

ABAC

ABAC Complaints Panel Determination No: 107/08

In the complaint of Mr Michael Wilson
Product: Bundaberg Rum
Advertiser: Diageo Australia Limited

Professor The Hon Michael Lavarch - Chief Adjudicator
Jeanne Strachan – Member
Professor Richard Mattick – Member

6 November 2008

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a television advertisement for Bundaberg Rum by Diageo Australia Limited (“the Advertiser”) and arises from a complaint by Mr Michael Wilson received on 16 October 2008.

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 ASB and the 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. This complaint 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 by Mr Michael Wilson received on 16 October 2008.
7. The Panel endeavours 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 advertisements against the ABAC prior to publication or broadcast. Pre-vetting approval was obtained for this advertisement **[BH122&124/08]**.

The Advertisement

9. The complaint refers to a television advertisement for Bundaberg Rum. Both a 30 second and 60 second version of the ad were aired at around the time the complaint was made so the Panel has considered both versions of the ad. The 60 second ad is described following, the 30 second ad being an abbreviated version of this ad.
10. The commercial opens on a house party with a group of men talking and laughing. Two men walk away from the group and one of the men 'Davo' is left standing alone. He looks around the party, then looks up and sees a huge banner with the words 'Bugger off Davo' written across it, and he smiles and shakes his head. He then looks over to the Bundy Bear who nods at him and Dave nods back and starts singing along with the Lionel Ritchie song- 'Stuck on you'. Davo sings the lyrics "Stuck on you. I've got a feeling down deep in my soul that I just can't lose. Guess I'm on my way". We then watch as he wanders from the back garden into the house. The party continues around him and they do not react to him singing.
11. Inside, Davo passes a couple of mates doing the robot dance and watches on in amusement as he continues singing "Needed a friend. And the way I feel now I guess I'll be with you 'til the end. Guess I'm on my way." Davo passes a wall full of photos of him and his mates. He pauses to take a look and we see a photo of Davo and his mates standing next to Bundy Bear. Davo looks at the

photo as if reminiscing when the photo of Bundy Bear turns towards him and says "Gonna miss you mate", to which Davo responds "Thanks mate".

12. Davo continues to move through the party with comedy scenes happening around him. A guy carrying a fish walks in front of him whilst another man arrives in fancy dress and as he walks through the door his mates cheer and laugh. Davo continues to sing: "So hard to see, that Blokes like you could wait around for a man like me." We see Davo's mates sneakily place a fish in his suitcase as he sings "Guess I'm on my way". Davo's mates hand him his bag and he waves to his mates and Bundy Bear gathering together at the door and saying "Send us a postcard". As he walks down the path, we see him walk back up the path directly next door, past a 'For Sale' sign and into a new house. Finally he steps outside into the back yard only to see Bundy Bear look over the garden wall and say "G'day neighbour, coming over for a drink?" In the final scene we see a bottle of Bundaberg Rum and the text "Our Rum Since 1888".

The Complaint

13. The complainant argued that the ad insinuates that rum is your friend and that the presence of alcohol/ the bundy bear is comforting and welcoming.

The Code

14. The ABAC provides that advertisements for alcohol beverages must-
 - (a) present a mature, balanced and responsible approach to the consumption of alcohol beverages...
 - (c) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment.....

Arguments in Favour of the Complaint

13. In favour of the complaint it can be argued that the advertisement breaches section (a) of the ABAC Code by:
 - (a) depicting a man sad to be leaving the great drinking times he had with the bundy bear and his mates and then arriving at his new house to find the bundy bear next door welcoming him and inviting him to come over for a drink; and
 - (b) the man singing "need a friend" and the bundy bear saying to the man "Gonna miss you mate" thereby suggesting the man thinks of Bundaberg Rum as a friend.
14. Further, it can be argued that the advertisement breaches section (c) of the ABAC Code by suggesting that the consumption of the product contributes to a change in mood by depicting a party at the start of the ad when the bundy bear

is present, then depicting the man alone in his new house and lastly depicting a party next door again where the bundy bear is present.

