

# ALCOHOL ADVERTISING REVIEW BOARD



## Quarterly Report June – August 2012

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## **Alcohol Advertising Review Board**

The Alcohol Advertising Review Board (AARB) considers and reviews complaints from the Australian community about alcohol advertising. It aims to provide an independent system of alcohol advertising review and support the community to respond to inappropriate alcohol advertising.

The AARB reviews complaints on the basis of the Alcohol Advertising Review Board Code (the Code), which sets criteria for acceptable alcohol advertising in Australia. The Code aims to ensure alcohol advertising is socially responsible, neither conflicts nor detracts from the need for responsibility and moderation in liquor merchandising and consumption and does not encourage young people to drink. The Code can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au)

## **Message from the Chair**

Six months after the launch of the Alcohol Advertising Review Board, the need for this initiative has become increasingly clear. The AARB received its hundredth complaint in August, and it is distressing to note the range of complaints covered about different forms of alcohol advertising and promotion.

While the AARB is new, and has only thus far been promoted through unpaid media coverage and interested organisations, the number of determinations clearly exceeds those made through the alcohol industry's voluntary process. This reflects both the level of concern in the community and a perception that independent review is likely to achieve more than consideration by bodies overseen by the alcohol and advertising industries.

We are especially concerned that nearly a quarter of the first hundred complaints received by the AARB related to online advertisements, including advertising through Facebook and You Tube. Online media are being increasingly used by alcohol companies to market their products. Notwithstanding notional age-related barriers, children and young people have ready access to virtually anything on the internet. In the absence of any effective regulation of these media, the extent of online alcohol promotion is a matter of grave concern.

Several Panel members expressed concern over the association between alcohol and motor sports through promotions such as sponsorship of V8 Supercars. Given the appalling toll of death and injury caused by alcohol and driving, it is almost beyond belief that alcohol companies seek to associate their products with fast cars in promotions to which many children and young people are exposed. These companies – as the rest of the community – should be making every effort to ensure that young people in particular are encouraged to avoid any association between drinking and driving.



In this report we have also noted a special concern about advertising and promotion by the Jim Beam company. While this company is far from alone in promoting irresponsibly, fifteen of the AARB's first hundred complaints were received about Jim Beam promotions, which range from television advertising to internet promotions, from branded "Electric Skateboards" to the Jim Beam on Campus promotion targeting students. We believe that this company merits special attention in relation to forms of marketing through which children and young people may be exposed to alcohol promotion.

While some advertisers have declined to cooperate with the AARB, it is pleasing to see that several companies have modified or removed their advertisements in response to our comments and requests. We hope that others will follow over time.

The Alcohol Advertising Review Board is an important step towards reducing the exposure of young people and others in the community to inappropriate forms of alcohol promotion, and we look forward to continuing with this important work.

**Professor Fiona Stanley AC**

Chair, Alcohol Advertising Review Board

## Complaints – Quarterly Update

The following information covers the twelve week period from 8 June to 31 August 2012.

### Procedures

The AARB aims to make submitting complaints as easy as possible. We accept complaints via an online form, email, phone, fax or post. Once a complaint is received, for which a copy of the advertisement is accessible, the Advertiser is notified and given seven working days to respond to the complaint. The complaint, along with any response received from the Advertiser, is then passed on to three Panel Members for review. Panel Members have seven working days to make a determination. Further details on AARB Procedures can be found at [www.alcoholadreview.com.au](http://www.alcoholadreview.com.au).

### Complaints

The table below summarises the status of complaints received by the AARB in the twelve weeks from 8 June to 31 August 2012.

Complaints	
Number of complaints received	42
Number of advertisements these complaints referred to	41
Number of complaints considered by the AARB Panel	32
Number of complaints upheld	27
Number of complaints upheld in part	3
Number of complaints dismissed	2

Complaints related to:

- Television advertisement content
- Sports sponsorship
- Name and packaging of alcohol products
- Placement of advertisements on or around public transport (e.g. buses, bus shelters)
- Internet advertisements, including email promotions and advertisements on Facebook and YouTube

Some complaints were not progressed to the review stage as:

- According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe;
- The complainant was not able to provide enough information about the advertisement to enable it to be identified; or
- It was not possible to access a copy of the advertisement which was the subject of the complaint.

