:** 13 October 2016  
**Panelists:** Professor The Hon Michael Lavarch (Chief Adjudicator)  
Ms Jeanne Strachan  
Professor Richard Mattick

### Introduction

1. This determination by the ABAC Adjudication Panel (“the Panel”) concerns VB Blue promotions for Carlton & United Brewers (“the Company”) and arises from a complaint received 7 June 2016.
2. The complaint raised concerns about both packaging and digital and print advertisements. This determination deals with the digital and print advertising aspect of the complaint. The packaging aspect of the complaint is dealt with in a companion determination 74A/16.

### Quasi-Regulatory System

3. Alcohol marketing in Australia is subject to an amalgam of laws and codes of practice, that regulate and guide the content and, to some extent, the placement of marketing. Given the mix of government and industry influences and requirements in place, it is accurate to describe the regime applying to alcohol marketing as quasi-regulation. The most important provisions applying to alcohol marketing are found in:
  - (a) Commonwealth and State laws:
    - Australian Consumer Law – which applies to the marketing of all products or services, and lays down baseline requirements, such as that marketing must not be deceptive or misleading;
    - legislation administered by the Australian Communications and Media Authority – which goes to the endorsement of industry

codes that place restrictions on alcohol advertising on free to air television;

- State liquor licensing laws – which regulate retail and wholesale sale of alcohol, and contain some provisions dealing with alcohol marketing;

(b) Industry codes of practice:

- AANA Code of Ethics – which provides a generic code of good marketing practice for most products and services, including alcohol;
- ABAC Responsible Alcohol Marketing Code (“ABAC”) – which is an alcohol specific code of good marketing practice;
- certain broadcast codes, notably the Commercial Television Industry Code of Practice – which restricts when advertisements for alcohol beverages may be broadcast;
- Outdoor Media Association Code of Ethics – which places restrictions on the location of alcohol advertisements on outdoor sites such as billboards.

4. Within this framework, some of the requirements go to the placement of alcohol marketing, while others go to the content of the marketing. The ABAC is a content code, which means the standards of good marketing practice within the Code apply irrespective of where the marketing occurs (e.g. in print, in digital formats, or by broadcast mediums). Equally, the fact that the marketing is placed in a particular medium or in a particular location will not of itself generally be a breach of the ABAC. In contrast, the placement codes applying to outdoor sites or free to air television don't go to what is contained within alcohol marketing but the codes will be potentially breached if the marketing occurs at particular timeslots or is placed near a school.
5. For ease of public access, the Advertising Standards Bureau (ASB) provides a common entry point for alcohol marketing complaints. Upon a complaint being received by the ASB, a copy of the complaint is supplied to the Chief Adjudicator of the ABAC.
6. The complaint is independently assessed by the Chief Adjudicator and the ASB and streamed into the complaint process that matches the nature of the issues raised in the complaint. On some occasions, a single complaint may lead to decisions by both the ASB under the AANA Code of Ethics and the ABAC Panel under the ABAC if issues under both Codes are raised.
7. The complaint raises concerns under the ABAC Code and accordingly is within the Panel's jurisdiction.

## **The Complaint Timeline**

8. The complaint was received on 7 June 2016.
9. 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 not been determined within this timeframe due to the lengthier process for the companion packaging determination.

## **Pre-vetting Clearance**

10. The quasi-regulatory system for alcohol beverage marketing features independent examination of most proposed alcohol beverage marketing communications against the ABAC prior to publication or broadcast. The Daily Telegraph print ad was pre-vetted, application number: 17/816.

## **The Marketing Communications**

### **The Daily Telegraph Leaderboard (Digital)**

11. This advertisement includes 4 consecutive frames. The first is set against a black background with stadium lights each side and large bold text in white and blue "FREE VB NSW BLUES CAN". In the second the text changes to "ONLY WITH The SATURDAY Daily Telegraph". In the third the background changes to blue and on the left side there is a can of VB Blue and large bold text in white "FREE\* SATURDAY 21 MAY". In the final frame against a darker blue background is a white box with the text "\*\*Max. paper price \$2.20", logos for The Daily Telegraph, VB and BWS and the text "Full Terms & Conditions available online".

