

ABAC

ABAC Complaints Panel Determination No: 14/06 & 24/06

COMPLAINTS OF MR PETER SHIELDS and a CONFIDENTIAL COMPLAINT

Product: Tooheys New
Advertiser: Lion Nathan

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

20 June 2006

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns the “for the love of beer” advertising campaign for alcohol beverage “Tooheys New” produced by the company Lion Nathan (“the Advertiser”). The determination deals with two complaints: the first from Mr Peter Shields; and the second from a complainant who has requested confidentiality (“the Complainants”).
2. The advertisements referred to by the Complainants concern a television advertisement and a related series of Billboard advertisements. The campaign features television commercials of varying lengths that have been produced by the Advertiser. The Panel has determined the complaint by reference to a ‘master’ audio visual version from which shorter television commercials have been produced and broadcast. The Billboards are located in various parts of Australia, but the complaint refers to two sites in Sydney.

The Quasi-Regulatory System

3. 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 Advertising Code of Ethics which includes provisions about the content of Billboard advertising in specific locations e.g. near schools.
- 4. 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.
- 5. 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.
- 6. The complaints raise concerns under the ABAC and accordingly are within the Panel's jurisdiction.

The Complaint Timeline

- 7. The complaint of Mr Shields is in the form of an email dated 20 March 2006 and was received by the ABAC Adjudication Panel on 22 March 2006. The second complaint concerning the Billboard advertising is in the form of an email dated 10 May 2006 and received by the Panel on 11 May 2006.
- 8. 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. In this case, the Panel thought it sensible to combine both complaints into a single determination as both dealt with the same advertising campaign and raised similar concerns.

Pre-vetting Clearance

- 9. The quasi-regulatory system for alcohol beverages advertising features independent examination of most proposed advertisements against the ABAC prior to publication or broadcast. The advertisements were subject to pre-vetting and given approval (JB 11/06TN) and JB92/05TN).

The Television Advertisement

- 10. The campaign is based on a television commercial which depicts an elaborate and extensive community effort to send to the "heavens" the ingredients necessary for it to "rain" beer. While set in a modern city, the television advertisement (TVC) features the use of massive wooden catapults to fling the ingredients into the sky. Mr Shield's complaint is about the TVC.
- 11. The TVC opens with a series of scenes depicting sacks of hops being catapulted high into the air from various locations on city streets. A loud siren sounds as though it were a call to the 'troops'. The action is accompanied by music which is the well-known theme music of the popular movie "The Great Escape". These scenes cut quickly from the catapult activities to show onlookers turning to watch the flying sacks. Various characters are seen loading and firing the sacks into the sky from various catapult devices. These devices appear to be located on the streets and on the tops of tall buildings

that are situated throughout a city landscape. The flying sacks appear to increase in number with each scene.

12. The scenes shift quickly to depict the growing crowds of people who come to join in the activities. A number of people are seen pulling ropes, carrying the sacks down the streets, hauling the sacks to the sites, loading and firing the catapults. Loud voices can be heard shouting 'pull', 'faster', and 'swing harder' above the general crowd of voices: some voices call out instructions to others in the crowd.
13. The scenes show the flying sacks soaring high into the air past buildings, while another appears to hit the wall of a tall building. This is followed by a scene depicting a large catapult being hauled up the side of a tall building. A brief close-up of a man is shown as he shouts 'heave' and waves his arms as if he is pulling ropes in the air. He is then shown to be clearly situated on the roof of a large building where he is surrounded by others in the background who pull hard on large heavy ropes in response to his instructions.
14. As the pace of the activities increases, people from the street are shown to look up. Bells clang over the din of the catapults and the frantic murmur of the growing crowds of people who join the activities. Ever increasing numbers of sacks are also shown to be flying high into the sky from numerous locations throughout the city. One particular sack flies through the air catching the attention of a male character cooking at a barbecue on the roof of a building.
15. The scene quickly moves to show what appears to be a 'bird's eye view'. Large numbers of sacks appear to be flying from the city streets below and sailing high up in the air towards the camera.
16. The scene returns to one particular catapult where a man runs frantically carrying more rope. Two female characters are then shown to be encased in a rope harness, screaming loudly as they are thrown high into the sky from the particular catapult.
17. The scene cuts to show only clear skies and white clouds. There is a pause in the frantic activity. The music stops and a hush falls over the crowd as the people watch the sky with, what appears to be, hope and anticipation. Nothing seems to happen.
18. Suddenly a small bell rings and the people turn from watching the sky to see an elevator door open. A deer stands alone in the elevator facing the crowd.
19. The pause in pace continues - particular characters in the crowd look towards the deer, their expressions appear to change from being puzzled to having found a solution. The scene cuts to show the deer being thrown from the catapult into the sky. The shots move quickly to show people on a bus, a man at a urinal, and people in different places throughout the city turning to watch the deer fly high into the clouds. Hope and anticipation appears on the faces of the people as they watch the sky.
20. The clouds in the sky appear to darken to a rich shade of gold as the sound of thunder breaks the silence. The shots quickly move to show the movement of the wind and the rustling of the trees below on the ground.