## Advertisers

It is AARB procedure to notify alcohol advertisers of complaints and invite advertisers to respond within seven working days.

Advertisers who chose to participate in the AARB process over the twelve week period from 8 June to 31 August 2012 and provide written responses to complaints regarding their products were:

- Australian Hospitality and Leisure Group (ALH)
- Blue Sky Brewery
- Burch Family Wines
- Chilli Marketing Australasia
- Independent Distillers Asia Pacific
- Liquor Home Delivery
- Thirsty Camel Bottleshops

The AARB commends these advertisers for participating in the AARB process.

Advertisers who declined to participate in the AARB process over the twelve week period were:

- Accolade Wines
- Beam Global Australia
- Carlton and United Breweries
- Diageo Australia
- Lion
- Suntory Australia
- Woolworths Limited

## Action taken by advertisers

When a complaint is upheld, the AARB notifies the advertiser and requests they modify or remove the advertisement.

Below we have summarised three examples of advertisers who have complied with AARB requests. The AARB commends the advertisers for modifying or removing the advertisements.

The full determination report for each example can be viewed at <http://www.alcoholadreview.com.au/articles/determination-reports/>.

### Cinema placement of an alcohol advertisement

**Advertisement:** A cinema advertisement for FNQ Lager played prior to a 10am screening of the children's film 'Brave', rated PG, in Townsville, Queensland.

**Complaint:** The complainant was concerned about the placement of an alcohol advertisement before a film rated PG, due to the likely exposure to children (ref 50/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (1) and (4) of the Placement Code, as it was placed prior to a film where children and young people were likely to be exposed.

**Action:** The cinema advertising company, Star Media Platinum, took full responsibility for the placement of the advertisement. They stated it was due to human error and that new procedures had been introduced to ensure the situation did not occur again.

### **Modification of a print advertisement**

**Advertisement:** A print advertisement for MadFish Wines in the August edition of Madison magazine. The advertisement featured the line 'a glass of wine solves everything'.

**Complaint:** The complainant was concerned about the use of the line 'a glass of wine solves everything', believing it was irresponsible and inconsistent with the Code (ref 59/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (3)(a)(i), (3)(b), (4)(c)(ii) and (4)(e) of the Content Code, as the phrase 'a glass of wine solves everything' did not reflect the spirit of the code, suggested wine is for relief and/or relaxation and attempted to establish wine as a way to escape from life's problems.

**Action:** Following receipt of the determination, the Advertiser, Burch Family Wines, acknowledged the concerns of the AARB Panel and notified the AARB that they had withdrawn the reference to 'a glass of wine solves everything' on the print advertisement.

### **Removal of a hotel competition advertisement**

**Advertisement:** An advertisement for a competition being run at the Hyde Park Hotel in North Perth, Western Australia. The advertisement featured the text "Eat our chicken parmigiana for 4 & jug'o'naught by yourself in an hour & receive a t shirt & world recognition."

**Complaint:** The complainant believed the contest to drink a jug of beer in one hour promoted excessive consumption of alcohol (ref 72/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(b)(i) and (4)(b)(ii) of the Content Code, as it promoted excessive consumption of alcohol over a short timeframe.

**Action:** When responding to the initial complaint, the Advertiser, ALH, stated the advertisement did not in any way encourage patrons to consume alcohol inconsistently with the Australian Alcohol Guidelines; but noted they had removed the advertisement from the Hotel premise, its website and Facebook pages.

## Advertisements that appeal to young people

The AARB believes young people's exposure to alcohol advertisements should be minimised, and that alcohol advertisements should not appeal to young people. Provision (4)(a)(i) of the AARB Code states:

### 4. Alcohol-specific provisions:

#### a. Young people

##### i. Alcohol Advertisements shall not :

1. be directed at, or have a strong or evident appeal to, Young People;
2. associate any Product with youth or youth symbols,
3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.

Below we have summarised four examples of advertisements that the AARB Panel found breached the Code in relation to their likely appeal to young people. The full determination report for each example can be viewed at <http://www.alcoholadreview.com.au/articles/determination-reports/>.

### Thirsty Camel Victoria Facebook

**Advertisement:** Images uploaded by Thirsty Camel on the Thirsty Camel Victoria Facebook page. The images included statements such as "I wish I could trade in my heart for another liver. Then I could drink more and care less", "Someone slipped a hangover into my drink last night" and "Alcohol doesn't answer any problems, it just helps you forget the question".