### **The Daily Telegraph MREC (Digital)**

12. This advertisement includes 3 consecutive frames. The first is set against a black background with a grass field at the bottom of the page and large bold text in white and blue "FREE\* VB NSW BLUES CAN ONLY WITH The SATURDAY Daily Telegraph", a white box with the text "\*\*Max. paper price \$2.20" and the text "Full Terms & Conditions available online". In the second frame there is an image of a large can of VB Blue and in a blue circle to the right of the can white text "FREE ONLY ON SATURDAY 21 MAY\*" and The Saturday Daily Telegraph logo. Below the circle is a white box with the text "\*\*Max. paper price \$2.20". The final frame is the same as the first.

### **The Daily Telegraph Page Banner (Digital)**

13. This advertisement is set against an empty stadium at night with just the field and lights visible. On the left side is an image of a large can of VB Blue. To the right of the can is large bold text in white and blue "FREE\* VB NSW BLUES CAN ONLY WITH The SATURDAY Daily Telegraph". At the bottom right of the page is the text "Full Terms & Conditions available online" and a white box with

the text “\*Max. paper price \$2.20”. On the top right side of the page is the text “ONLY ON MAY 21”.

### **The Daily Telegraph EDM Banner (Digital)**

14. This advertisement is set against a black background with stadium lights each side. On the left side an image of a can of VB Blue and blue and white text “FREE VB NSW BLUES CAN Saturday 21 May\* Full terms & conditions apply”. On the right side the text “ONLY WITH The SATURDAY Daily Telegraph” next to a white box with the text “\*Max. paper price \$2.20” above logos for VB, ID25, 18+ and BWS.

### **The Daily Telegraph Article (Digital)**

15. This article includes an image of a man and woman wearing NSW Blues merchandise and holding up a can of VB Blue with the heading “Get a free beer: VB can has blue tinge in State of Origin promotion” and caption “VB Couple Saturday”. And includes a line at the end “There is a blue highlighted box within the article that reads “Get your slice of history with a free, limited edition blue VB can from any BWS store only with the coupon in The Saturday Telegraph next week”.
16. The article includes the following quotes from CUB:

Brand manager Louise Thiele said it was the first time the company had done anything like this in the beer’s 160-year history. “For us to change the can is pretty special for Blues fans, I’m always amazed by how passionate and loyal they are”, she said. “The can is actually inspired by this year’s jersey, so we’ve matched the colour as closely as we can and mimicked a few details”. Ms Thiele said seven million individual cans had been made for Origin, or 240,000 cases, which were only available in NSW. “These cans will only be available in NSW and we think they might last between four to six weeks”, she said.

### **The Daily Telegraph Facebook Post (Social)**

17. This advertisement is set against an empty stadium at night with just the field and lights visible. On the left side is an image of a large can of VB Blue with a blue circle with white text “Free\*”. On the right side is bold text in white and blue “ONLY WITH The SATURDAY Daily Telegraph Saturday 21 May\*”. At the bottom right of the page is a white box with the text “\*Max. paper price \$2.20”.

### **The Daily Telegraph Facebook Cover Photo (Social)**

18. This advertisement is set against an empty stadium at night with just the field and lights visible. On the right side is an image of a large can of VB Blue above the text “Full Terms & Conditions apply see [www.dailytelegraph.com.au/promotions](http://www.dailytelegraph.com.au/promotions)”. To the right of the can is a blue circle with large bold text in white “LIMITED EDITION ONLY ON SATURDAY MAY 21\*” above a white box with the text “\*Max. paper price \$2.20”. In the centre of

the ad is large blue and white bold text “FREE\* VB NSW BLUES CAN ONLY WITH The SATURDAY Daily Telegraph”.

### **The Daily Telegraph Token (Print)**

19. The top part of the token is set against an empty stadium at night with just the field and lights visible. On the left side is an image of a large can of VB Blue. To the right of the can is large bold blue and white text “TOKEN COLLECT YOUR VB BLUES CAN FREE\* TODAY AT PARTICIPATING BWS STORES [dailytelegraph.com.au/promotions](http://dailytelegraph.com.au/promotions)”
20. The bottom of the token includes logos for ID25, 18+ and the Saturday Daily Telegraph. It also states “\*Max. paper price \$2.20” and includes a barcode and the terms and conditions of the offer.