21. Suddenly the heavens open up and a shower of heavy rain falls to the ground onto the crowds of people waiting in the streets below. The “rain” is in fact beer. The silence is broken by the return of the theme music and the noise of the crowds celebrating with great joy. People are shown hugging each other, jumping and celebrating and holding out their hands, desperate to catch the raining beer. The scenes move to quickly show various shots of people standing under the raining beer filling large glasses and other containers with beer. Some hold their mouths open to catch the raining beer, while others are shown also to be saturated by the raining beer and drinking it in the streets and in their homes.
22. The final shot shows a single hand holding a glass of beer with the label “Tooheys New” and the slogan “for the love of beer” appears also on the scene as the theme music comes to an end.

The Billboard Advertisements

23. The two Billboard advertisements which are the subject of the second complaint follow on from the end point of the TVC. In these two Billboards we see individuals responding to the downpour of beer.
24. The first Billboard depicts a backyard of a suburban home. It is apparently raining beer and the scene shows a man lying in a bathtub which is near-filled with beer. The man is lying back in the tub, with both arms extended as if he is welcoming the raining beer. His facial expression is that of joy.
25. The balance of the scene shows a lawn mower and reasonably thick grass in the backyard. To the left of the bathtub and man is the product logo and the strap-line “For the love of beer”.
26. The second Billboard depicts a man with his upper body protruding from the window of a brick building. The building is similar to a block of flats and the man is on the first or second level of the building.
27. It is raining beer. The man is holding in his arms a fish tank, which has a fish swimming in the liquid which is the colour of beer. The surface of liquid in the tank is disturbed from the raining beer falling into the tank. Similar to the first Billboard, the man’s facial expression shows him to be excited and pleased about what is happening.
28. The balance of the scene shows the brick wall of the building and to the right of the man is positioned the product logo and the strap-line “For the love of beer”.

The Complaints

29. Mr Shield’s complaint goes to the TVC. He argues that the TVC promotes the unhealthy consumption of beer by implying that beer is as important as rain. He contends that the TVC encourages and normalizes the unhealthy use of alcohol. He describes that the “raining” of beer is a cause of celebration to all persons depicted in the ad. He identifies the negative health and social consequences of the over-consumption of alcohol.
30. The second complaint goes to the two Billboards. It is argued that the Billboards are offensive and irresponsible as they clearly encourage

excessive drinking of beer and consequent drunkenness. The complainant notes that the characters depicted appear “delighted” at the raining beer. The collection of the raining beer in large containers is seen as evidence of excessive consumption. The complainant points to the adverse health consequences of excessive alcohol consumption and the impact of alcohol in causing road accidents.

The ABAC

31. 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;
- (ii) must only depict the responsible and moderate consumption of alcohol beverages;

Section (c) of the ABAC provides that advertisements must not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and accordingly:

- ii) if alcohol beverages are depicted as part of a celebration, must not imply or suggest that the beverage was a cause of or contributed to success or achievement.