**Complaint:** The complainant believed the simple humour and cartoon-style images would appeal to young people. They also believed the images promoted excessive consumption of alcohol, depicted feelings and effects of excessive alcohol consumption and referred to alcohol as being able to help you forget your problems (ref 62/12).

**Determination:** Upheld. The advertisement was found to have contravened section (4)(a)(i)(1) of the Content Code, as the Panel believed the images would appeal to children and young people through the use of a cartoon camel character, the bright colours and the use of humour. The Panel also found the advertisement contravened sections (3)(a)(i), (4)(a)(i)(1), (4)(b)(i), (4)(b)(ii) and (4)(c)(ii)(3) of the Content Code.

**Action:** The AARB requested the Advertiser, Thirsty Camel Bottleshops, remove the images from the Thirsty Camel Victoria Facebook page. As of 21 November 2012, the images had not been removed.

### Jim Beam Electric Skateboard

**Advertisement:** Jim Beam Electric Skateboard, featuring Jim Beam branding.

**Complaint:** The complainant believed that the skateboard would have strong appeal to young people, that a skateboard is a common symbol of youth and that there was an association between Jim Beam and skateboarding, an activity predominately attractive to young people (ref 68/12).

**Determination:** Upheld. The advertisement was found to have contravened sections (4)(a)(i)(1), (4)(a)(i)(2) and (4)(a)(i)(3) due to its likely appeal to young people. The Panel also believed it contravened section (4)(h) of the Content Code, on the basis that it associated the product and drinking spirits with the operation of an electric skateboard, which is considered to be a skilled activity.

**Action:** The AARB requested the Advertiser, Beam Global, withdraw the skateboard due to its likely appeal to young people and the association between Jim Beam and the operation of an electronic skateboard, which is considered to be a skilled activity. As of 21 November 2012, the AARB had not been notified of any action by Beam Global in response to this determination.

### Bacchus Shot Buckets

**Advertisement:** The name and packaging of Bacchus Shot Buckets. The Bacchus Shot Bucket is a transparent bucket that holds 28 individually-packaged shots. The shot flavours are QF, Pancake, Cowgirl, Cowboy, Choc Éclair, Cowboy Espresso and Choc Banana Split.

**Complaint:** The complainant believed the confectionery-themed names and the bright colours of the shots were designed to appeal to young people (ref 63/12).

**Determination:** Upheld in part. The advertisement was found to have contravened sections (4)(a)(i)(1), (5)(1) and (5)(2) due to the likely appeal to young people, and the product could be confused with confectionery. The Panel also believed it contravened section (4)(b)(ii) of the Content Code, on the basis that shots are an irresponsible form of consuming alcohol and any promotion of shots implies the encouragement of irresponsible or immoderate drinking.

**Action:** The AARB requested the Advertiser, Bacchus Distillery, withdraw the product from the market due to its likely appeal to young people and its features which enable rapid, excessive consumption of alcohol. As of 21 November 2012, Bacchus Shot Buckets were still available for purchase.

## Jim Beam 'Wanna B Famous' promotion

Two separate complaints were received regarding the Jim Beam 'Wanna B Famous' promotion.

**Advertisement:** The Jim Beam 'Wanna B Famous' promotion, which offered 25,000 fans of the Jim Beam Australia Facebook page the opportunity to have their face on the Steve Johnson Jim Beam Racing V8 Supercar. The competition also offered a major prize that included the chance to 'Party like a V8 Superstar'.

**Complaints:** The first complaint was about the 'Wanna B Famous' promotion (ref 66/12). The complainant believed the advertisement was aimed at young men as they thought the use of fast cars, attractive women, alcohol and the prize of having your face on a race car is likely to appeal to that demographic.

The second complaint was for an internet advertisement for the 'Wanna B Famous' promotion (ref 67/12). The complainant expressed concerns over the placement of the advertisement on the YouTube homepage. They also believed the advertisement linked alcohol and success, through phrases such as 'Wanna B Famous' and 'Party like a V8 superstar', and noted the advertisement linked alcohol and motor racing.