### **The Daily Telegraph Strip (Print)**

21. This advertisement is set against an empty stadium at night with just the field, goals and lights visible. On the right side is an image of a large can of VB Blue. To the right of the can is a blue circle with large bold text in white “THIS SATURDAY\*”. In the centre of the ad is large blue and white bold text “FREE\* VB BLUES CAN ONLY WITH The SATURDAY Daily Telegraph”. Below the image is a strip of blue with the text “SHOW YOUR COLOURS THIS STATE OF ORIGIN WITH A FREE\* LIMITED EDITION VB BLUES CAN”. At the bottom of the ad is the text “\*Max. paper price \$2.20”, The Saturday Daily Telegraph, VB, ID25, 18+ and BWS logos and terms and conditions in small print.

### **The Daily Telegraph Tomorrow (Print)**

22. This advertisement is set against an empty stadium at night with just the field, goals and lights visible. At the top of the page is large blue and white bold text “FREE\* VB NSW BLUES CAN ONLY WITH The SATURDAY Daily Telegraph”. Below the text is a large can of VB Blue with a blue circle with the white text “TOMORROW\*”. Below the circle is small print “Redeem your can at BWS stores”. Below the image is a strip of blue with the text “SHOW YOUR COLOURS THIS STATE OF ORIGIN WITH A FREE\* LIMITED EDITION VB BLUES CAN”. At the bottom of the ad is the text “\*Max. paper price \$2.20”, The Saturday Daily Telegraph, VB, ID25, 18+ and BWS logos and terms and conditions in small print.

### **The Daily Telegraph Giveaway (Print)**

23. This advertisement includes a can of VB Blue with the text “FREE BEER SPECIAL BLUES TINNIE WITH THE SATURDAY TELEGRAPH”

### **The Daily Telegraph Front Cover (Print)**

24. This advertisement includes two men and two women sitting outside wearing NSW Blues merchandise and each holding a can of VB Blue with a large can of VB Blue and the following text superimposed on the bottom of the image

“FREE BEER\* TODAY” and “SUPPORT THE NSW ORIGIN TEAM AND GET YOUR FREE VB BLUES CAN \* With token Page 2”.

### **The Daily Telegraph Article (Print)**

25. This article includes an image of a woman wearing NSW Blues merchandise and holding up a can of VB Blue with the heading “VB GETS THE BLUES” and caption “Danielle Westacott with the limited edition State of Origin VB”. There is a blue highlighted box within the article that reads “FREE BEER Get your slice of history with a free, limited edition blue VB can from any BWS store only with the coupon in The Saturday Telegraph next week”.

26. The article includes the following quotes from CUB:

Brand manager Louise Thiele said it was the first time the company had done anything like this in the beer’s 160-year history. “For us to change the can is pretty special for Blues fans, I’m always amazed by how passionate and loyal they are”, she said. “The can is actually inspired by this year’s jersey, so we’ve matched the colour as closely as we can and mimicked a few details”. Ms Thiele said seven million individual cans had been made for Origin, or 240,000 cases, which were only available in NSW. “These cans will only be available in NSW and we think they might last between four to six weeks”, she said.

### **The Complaint**

27. The complaint is lodged by Ms Nicole Lim of the Foundation for Alcohol Research and Education (FARE). FARE’s website describes the organisation as being independent, and a not-for-profit national health organisation. The Foundation supports research, education campaigns, treatment and rehabilitation programs, and services related to the use and misuse of alcohol products.

28. The complaint in full is contained in attachment 1 to this determination. The complaint goes to the promotion of the Company’s VB brand beer via the means of the product’s ‘limited edition’ can packaging to link in with the Company’s sponsorship of the NSW Rugby League team in the 2016 ‘State of Origin’ series. The State of Origin is an annual 3 match series of rugby league games played between NSW and Queensland.

29. In short, it is argued by Ms Lim that the limited edition blue coloured VB can and its promotion via the Sydney Telegraph newspaper has strong and evident appeal to minors in breach of section 3 (b)(i) of the ABAC by reason of:

- The blue VB can creating a direct association with rugby league which is a sport popular amongst Australian children, and which is played by a significant number of school-age children and is promoted in schools by the National Rugby League (NRL).

- The can being based upon the jersey of the NSW team who are role models to children with this amounting to a 'piece of merchandise which will have strong appeal to minors'.
- The availability of the limited edition product cans is promoted through the Sydney Daily Telegraph and in 'partnership' with the Company and the alcohol retailer BWS. The readership of the Telegraph will reach homes with many children.