Arguments in Favour of the Complaint

32. The complaints raise two issues under the ABAC, namely the encouragement of excessive consumption in breach of section (a) and the suggestion that the consumption or presence of alcohol contributed to a significant change in mood and was a contributor to the success being celebrated in the advertisements in breach of section (c). In favour of these complaints, it can be argued that:

- The advertisements glorify and elevate the importance of alcohol by depicting enormous community effort to appease the “gods” and cause the raining of beer. This can be argued to be irresponsible and unbalanced in breach of the standards in section (a) of the ABAC;
- The depiction of the people in the TVC and the individuals in the Billboards collecting the raining beer in various and multiple containers, including in the Billboard the very large containers such as a fish-tank and bathtub, implies excessive consumption will occur in breach of section (a) (i) and (iii) of the ABAC.
- The reaction of people to the presence of the alcohol shows a significant change in mood and the celebration depicted in the TVC and the delight of the characters in the Billboards are contributed by the alcohol beverage and not only by the “miracle” of raining beer. This can be argued to breach section (c) (iii) of the ABAC.

The Advertiser's Comments

33. The Advertiser responded to the two complaints and associated questions posed by the Panel by way of letters dated 15 May 2006 and 25 May 2006. The principal points made by the Advertiser were:
- (a) The basic premise of the campaign is that the love people have for beer has brought them together to achieve something remarkable – the ability to make it rain beer. The take-out theme is that the product is a very special brew – a precious gift from the gods.
 - (b) Extensive consumer research indicates that Australians feel disconnected and alone in the world and the TVC reflects a sense of joy of people being connected and effective and being part of something bigger. The ad glorifies the act of coming together to achieve something remarkable *i.e.* making it rain beer – not the act of drinking alcohol.
 - (c) The Billboards form part of the “For the love of beer” campaign and it is reasonable to view these executions as part of the entire campaign which is built on the TVC. The Billboards show people celebrating the fact that it has spontaneously started raining beer, a clearly amazing and completely out-of-the-ordinary event.
 - (d) The campaign is clearly fictional – it is not plausible to make it rain beer – and the ads will be viewed by a reasonable person within a fantasy framework. It is an entertaining campaign built around a “dream” concept.
 - (e) The campaign does not encourage excessive consumption. The celebratory scenes at the end of the TVC are as much about people enjoying the fact that it is raining beer as they are about unashamedly celebrating the joy that comes from feeling connected and effective and a part of something bigger. Further:
 - The collection and consumption of the beer by the characters in the TVC is responsible and moderate and what is collected is being shared among many friends, and not consumed individually. Many of the crowd shots do not show consumption at all and the celebration relates to the achievement of the feat of making it rain;
 - The take-out theme of the brew being a precious gift from the gods indicates it should be savored and this supports moderate and measured consumption.
 - (f) In the case of the Billboards, there is absolutely no suggestion that the product is going to be consumed, let alone consumed irresponsibly. Neither character shown in the Billboards has a glass.
 - (g) The reaction of the two Billboard characters is to the “fantastical” feat and excitement at an extraordinary event. The containers used, namely a dirty old bathtub which is presumed to be a permanent fixture of the backyard, and the fish-tank which was already filled with water *i.e.* the fish was in the tank – show that the beer collected will

not be consumed. The collection is a response to the amazing event akin to taking evidence of the event occurring.

- (h) It is rejected that the TVC or Billboards show alcohol as the cause of or a contributing factor to achievement of social or other success. If the “success” is the raining of the beer, then this is caused by the team work and group effort, and not by the alcohol product. The product is not shown in the TVC until after the successful operation.
- (i) A reasonable person, within the fantasy framework of the campaign, will accept the actions depicted in both the TVC and Billboards as reactions to an unexpected and amazing event/feat, rather than merely reactions to the fact that alcohol is present.
- (j) The final celebratory scene in the TVC and the reaction of the characters depicted in the Billboards are as much about people enjoying the fact that it is raining beer (a clearly fantastical event) as they are about unashamedly celebrating the joy that comes from feeling connected and effective and a part of something bigger. The Billboard characters demonstrate excitement at such an unexpected event as the raining of beer.
- (k) Finally, beer is a product that a reasonable person rightly connects with social situations that often bring people from all walks of life together in celebration of an achievement. Sharing a celebratory beer is in no way divergent from what the community and the reasonable Australian feels is an appropriate and reasonable way of marking an achievement or occasion.