**Determination:** Both upheld. The first complaint (ref 66/12) was found to have contravened sections (4)(a)(i)(1), (4)(c)(ii)(1), (4)(d) and (4)(h) of the Content Code. The Panel believed the advertisement would have strong appeal to young people, and in particular, young men – and the prize of having your face on a race car, partying with friends at an after-party and social networking via an iPad game would have strong appeal to young people.

The second complaint (ref 67/12) was found to have contravened sections (4)(a)(i)(1), (4)(c)(ii)(1), (4)(e) and (4)(h) of the Content Code. The Panel also believed it contravened sections (1) and (8) of the Placement Code, as it was placed on YouTube, a website where Young People are likely to be exposed.

**Action:** The AARB requested the Advertiser, Beam Global:

1. Cease running the Jim Beam 'Wanna B Famous' promotion due to its likely appeal to young people and the association it depicts between alcohol and motor racing;
2. Reconsider advertising their products on YouTube due to the likely exposure of young people to the advertisements; and
3. Reconsider their sponsorship of V8 Supercars.

As of 21 November 2012, the AARB had not been notified of any action by Beam Global in response to these determinations.

## Six Month Update

The following information covers the first six months of the AARB's operation, from 16 March to 31 August 2012.

### Complaints

The table below summarises the status of complaints received by the AARB in the first six months of operation.

Complaints	
Number of complaints received	105
Number of advertisements these complaints referred to	91
Number of complaints considered by the AARB Panel	76
Number of complaints upheld	52
Number of complaints upheld in part	20
Number of complaints dismissed	4

### Review Panel

A total of 79 Panel Members participated in a review during the first six months of operation. Panel Members were drawn from a range of professions including public health, research, medicine, law, education and marketing.

### Timeline for handling complaints

The AARB is committed to processing and responding to complaints as speedily as possible, with a target average of 20 working days for the handling of complaints.

Within the first six months of operation, complaints took an average of 21 working days for a determination to be reached.

### AARB media

The AARB has attracted significant media attention since the launch in March 2012.

The release of the AARB First Report on 2 August 2012 received national media coverage across online, print and radio.

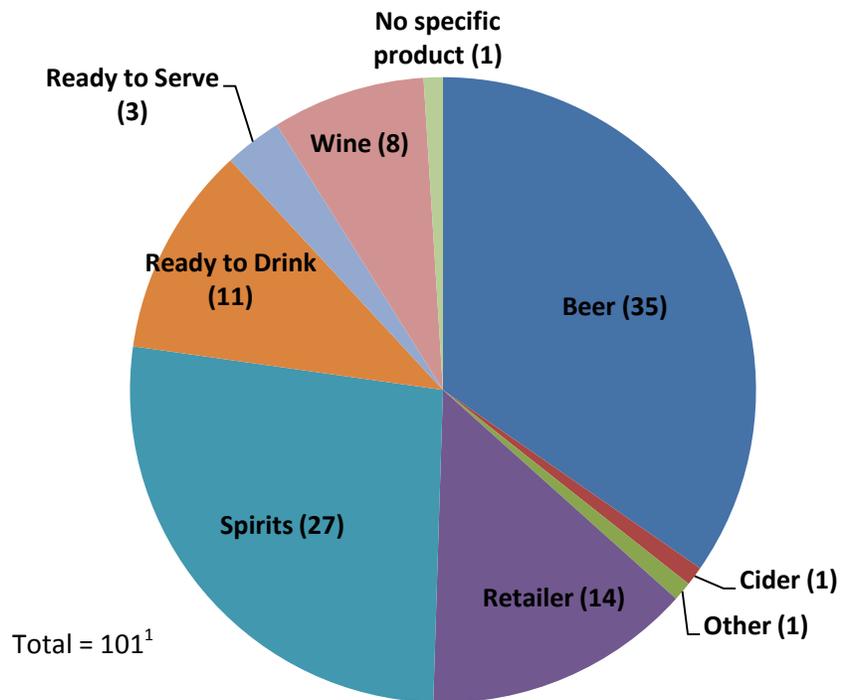
An archive of media coverage is maintained on the AARB website at [www.alcoholadreview.com.au/news](http://www.alcoholadreview.com.au/news).

## First 100 Complaints

On 21 August 2012, the AARB received its 100<sup>th</sup> complaint. Below is an analysis of the 100 complaints.

### Type of Product

The chart below outlines the type of products to which complaints related.