### **The ABAC Code**

30. Part 3 of the ABAC Code provides that a Marketing Communication must NOT:
- (b)(i) have Strong or Evident Appeal to Minors;
31. Definition in Part 5 of the ABAC provide:
- Strong or Evident Appeal to Minors means:
- (i) likely to appeal strongly to Minors;
  - (ii) specifically targeted at Minors;
  - (iii) having a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;
  - (iv) using imagery, designs, motifs, animations or cartoon characters that are likely to appeal strongly to Minors or that create confusion with confectionary or soft drinks; or
  - (v) using brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors.

A 'Minor' means a person who is under 18 years of age and therefore not legally permitted to purchase an alcohol beverage in Australia.

### **The Company's Responses**

32. The Company responded by letter dated 20 June 2016. The principal points in the Company's response were:
- a) Thank you for raising this complaint with us. We recognise this is a very important issue and I hope the response below demonstrates our ongoing commitment to the responsible marketing of our products. The complaint relates to the limited edition Victoria Bitter (VB) Blues Can run in partnership between Carlton & United Breweries (CUB), Daily Telegraph and BWS. It refers to the limited edition Can 'VB Blues Packaging' and its promotion 'VB Blues Promotional Material', which was run in the lead up

to the National Rugby League State of Origin game between New South Wales and Queensland in the Daily Telegraph Saturday 21 May edition.

- b) CUB has an internal policy entitled the Policy on Commercial Communication which governs all our commercial marketing activities and covers matters such as preventing underage appeal. All of our marketing material and activities focus on appealing to adults, in adult settings and occasions. One aspect of the policy is that brands may only advertise to audiences where at least 80 per cent of the audience is 18 years or over, this is known as the 80/20 rule. Before launching the promotion we ensured all aspects of the promotion met this rule. I have included relevant audience data below for reference.
- 2015 State of Origin audience, series average (television) 86.4 per cent 18+ (eTAM Standard Report, Metro 5 City Panel plus Subscription, Consolidated, Network 9, State of Origin Matches 2015, Projection P 0-17 & Projection P 18+)
  - 2015 State of Origin audience, series average, ticket sales for children (4-15 years), which includes family tickets of 2 adults and 2 kids, make up approximately 16 per cent of game attendance (Data supplied by NRL)
  - Daily Telegraph audience (online) 98.4 per cent 18+ (Nielsen Answers, Audience Profile Report, April 2016 Data)
  - Daily Telegraph audience (print) 97.37 per cent 18+ (Roy Morgan Asteroid, Tabulation Report, April 2015 – March 2016, Database: MAR16P5C+)
- c) The VB Blues Packaging was developed as a partnership between CUB, NRL and BWS and therefore does not fall within Part 2 b(iii).
- d) The VB Blues Packaging was developed to support our sponsorship of the NRL Blues. However, while associated with the sponsorship the VB Blues Packaging and VB Blues Promotional Material is VB brand advertising and promotion. Therefore it does not fall within Part 2 b(v) of the Code.
- e) The Daily Telegraph was the medium through which redeemable coupons were distributed and was involved in promoting the VB Blues Can through print and online advertising. All editorial content featured in the Daily Telegraph and was developed independently from CUB, its partners and agencies. The CUB spokeswoman Louise Thiele quoted in the article was contacted by Ashleigh Gleeson for comment. Editorial is dictated by news

of the day and in this instance it's reasonable to assume the Daily Telegraph considered the promotion and its role in the interstate rivalry in the lead up to State of Origin to be interesting, relevant or entertaining content for its readership. If the articles are considered to be marketing communications, we do not believe they would have strong or evident appeal to minors. As outlined earlier, the Daily Telegraph's readership is primarily made up of people aged 18+. The articles profile a promotion of an adult product, targeted at fans of an adult sport league.