The Advertiser's Comments

15. The Advertiser responded to the complaint and questions posed by the Panel in relation to the complaint by way of letter received 31 October 2008. The principal points made by the advertiser are set out following.
16. The storyline is set around a farewell party that a close-knit group of housemates have organised for their best friend 'Davo'. We see Davo moving around the party, watching all his mates enjoying themselves and playing practical jokes on each other, and seeing things like photos that remind him of their times together. As Davo walks down the path we are surprised to see him walk directly to the house next door, past a 'For Sale' sign and into his new house! Finally he steps into his new back yard only to see Bundy Bear look over the fence and inviting him back to his old housemates.
17. The idea and intent behind "Davo's Farewell" is to bring the essence of Australian mateship to life and to celebrate mateship moments. This is iconic Australian behaviour, a timeless tradition that's relevant to adult males, who enjoy legendary experiences with their mates.
18. Bundaberg Rum has a communications heritage of bringing the best mateship moments to life. Mateship is at the heart of "Davo's Farewell" and not consumption of alcohol. We do not see Davo drinking in the TVC. We believe it is clear that Davo is sad to be leaving his housemates and not "great drinking times".
19. The TVC is intended to appeal to adult males in their late 20's. The soundtrack (Lionel Ritchie "Stuck on you") was released 24 years ago in 1984 and the average age of the first home buyer is 27 years (Genworth Financial Survey, 2000 respondents, in 2007). The appeal of Davo's Farewell is definitely to the late 20's adult male who can relate to the content.
20. We disagree with the complainant's comment that the TVC depicts a man sad to be leaving "great drinking times". The man is shown to be sad to be leaving his old housemates but the humour lies in the fact that he is only moving next door and can stop by to see his mates anytime through the hole in the fence. Some (but not all) the characters depicted are shown to consume Bundaberg Rum, but Bundaberg Rum is not in any way depicted as a cause for the friendship or the party. Moving out from a house shared with his mates to his own home is a concept much broader and richer than the complaint suggests.
21. The TVC presents a balanced and responsible approach to the consumption of alcohol beverages. There is neither suggestion of nor encouragement of excessive consumption or abuse of alcohol, underage drinking or other offensive behaviour. All characters depicted in the TVC are (and appear to be) 25 years of age or older. The TVC depicts only moderate consumption of alcohol, and in fact the main character is not shown to consume any alcohol while some other characters consume non-alcoholic beverages such as orange

juice. The core message is one of Aussie mateship, one brought home by practical jokes revealing genuine affection for one another. Alcohol is not depicted as a core element of this mateship.

22. We disagree with the complainant's assertion suggestion that the TVC suggests that Davo thinks of Bundaberg Rum as a friend. Bundy R Bear is a key mascot for the Bundaberg Rum product and is a representation of core aspirational aspects of raw Aussie charm found in our target consumer. Bundy R Bear is not presented as a metaphor for the product itself. The research carried out during the design of the TVC clearly shows that taking the advertisement as a whole, this message is clear to a reasonable person within the class of persons to whom the advertisement is directed and other persons to whom the advertisement may be communicated.
23. The change in mood depicted in this TVC is triggered by Davo moving out of his home and away from his mates. The mood is lifted again when we get the joke that he has moved next door, using humour to illustrate a core truth of Aussie mateship: that your friends will always be there for you. In no way does the TVC suggest that the mood is affected (positively or negatively) by the presence or consumption of alcohol. Davo is not depicted to have any change in personal, business, social, sporting, sexual or other success nor is he even shown to consume alcohol. He simply moves house and misses his old housemates. The consumption of Bundaberg Rum is depicted a part of his farewell party, and equally a part of the proposed re-union but not as a cause of either event.
24. We do not have any plans to screen this ad beyond 2 November 2008.

The Panel's View

25. The complaint raises two primary issues under the ABAC, namely whether the ad presents a mature and balanced approach to alcohol consumption and whether it is suggesting that alcohol consumption creates or contributes to a significant change in mood or environment.
26. The first point raised by the complaint is a concern that the ad depicts a man sad to be leaving the great drinking times he had with the bundy bear and his mates and that the bundy bear is depicted as a friend, comforting the man and later welcoming the man to his new home. The advertiser argues that the man is shown to be sad to be leaving his old housemates but the humour lies in the fact that he is only moving next door and can stop by to see his mates anytime through the hole in the fence, the core message of the ad being one of Aussie mateship and alcohol is not depicted as a core element of this mateship. The advertiser also argues that Bundy R Bear is a key mascot for the Bundaberg Rum product and is a representation of core aspirational aspects of raw Aussie charm found in our target consumer. Bundy R Bear is not presented as a metaphor for the product itself.
27. Section (a) goes to responsible consumption standards, both in setting a positive standard and then setting out several negative standards which are not to be portrayed *e.g.* excessive consumption. The issues raised by the

complainant do not relate to any of the specific negative standards but raise an issue of whether the ad is presenting a mature, balanced and responsible approach to the consumption of alcohol beverages. The Panel notes that the alcohol consumption and behaviour portrayed in the ad is moderate and no offensive behaviour is depicted. The Panel does not believe that a reasonable person would view the ad in the way contended by the complainant.

28. The second issue is whether the ad is consistent with section (c) of the ABAC. This is the section which provides that alcohol ads are not to suggest that alcohol contributes to a significant change in mood or environment.
29. Section (c) is a wide provision, which deals with both the “presence” and “consumption” of alcohol, and the suggestion that alcohol is “contributing” to a change in mood or environment. This means that alcohol need not be shown as the primary contributor to a change in mood for the standard to be breached.
30. That said, the Panel does not believe the ad breaches section (c). While alcohol use is depicted in the ad, it does not appear that alcohol is changing the mood or environment established by the farewell of the mate “Davo” from one home to another. The ad is lighthearted and is focused on the relationship between the friends, and not alcohol use as such.
31. Accordingly, the complaint is dismissed.