The Panel's View

- 34. Before turning to the substance of the determination, it is appropriate in this case to explain how the ABAC Scheme operates and the way the Panel approaches its task in accordance with the rules and procedures that govern the complaints process.
- 35. The ABAC Scheme consists of three components, namely:
 - The ABAC itself which sets out the standards which alcohol beverage advertising is to meet, or at least not breach;
 - The pre-vetting system by which a proposed advertisement is independently reviewed by assessors against the ABAC as a whole;
 - The public complaints mechanism under which the Panel assesses if the ABAC has been breached in relation to the concerns identified by a complainant.
- 36. The complaint process is not a *de novo* reconsideration of an advertisement against each of the provisions of the ABAC. Rather, it is the assessment of whether the concern expressed by the complainant indicates if a particular standard embodied in the provisions of the ABAC has been breached.

37. The vast majority of complaints do not specify a particular provision of the ABAC or the AANA Code of Ethics which it is claimed has been breached. The complaints process does not assume that members of the public have specific knowledge of the various Codes which apply to alcohol advertising, but rather it operates on the basis that the ASB, in the case of the Code of Ethics, and this Panel in the case of the ABAC, will match the concerns and comments in the complaint to the relevant standard in the applicable Code. In doing this, the Panel will adopt a “spirit and intent” approach to ensure that the concerns of the complainant are given full expression.
38. This is an important point to appreciate, as on occasions an advertising campaign will attract multiple complaints, each of which may raise different concerns. The current “For the love of beer” campaign for the Advertiser has attracted multiple complaints, some of which have raised issues solely of taste, decency and sexism under the terms of the AANA Code of Ethics; and the two complaints dealt with in this determination which raise ABAC issues.
39. As a rule of thumb, the distinction between a complaint which raises solely AANA Code of Ethics issues, and a complaint which raises ABAC issues, turns on whether the concern of the complainant is related to alcohol or is unrelated to alcohol. For instance, the “love of beer” TVC has attracted complaints about sexism and taste. These complaints are about the style of the advertisement and some scenes e.g. the depiction of two women being sacrificed to the gods and a scene where a man is seen standing at a urinal. In both these instances the fact that the advertisement was about an alcohol product was immaterial, compared with the concern about these allegedly offensive elements which would cause offence if present in any advertisement, whether selling cars, shoes, milk or any other commodity.
40. As explained earlier in cases where solely AANA Code of Ethics issues of taste, decency, sexism, racism etc are raised about an alcohol advertisement complaint, the determination on the complaint will be made by the ASB, and not this Panel. In other cases, this Panel will deal with the complaint.
41. When a complaint does raise ABAC issues, it will be dealt with by a Panel determination. It is important that the advertiser has the opportunity to provide comment on the complaint and to answer the proposition that the advertisement breaches the relevant standards in the ABAC. To ensure the advertiser appreciates the issues and the provisions of the ABAC which the Panel believes are raised by the complaint, the advertiser is directed to the relevant provisions and asked questions about the consistency of the advertisement with these ABAC provisions. This is done in addition to the general invitation to respond to the complaint and make any comments the advertiser believes the Panel should have regard to in making its decision.
42. In this case, the complaint of Mr Shields and the second complainant raised issues under sections (a) and (c) of the ABAC. These provisions deal with advertising presenting a mature, balanced and responsible approach to alcohol beverage consumption and specifically not encouraging excessive consumption. The question of a significant change in mood contributed to by alcohol was also described by the complainants and hence an issue under section (c) and (c) (iii) was raised. The Panel directed the advertiser to those provisions of the ABAC and invited a response to some questions on the consistency of the advertisements to the standards set out in the provisions.