- f) Our marketing clearly distinguishes between youth rugby league programs and competitions and the State of Origin, which is a game played by professionals to a primarily adult audience. As stated earlier, 86.4 per cent of the audience of the 2015 State of Origin series was 18+. This goes to support that the State of Origin game and the NRL Blues as a team within that league appeal predominantly to adults. We recognise that in some circumstances there is a small section of the audience that will be under 18 and ensure appropriate controls are put in place regarding marketing and promotions. In this case we chose a product that is only available to people over 18, to prevent appeal and/or access for underage fans. With a high profile sporting occasion such as the State of Origin we judged it an appropriate occasion to run a promotion of this type featuring a 'limited edition' product or giveaway that relates to sport.
- g) The State of Origin and NRL Blues appeals to an adult audience. This is a fact based on television audience numbers and audience ticket sales. To further ensure that the promotion was targeted at adults we ran this promotion in the Daily Telegraph, where at least 97.37 per cent of the readership is 18 years and over. The redemption mechanic for the promotion (the coupon system) was carefully considered and deliberately chosen to ensure that the only consumers to receive the VB Blues Can would be 18+. The coupon in the newspaper had no use or value unless the consumer was 18+, as it could only be redeemed at a licensed venue (BWS) which does not allow purchase of product or redemption of vouchers to those under 18, under any circumstances. Our customer partner Woolworths is vigilant in this respect and we supported and worked with Woolworths to ensure that only 18+ consumers could participate in this promotion. The promotion was a light-hearted way of playing on interstate rivalry by branding the state's popular beer in point 5 are directed at adult fans of the NRL Blues team and VB.
- h) CUB has been, and will remain, vigilant in ensuring its promotions and marketing material are not targeted at, or likely to appeal to people under the age of 18.

## **The Panel's View**

### **Introduction**

33. This determination concerns promotion of a 'limited edition' of the Company's VB beer can which was produced in conjunction with the 2016 State of Origin Rugby League series. The Company is the sponsor of the NSW team.
34. The complainant argues that the limited edition can and associated advertising has strong or evident appeal to under 18 year olds contrary to the ABAC standard contained in section 3 (b)(i) of the Code. In making this argument, the complainant specifically references the advertising of the limited edition cans of the product via the Sydney Daily Telegraph newspaper.
35. The Panel has approached the issues raised by the complaint as requiring a decision on the product packaging - Determination 74A of 2016 – and the advertising of the limited edition cans in the Telegraph – Determination 74B of 2016. Two determinations have been made because the ABAC scheme establishes different processes for determinations on product names and packaging as opposed to the marketing of alcohol beverages more generally.

### **Sponsorship**

36. Section 2 of the ABAC provides a non-exhaustive list of the categories of marketing communications which are captured by the Code (section 2(a)) and a description of communications or other activities which are expressly stated to not fall within the code (section 2 (b)). Section 2 (b)(v) provides that the Code does not apply to 'sponsorship'.
37. The term sponsorship is defined in section 5 as meaning any agreement, or part of an agreement involving payment or other consideration in lieu of payment by a Marketer to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's alcoholic beverage or outlet. Sponsorship includes naming rights of events or teams and the inclusion of a brand name and / or logo at an event venue, or on uniforms of participants (excluding branded merchandise).
38. The Company is the sponsor of the NSW Rugby League team. This means that the actual agreement entered into by the Company and the NSW Rugby League is outside the scope of the Code as is the direct manifestation of the sponsorship arrangement, namely the name of the team as the 'VB Blues' and the inclusion on the NSW player's jerseys of the VB name and logo.
39. The wider marketing of an alcohol product which references the existence of a sponsorship arrangement is not excluded from the Code. In this case, it is clear that the marketing communications published in the Telegraph, while referencing the sponsorship of the NSW Team is not sponsorship as such and the Panel can make a substantive decision on the complaint.

## Daily Telegraph Articles

40. The material printed in the Telegraph consists of clearly identified advertising and stories concerning the limited edition cans, which the company contends is editorial content of the Telegraph and is not a marketing communication to which the Code provisions apply.
41. The non-exhaustive list of marketing communications provided in section 2(a) includes 'advertorials', which is marketing that in style and format appears to be editorial content but over which an advertiser has control due to a commercial relationship between the advertiser and the producer of the newspaper. The Press Council of Australia has produced advisory guidelines that note that advertorials should be identified by terms such as 'advertisement', 'advertising feature', 'special feature', 'sponsored feature' or the like.
42. The articles are not identified as advertorials and in fact in the digital version of the Telegraph are noted 'news'. It seems that the Company had no control over the content of the articles as such, but equally it would be unlikely that a newspaper would have run stories of this nature other than for the reason of the advertising arrangements in place between the Company and the newspaper.
43. That said, the ABAC does not apply to editorial stories in a newspaper and the Panel cannot seek to assess the narrative within a news article against the ABAC standards. To that extent, therefore, the Panel makes no determination as to the consistency of these articles with the relevant ABAC standard.

