

ABAC

ABAC Complaints Panel Determination No: 56/13

Complaint by Mr Rowan White Product: VB Advertiser: Carlton & United Brewers

Professor The Hon Michael Lavarch – Chief Adjudicator
Debra Richards – Member
Professor Richard Mattick – Member

2 May 2013

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a television advertisement for VB beer by Carlton & United Brewers (“the Advertiser”) and arises from a complaint by Mr Rowan White received on 2 April 2013.

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 by the ABAC Panel on 2 April 2013.
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. This complaint has been determined within the 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 the advertisement [12198].

The Advertisement

9. The complaint refers to a television advertisement for VB beer.
10. The advertisement begins with an elderly man (a World War II veteran) standing on the front deck of a house looking away from the camera. A voiceover of the man begins "Back in '39 before the war I was in the cycle club.." and the scene changes to a man looking through old photographs. The voiceover continues "and one day they came to me and said "We're going to join the army?". The scene changes to the man sitting in a chair under a verandah and he continues "I said, cripes you know if you are going to join I'll join too".
11. We then see a close up shot of an old black and white photograph of a group of eleven Second World War soldiers in uniform with a large number of long neck beer bottles in front of them arranged into the shape of the VB logo. The shot appears to have been taken in a desert camp, conceivably the Middle East, where Australian servicemen saw action in the War. The man continues "That's one of you in the corner, that's myself. I never saw him again. They lost the lot. They're all gone".
12. We then see the man sitting at a table with a second beer in front of an empty chair and raise his glass of beer and say "Greatest bunch of lads I've ever met in my life" and take a drink. The text "Wherever you are, whatever you're drinking, raise a glass to those who serve" and then "Raise a glass.com.au" and the RSL, Legacy and VB logos are superimposed on the screen.

The Complaint

13. Mr White expresses concern that the advertisement:
- (a) Is for beer but masquerades as a community service announcement;
 - (b) exploits the individual featuring in the promotion and service veterans generally, in using them and their grief to promote a commercial product;
 - (c) is offensive to the complainant as a civilian to see war veterans who have fought and died on his behalf used in this way;
 - (d) promotes a product with demonstrated health risks and to which so many people in general and a high proportion of service veterans in particular are addicted.

The Code

14. The ABAC provides at Section (a) that advertisements for alcohol beverages must:
- a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
 - i) must not encourage excessive consumption or abuse of alcohol;
 - iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages.

The Advertiser's Comments

12. The Advertiser responded to the complaint and questions posed by the Panel by way of letter dated 19 April 2013. The points made by the Advertiser in relation to the advertisement were:
- (a) The Raise a Glass Appeal is a joint initiative with the RSL (all states/territories except QLD) and Legacy and it aims to raise awareness for these two organisations and those who serve. The VB team, every year since launch, has donated around \$1 million to help aid the vital work of both organizations. In 2013 VB will donate a guaranteed \$1 million – this is not based on or linked to sales. The 30 second television advertisement features Doug – a returned serviceman --- who is shown at his home. Doug is reflecting on memories (prompted by a number of old photos) and sharing his reason for joining the army. He identifies himself in a photo that shows a group of men and VB spelt out (in bottles) in the foreground. He talks about the fact that sadly all his army mates have passed away. Doug is then seen sitting (dog by his side) on his verandah with two glasses of beer. He has partially consumed one glass and there is another full glass out of respect for his fallen mates. The following super appears: "Wherever you are. Whatever you are drinking. Raise a glass to those who serve. Raise a Glass." And then the RSL, Legacy and VB logos appear on screen alongside a "For people over the age of 18 only" message. This advertisement has been on air

nationally since the 7 April and has been viewed by an estimated 4 million people.