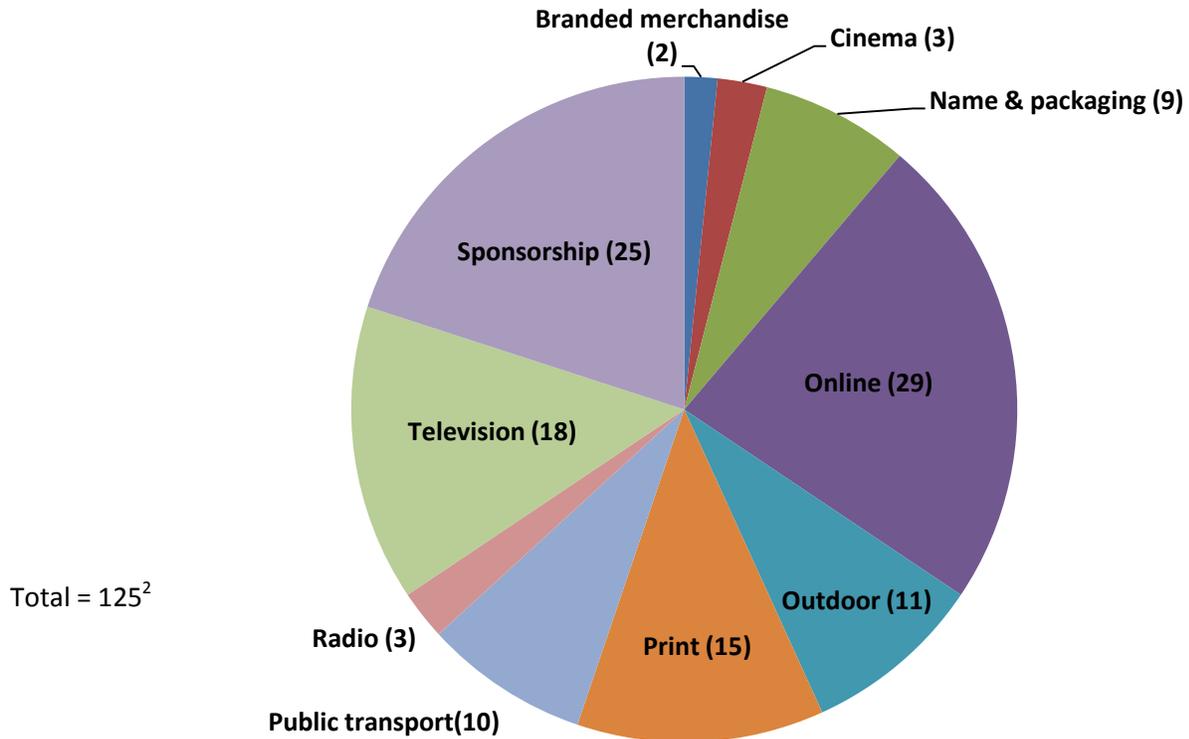


Of the first 100 complaints, complaints were most likely to relate to advertisements for beer products (35 complaints), followed by spirit products (27 complaints) and liquor retailers (14 complaints).

<sup>1</sup> Note: The total is over 100 as one advertisement promoted both a spirit product and a ready to drink product.

## Form of advertisement

Below is a breakdown of the form of advertisement to which complaints related.



Of the first 100 complaints, the form of advertisement most likely to be complained about was online advertisements (29 complaints). Complaints relating to online advertisements included social media (e.g. Facebook and YouTube) and email content.