## General principles and 'strong or evident appeal to minors'

44. The Code provides that a marketing communication (which includes product packaging) must not have strong or evident appeal to minors (i.e. a person under the age of 18). What might amount to 'strong and evident appeal' is expanded upon in the Code definition section as meaning:
  - likely to appeal strongly to minors;
  - specifically targeted at minors;
  - having a particular attractiveness for a minor beyond the general attractiveness it has for an adult;
  - using imagery, designs, motifs, or cartoon characters that are likely to appeal strongly to minors or that create confusion with confectionary or soft drinks; or
  - using brand identifications, including logos, on clothing, toys or other merchandise for use primarily by minors.

45. In assessing compliance of a marketing communication with a Code standard, regard is to be had of the probable understanding of the marketing communication by a reasonable person to whom the material is likely to be communicated and, taking its content as a whole. The concept of the 'reasonable person' is drawn from the Australian common law and refers to the opinions, values and beliefs held by a majority of the community. A person who holds an alternate interpretation of a marketing communication is not 'unreasonable', but possibly their interpretation would not be shared by a majority of the community.
46. The Panel has previously considered section 3 (b)(i) and the equivalent standard contained in earlier versions of the Code. On these previous occasions, the Panel has had regard to matters including:
- The intention of the marketer as to its target audience is not material, rather it is the probable understanding of the marketing communication which is the benchmark.
  - A marketing communication might have consequential or residual appeal to under 18 year olds and not breach the Code.
  - What is not permitted is that the marketing communication has strong or evident appeal to under 18 year olds.
  - Assessment of consistency is a case-by-case exercise in which imagery, use of characters and context is important in deciding the overall or probable impact of the marketing communication.
47. In Determination 74A/16, the Panel concluded that the limited edition packaging was in breach of section 3(b)(i) of the ABAC on the basis it has strong or evident appeal to minors for the following reasons:
- The appeal of Rugby League and State of Origin is across age groups and not specifically to either younger people or adults.
  - A reasonable person would understand the limited edition packaging is replicating features of the NSW team jersey.
  - The jersey inspired packaging would fairly be regarded as a novelty and 'collectible' item.
  - The jersey inspired packaging will attract the attention of minors who will be strongly or evidently drawn to the packaging and may wish to 'collect' the item as a souvenir or memento.
48. The Company contends that the advertising material in the Telegraph is not in breach of the ABAC standard on grounds including:
- The high adult readership of the newspaper; and

- That any appeal of the advertising to under 18 year olds is consequential and not strong or evident.
49. The Panel believes, consistent with its decision in Determination 74A/16 that the limited edition packaging does breach section 3(b)(i) of the Code and hence depictions of the packaging in the advertising means the specific advertisements are also in breach of the section.
  50. The Panel does not believe the advertising is in breach of the Code standard by reason of the promotional technique of 'free' cans of the product being available through purchase of the newspaper and the redeeming of a coupon, nor does the highlighting of the existence of the sponsorship arrangement of the Company of the State of Origin team of itself breach the section 3 standard.
  51. The complaint is upheld on these specific advertisements which feature depictions of the packaging concluded in Determination 74A/16 to be in breach of the Code.