43. This means the Panel needs to decide if the TVC and Billboards breach sections (a) and (c) of the ABAC. Dealing firstly with the TVC and the issue of the encouragement of excessive consumption of alcohol, the relevant section provides that advertisements must present a mature, balanced and responsible approach to the consumption of alcohol and not encourage excessive consumption and must only depict responsible and moderate consumption.
44. The ABAC preamble provides that conformity of an advertisement with the Code is to be assessed in terms of its probable impact upon a reasonable person, taking its content as a whole. The preamble also notes that the ABAC is designed to ensure that alcohol advertising will be conducted in a manner which neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption. This last guidance was added to the ABAC in 2004 following a review of the ABAC in light of work by a government committee which reported to Ministers responsible for public policy on drug and alcohol use in Australia.
45. Concepts such as “mature”, “responsible”, “balance”, “encourage”, “excessive” and “moderate” are all terms which require the application of judgment in each individual case where there is a question as to whether the standard has been satisfied. This judgment is against a backdrop of “community standards” which is itself a quite elusive concept. In this case Mr Shields contends that the TVC elevates the importance of beer to equate with that of rain and it normalises an unhealthy obsession with alcohol. To Mr Shields, this is not “responsible” or “balanced”. Further, he argues the TVC encourages excessive consumption.
46. For its part, the advertiser points to the TVC creating a fantasy setting in which community effort and teamwork are glorified, not the act of drinking alcohol. It argues that depictions of actual consumption are moderate and as a “precious gift from the gods” the product will be savored and not consumed excessively.
47. The Panel understands the TVC depicts a fantasy setting. It is a common feature of alcohol, and indeed all advertising, that messages are delivered via fanciful and make-believe scenarios. This does not mean that the ABAC standards cannot be breached by such advertising, as the test is how a reasonable viewer would interpret the ad, taking its contents as a whole.
48. The ABAC is drafted in a manner which combines both “positive” and “negative” standards which alcohol advertisements are to meet and not breach. For instance, section (a) is a positive standard which states that ads “must present a mature, balanced and responsible approach to the consumption of alcohol beverages”. Sub-section (a) (iv) is also a positive standard which states that only responsible and moderate consumption can be depicted. Sub-sections (a) (i) and (iii) are negative standards, in that they tell what an ad must not do – namely encourage excessive consumption.
49. The ad does depict some actual consumption of alcohol by participants in the celebrations being shown at the climax of the TVC. No one person is shown drinking extensive amounts of alcohol, but a large number of containers are being filled with the raining beer. It is certainly possible that a reasonable viewer might conclude that the actual consumption likely to occur will be more than moderate, but the consumption actually depicted is not excessive.

50. The issue of the “encouragement” or “promotion” of excessive consumption is, however, more problematic. While the advertiser contends that the take-out message is that the product is a special brew which is a gift from the gods, it does not follow that this “gift” will be used responsibly or moderately when it is shown falling from the sky and people are seen collecting the product in every available form of container. Clearly this is a fantasy, but the reaction of the crowd to the “raining beer” does not, in the Panel’s view, sit easily with the spirit and intent of the ABAC of the “need for responsibility and moderation in liquor merchandising and consumption”.
51. In the Panel’s view the TVC does encourage excessive consumption. It depicts wild jubilation at the availability of the product. While the advertiser contends the joy of the crowd is because the community effort and teamwork succeed - this success was in providing free beer which numerous people seek to drink immediately and collect. It is concluded that applying the “reasonable person” test that the ad breaches the standard in section (a).
52. The second issue is whether the TVC offends the standard in section (c), particularly section (c) (ii). This provides that advertisements must not suggest the consumption or presence of alcohol may create or contribute to a significant change in mood and accordingly not imply or suggest alcohol contributed to success or achievement if an alcohol beverage is depicted as part of a celebration.
53. As stated, the final segment of the TVC depicts an extensive celebration. Alcohol consumption and alcohol as “raining beer” feature prominently in the celebration. The advertiser explains that the celebration is not about drinking alcohol as such, but rather people celebrating the success of their achievement through teamwork and community effort in having the gods respond by causing it to rain beer.
54. The benchmark contained in section (c) is about an advertisement not suggesting alcohol may contribute to a significant change in mood or the achievement of success. An ad which features a celebration cannot imply that alcohol was a contributor to the success being celebrated. The test in the sub-section goes beyond the suggestion that alcohol was the cause of the celebration, or even the prime motivation for the celebration, and extends to the implication that alcohol “contributed” to the success. An ad must not suggest the presence of alcohol may contribute to a significant change in mood.
55. The TVC is about people trying to make it rain beer. Their efforts are successful and a major celebration follows. The argument of the advertiser that alcohol has nothing to do with the change in mood from “determined” to “joyous” or that the celebration is not contributed by the presence of alcohol is difficult to sustain. It might be argued that it is the community effort and teamwork which is the major cause of the “success” but it is entirely artificial to assert that the presence of alcohol did not contribute at all to the change in mood reflected in the celebration. In fact, the arrival of alcohol in the form of raining beer is the very trigger for the change in mood and the celebration.
56. The Panel believes a reasonable viewer would take that the ad suggests that the presence of alcohol contributed to the significant change in mood depicted in the TVC. The Panel believes a reasonable viewer would interpret the ad as conveying the message that the presence of the product was a