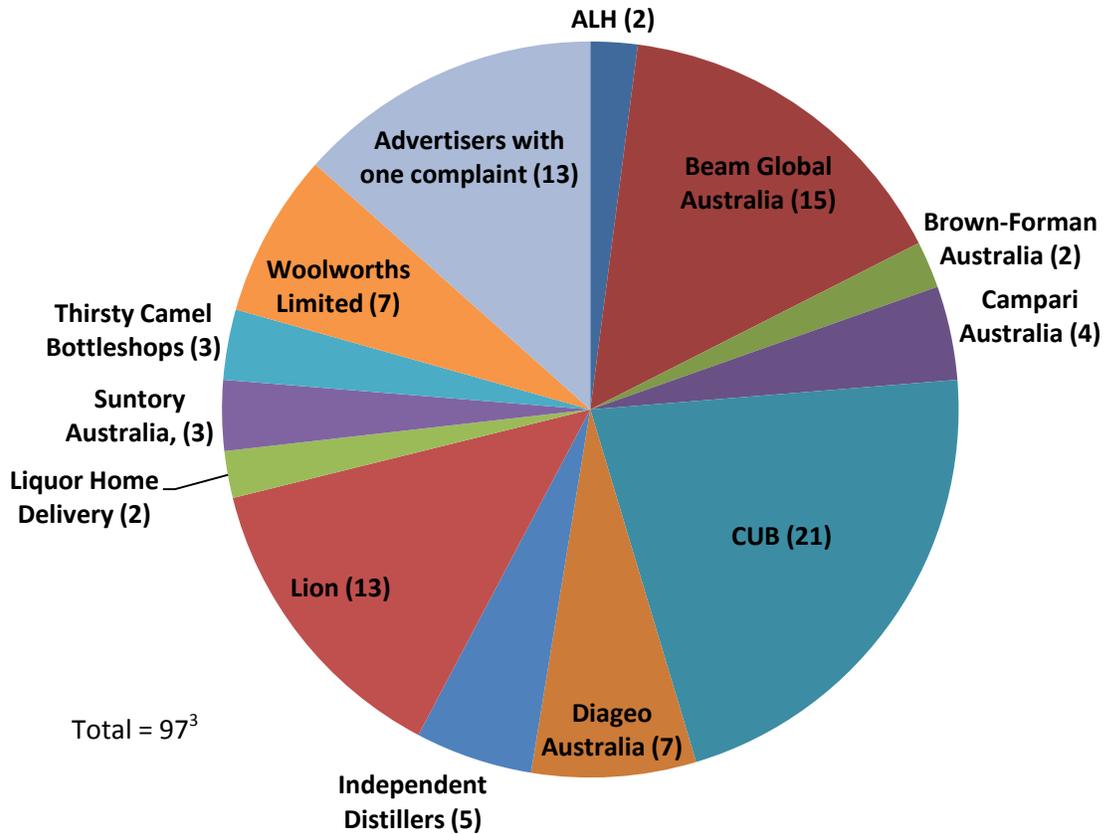
Other forms of advertisements which received a substantial amount of complaints were sponsorship (25 complaints), which covers sport and events sponsorship, and television advertisements (18 complaints).

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<sup>2</sup> Note: The total is over 100 as some complaints related to promotions that covered more than one form; e.g. Online and sponsorship

## Advertisers

Below is a breakdown of Advertisers to which complaints related, and how many complaints they received.



For clarity, Advertisers who received one complaint were grouped together in the graph. These Advertisers were:

- Accolade Wines
- Bacardi Lion
- Bacchus Distillery
- Blue Sky Brewery
- Burch Family Wines
- Cellarbrations
- Chilli Marketing
- Direct Wine Cellars
- Some Young Punks Pty Ltd
- The Bottle-O
- The Oxford Hotel
- Wesfarmers
- Winemakers Direct

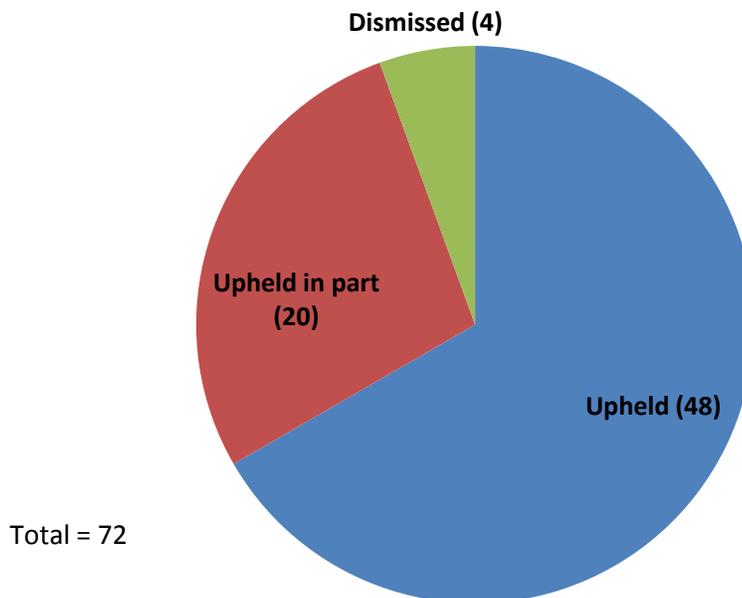
<sup>3</sup> Three complaints related to advertisements that were outside the scope of the AARB (advertisements relating to a school promotion and a non-alcohol product, and a complaint that did not specify a particular product). These have been excluded from the graph.