**ABAC Complaint 74/16**

<b>ASB ID</b>	257399
<b>Complaint received on</b>	Tue 07-Jun-2016 12:17
<b>Confidentiality</b>	NO
<b>Requested Name</b>	Nicole Lim
<b>Organisation</b>	Foundation for Alcohol Research and Education (FARE)
<b>Advertisement Subject</b>	Limited-edition, blue, VB
<b>Advertisement Type</b>	Internet
<b>Advertisement Location</b>	I first saw the limited-edition Victoria Bitters (VB) NSW Blues team can on The Daily Telegraph's website on 14 March 2016.
<b>When Advertiser Name</b>	The Daily Telegraph's website on 14 May 2016. Carlton & United Breweries.
<b>Advertised Product or Service</b>	Alcohol
<b>Advertisement Description</b>	Carlton & United Breweries has released a limited-edition, blue, VB can, which is based on the State of Origin NSW Blues team's jersey. The website URL for The Daily Telegraph's website where this product was first viewed is: <a href="http://www.dailytelegraph.com.au/news/get-a-free-beer-vb-can-has-blue-tinge-in-state-of-origin-promotion/news-story/9c57c2dade003436dbe151366b5b864f">http://www.dailytelegraph.com.au/news/get-a-free-beer-vb-can-has-blue-tinge-in-state-of-origin-promotion/news-story/9c57c2dade003436dbe151366b5b864f</a>
<b>Advertisement Objection Reason</b>	The limited-edition, blue, VB can, is based on the State of Origin NSW Blues team's 2016 jersey. As such, the alcohol packaging (imagery, design, motifs) is likely to have strong appeal to minors, particularly young NSW Blues supporters. This is a direct contravention of section 3(b)(i) of the ABAC Responsible Alcohol Marketing Code which states that a Marketing Communication must not "have Strong or Evident Appeal to Minors". Carlton & United Breweries released the limited-edition, blue, VB can, to coincide with the 2016 State of Origin. The State of Origin is often referred to as Australia's greatest

sporting rivalry and is a series watched by thousands of families across Australia. The State of Origin's popularity is evident by the 2.6 million metropolitan viewers who tuned in to watch the second game in 2015.(a) This context, combined with the four points outlined below, is why the limited-edition, blue, VB can, has strong appeal to minors.

1. The limited-edition, blue, VB can, is directly associated with rugby league, a popular sport among Australian children. This is evident by the fact that nearly one in 10 children aged six to thirteen years regularly plays rugby league.(b) This is unsurprising given the National Rugby League (NRL) regularly promotes rugby league at schools and via its community programs. In NSW, many children play rugby league via the NSW Rugby League's junior competitions (under 16s and under 18s). The popularity of the NSW Blues among users of social media is evident by more than 720 000 'likes' on its official Facebook page.
2. The limited-edition, blue, VB can, is based on the jersey of children's NRL role models. Children who play and follow rugby league look up to NRL players in their respective teams, such as the NSW Blues team. For these young people, playing in the State of Origin is viewed as the peak of success, a sign that players have 'made it' in the world of rugby league. As such, a can which is branded with the 2016 jersey of their NSW Blues team role models, is another piece of merchandise which will have strong appeal to minors.
3. The limited-edition, blue, VB can, is directly associated with a newspaper which is read by thousands of families across NSW and the ACT. The limited-edition, blue, VB can, is available for sale and previously for free as part of a promotion by The Daily Telegraph in partnership with Carlton & United Breweries, Woolworths (BWS) and the NRL. The Daily Telegraph is NSW's best performing newspaper with an average of 999,000 readers each weekday and an average Saturday newspaper circulation of 260 000.(c) Many children read The Daily Telegraph, with the newspaper's recent promotion involving free, limited-edition, blue VB cans, appealing to children because of the can's distinct packaging and direct link to the State of Origin. To demonstrate this point, former rugby league great and State of Origin player, Steve Ella,

recounted seeing 13 and 14 year olds hunting for the paper to collect vouchers for free beer.(d) References (a) State of Origin II dominates ratings as 2.615m watch NSW beat Queensland. Retrieved on 31 May 2016 via <https://mumbrella.com.au/state-of-origin-ii-dominates-ratings-as-2-615m-watch-nsw-beat-queensland-300529> (b) Roy Morgan Research. (2015, May 19). The top 20 sports played by Aussies young and old(er). Retrieved June 6, 2016, from <http://www.roymorgan.com/findings/6123-australian-sports-participation-rates-among-children-and-adults-december-2014-201503182151> (c) 999,000 reasons your Telegraph is tops in NSW. (2016, 11 March). The Daily Telegraph. Retrieved May 19, 2016, from: <http://www.dailytelegraph.com.au/news/999000-reasons-your-telegraph-is-tops-in-nsw/news-story/d74f57e98f99b26f1ac6239013585b7a> (d) Parents can't wait for the NRL to act on alcohol. (2016, 5 June). The Sydney Morning Herald. Retrieved June 6, 2016, from: <http://www.smh.com.au/comment/smh-editorial/parents-cant-wait-for-nrl-to-act-on-alcohol-20160603-gpb7rp.html>