contributing factor to the success being celebrated. Accordingly, the Panel believes section (c) of the ABAC has been breached by the ad.

57. In relation to the Billboards, the advertiser advised that it was reasonable to view the executions as part of the entire "For the love of beer" campaign and to assume that the audience of the Billboards will have seen the TVCs. In fact, the Billboards make little sense unless placed in the context of TVCs and the raining beer.
58. The complaint about the Billboards again requires assessment of the consistency of the advertisements with the standards in section (a) and (c) of the ABAC. Turning first to section (a), the characters depicted in the Billboards are not seen consuming the product, but rather collecting the raining beer in large containers, namely a bathtub and fish-tank. The complainant takes this to suggest that excessive amounts of the product will be consumed.
59. In contrast, the advertiser contends the collection is not for consumption, but rather reflects the reactions of the characters to the amazing event of raining beer. The collection, in the case of the bathtub, is argued to be incidental as the advertiser surmises that the tub was a permanent fixture in the backyard and not placed there to collect beer. Equally, the fact that the fish-tank contains a swimming fish, pebbles and plants indicates it was the first thing the man grabbed to collect some evidence of the amazing feat. It is not reasonable, following the reasoning of the advertiser, to think the beer collected would be consumed at all.
60. The Panel accepts the advertiser's arguments on this point. While the collection of the beer in large containers might raise the prospect of excessive consumption, this is not supported by the balance of the advertisement. In the bathtub Billboard, the man is lying in the tub as it fills with the raining beer. In the case of the fish-tank Billboard, the tank was apparently already filled with water when placed outside the window. Neither action is consistent with future consumption of the collected alcohol.
61. The issue in relation to section (c) revolves around the reaction of the two characters depicted in the Billboards to the raining beer. The advertiser contends their reactions are a response to the amazing and fantastical feat, and not delight at the prospect of freely-available alcohol.
62. The Panel believes the Billboards need to be assessed in the context of the campaign as a whole. In this context, the Billboards are akin to a still-shot of one segment of the celebration scene depicted at the climax of the TVC. The advertiser made the point that the Billboards build on the TVC and show people celebrating the fact that it has spontaneously started raining beer, which is a clearly amazing and completely out-of-the-ordinary event.
63. For the reasons specified above, the Panel believes the celebratory scene breaches section (c) of the ABAC as the presence of alcohol contributes to the reason for the celebration and the significant change in mood. While the Billboards do not show the mood prior to the presence of the alcohol, when understood against the backdrop of the TVC, it is clear that the reactions of the characters depicted in the Billboards are contributed to by the presence of alcohol. In the Panel's view, the Billboards breach section (c) of the ABAC.

64. Accordingly, both complaints are upheld in relation to the TVC and Billboards respectively.