## Determinations

Of the first 100 complaints, 72 were reviewed by the AARB Panel. Some complaints were not progressed to the review stage as:

- According to AARB Procedures, complaints can only be reviewed if they relate to current advertisements or advertisements which have ended within four weeks of the complaint being submitted. Several complaints received were outside this timeframe;
- The complainant was not able to provide enough information about the advertisement to enable it to be identified; or
- It was not possible to access a copy of the advertisement which was the subject of the complaint.

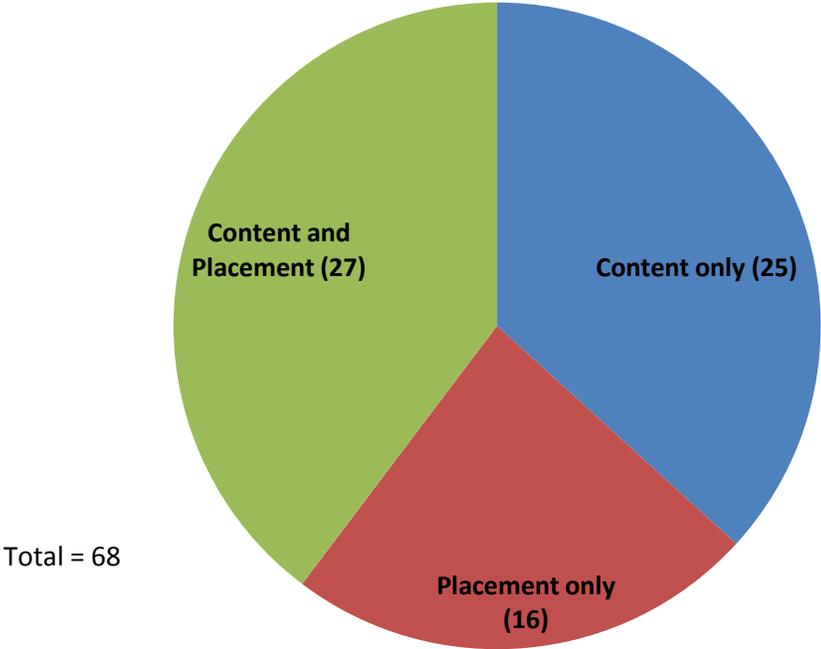
The graph below outlines how many of the complaints reviewed by the AARB Panel were upheld, upheld in part or dismissed.



**Content and Placement provisions**

As demonstrated in the graph below, of the 68 complaints reviewed by the Panel that were upheld or upheld in part:

- 27 complaints breached provisions in both the Content and Placement Code,
- 25 complaints breached Content provisions only; and
- 16 complaints breached Placement provisions only.



## Young People content provision – Section (4)(a)

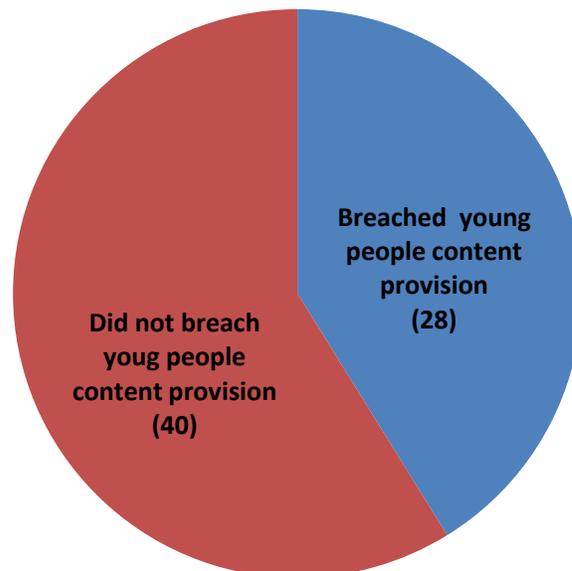
Section (4)(a) of the Content Code states:

### 4. Alcohol-specific provisions:

- a. Young people
  - i. Alcohol Advertisements shall not:
    1. be directed at, or have a strong or evident appeal to, Young People;
    2. associate any Product with youth or youth symbols,
    3. portray Product in the context of, or in relation to, an activity attractive primarily to Young People; or
    4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.
  - ii. Adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults of this age.