- (b) ABAC section (a) requires us to not promote underage drinking, offensive behaviour linked to intoxication or excessive consumption. To this end, Doug appears sober and alert and he is drinking from one glass only (a maximum of 1.4 standard drinks). The overall tone of the advertisement further supports this. The view that the advertisement is “masquerading as a community service announcement” is a matter of opinion. Whilst it is primarily raising awareness for The Raise a Glass Appeal, the VB logo is featured as we are a partner and proud of our ongoing association with the campaign and both the RSL and Legacy. A business being associated with and in turn supporting not for profit organisations is common and it is equally common for those partners to promote the relevant cause but also their association. We respect that our partnership with the RSL and Legacy won't sit well with all people however it's a long standing relationship that both organisations (and our own team) value. Importantly we have a genuinely respectful working partnership with both parties, and as of this year, will have contributed almost \$ 6 million dollars to the RSL and Legacy (shared equally).
- (c) The majority of Australians drink responsibly. CUB is committed to the responsible marketing of our products and we bring this to life in numerous ways. A key way we do this is through our longstanding commitment to the Alcohol Beverages Advertising Code. Our marketing collateral/packaging is code compliant, we independently prevet much of our collateral and we also participate in the independent complaints process. Carlton and United Breweries has run responsible drinking campaigns with the likes of Cricket Australia and the AFL and is the biggest supporter of DRINKWISE – an organisation responsible for ongoing cultural change campaigns. In addition to this, the team felt that Doug was an excellent ‘ambassador’ to talk about his wartime experience and drive awareness of The Raise a Glass Appeal. Whilst the VB logo is featured in the final frame of the advertisement it is fair to say that it is in no way a lead message nor does the advertisement make any sales call to action – it is not a sales initiative and we do not see any form of sales spike during the period.
- (d) The depiction of a number of empties (it's probably safe to presume they are empties) does not automatically equate with excessive consumption. Given the circumstances ---the soldiers were deployed overseas --- the bottles were likely collected over time and/or shared amongst a great number of soldiers. The orderly formation of the men and their demeanour (in the photograph) attests to the fact that they have not consumed excessive amounts of beer and are not intoxicated. It's likely they put the photo together as a way of making a connection with home and the VB bottles and name (spelt out by the bottles) was an irreverent and very Aussie way to do that. Whilst the photo is clearly visible it forms only a small part of the overall advertisement and given the nature of the photo combined with the advertisement in its entirety (low key, reflective and only showing moderate consumption), we believe it is compliant with section a. Doug holds the photo in order to identify himself but no other reference is made to the photo.

- (e) A huge number of Australians consume our products safely and responsibly. It is common practice for veterans and more broadly members of the community, to enjoy a quiet beer out of respect for those who serve. That said, we state that "...whatever you are drinking" in all our collateral as we know whilst many people do enjoy a beer as a tribute, others may choose not to. The campaign is primarily encouraging people to stop and acknowledge those who serve. Doug, via a family member, approached the VB team in order to let them know that he had seen the photo (previously featured) and had recognised himself. The team was genuinely delighted to make the connection and Doug was very keen to share his memories and pay tribute. He also participated in our launch event and overall enjoyed his time as part of the campaign. It was entirely Doug's decision to participate in the campaign and we felt given this desire and the style of the advertisement, his association was entirely appropriate. Sadly, there are people in our community who do experience problems with alcohol. Both Legacy and the RSL felt that a partnership bought to life responsibly and for the long term gain of both organisations was appropriate. The funds raised through The Raise a Glass Appeal assist individuals and families of returned service men and women in many different areas of life and includes their welfare programs. The Carlton and United Breweries team is committed to marketing our products responsibly.

The Panel's View

14. This is the third occasion that the Panel has considered complaints about the "Raise a Glass" campaign run annually in the lead up to ANZAC Day by the advertiser, with the endorsement of the RSL and Legacy. The previous determinations were in 2009 (31, 34 &44/09) and in 2010 (28/10).
15. Like the previous complainants, Mr White is primarily concerned that the "Raise a Glass" campaign and the advertising that flows from it occur at all. It is argued that it is inappropriate for alcohol as a product and an alcohol company to be associated with Australian war veterans and their representative and service organisations, the RSL and Legacy.
16. It is a legitimate question to ask whether sponsorship of this kind serves the public interest. This question, however, is not one which the Panel can answer. Rather, it is for the RSL and Legacy, at one level, and government and the community, at a higher level, to assess if alcohol should be associated with war veterans in this way. The Panel has no authority to decide this issue.
17. Rather, the Panel has to operate on the basis that the advertisement has been broadcast and then to assess the advertisement against the same standards which apply to all alcohol beverage advertising. In this regard, the ABAC issue raised by the complaint is whether the advertisement presents a mature, balanced and responsible approach to alcohol consumption. It is contended that the standard is not satisfied because alcohol is a product with health risks and that the war veteran community in particular is likely to have a larger proportion of persons with alcohol addiction. By implication, the photograph used in the advertisement which shows multiple bottles of VB should not have been used.

18. The Panel does not believe that the advertisement breaches the ABAC standard. The depiction of alcohol consumption in the advertisement is modest and the second glass on the table with the war veteran clearly relates to his mates, who have since passed away. It would not be taken by a reasonable person as suggesting immoderate levels of alcohol consumption. Further, the photograph would be viewed as a war time memory and not taken as an encouragement of excessive consumption or irresponsible consumption.
19. Accordingly, the complaint is dismissed.