Of the 68 complaints reviewed by the AARB Panel that were upheld or upheld in part, 41% (28 advertisements) were found to have breached at least one part of section (4)(a) of the Content Code.

### Young people content provision



Total = 68

## Beam Global

Beam Global, responsible for the Jim Beam brand, attracted 15 complaints to the AARB in its first six months of operation.

The range of Jim Beam promotions causing concern includes:

- Jim Beam Racing (sponsorship of V8 Supercars, which associates alcohol with fast cars) and Jim Beam Surftag (a surfing competition sponsored by Jim Beam – the Jim Beam Surftag Facebook page contains images of young people wearing, and surfing in, Jim Beam-branded surf gear). These promotions may not only appeal to young people, but may counteract public health messages related to the dangers of drink driving and drinking around water.
- Continued targeting of young people through the Jim Beam on Campus initiative, “a student-led initiative that delivers unique events, parties, and legendary moments on universities across Australia” ([www.jimbeamoncampus.com.au](http://www.jimbeamoncampus.com.au)) and further initiatives targeting university students.
- Prizes such as a Jim Beam-branded electronic skateboard or having one’s face painted on a V8 Supercar.
- Television advertisements aired during AFL games, when many children and young people are exposed to this liquor promotion.

While the AARB has attracted complaints about these promotions, Jim Beam promotions in Australia also include:

- Competitions to win trips to Las Vegas;
- Jim Beam Devil’s Cut iPhone applications;
- Sponsorship of NRL; and
- The Jim Beam Party Crew, where groups of young women dressed in Jim Beam clothing attend licensed venues and Jim Beam-sponsored events around Australia representing the Jim Beam brand. “Whether it’s the V8’s, a music festival, the footy or maybe even your local on a Friday night, you can find us giving away great prizes, snapping pics and spreading the word that Jim Beam is where the party’s at” (Jim Beam Australia Facebook page).

While many other alcohol companies are engaged in marketing that either targets or exposes young people to alcohol promotion, Beam Global appears to be one of the worst offenders – as well as one of the most creative in using sports and social media.

## Conclusion

The AARB has made a considerable impact in the first six months. The large number of complaints received suggests there is a demand for an independent alcohol advertising complaint review service.

It is pleasing to see advertisers participating in the AARB process and taking action in response to complaints against their advertisements – in particular, those advertisers who are concerned about young people’s exposure to alcohol advertising. The AARB commends these advertisers and encourages them to consider the AARB Code in developing advertising materials in the future.

However, there are still some advertisers who continue to decline to participate with the AARB processes, and whose advertisements continue to breach the AARB Code. The AARB will continue to encourage these advertisers to adhere to the AARB Code. Research shows that exposure to alcohol advertising contributes to young people’s attitudes to drinking, drinking initiation and drinking at harmful levels, and advertisements that have strong appeal to young people are not acceptable.

Some advertisements that were the subject of complaints received by the AARB are especially disturbing, including Jim Beam-branded electronic skateboards, young people surfing in Jim Beam-branded clothing and Facebook pages containing images of young people drinking. There is increasing concern about online advertisements, particularly advertisements placed on Facebook and YouTube. These online media are not adequately regulated to limit the exposure to young people. While online promotions have notional age controls (such as online age gateways for websites offering promotions, or YouTube channels) – these are of little value, as young people can easily access online content. Images on Facebook pages that state “I wish I could trade in my heart for another liver. Then I could drink more and care less” and “Someone slipped a hangover into my drink last night” (Thirsty Camel Vic Facebook page) should not be tolerated.

In the first six months of operation the AARB published 76 determination reports. In the same time period the alcohol industry self-regulatory system published 19 determination reports. The AARB will continue to accept complaints about alcohol advertising and provide a place for the Australian community to voice their concerns. The AARB advocates for strong, independent, legislated controls on all forms of alcohol advertising in Australia, and the first six months of operation highlights the need for change.