

**Alcohol Advertising Review Board**

**Determination Report**

**Reference number:** 762/19  
**Product:** Bottlemart  
**Advertiser:** LMG

The complaint is **upheld**.

**8 March 2019**

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Bottlemart by LMG, which was the subject of a complaint received on 13 February 2019.

**The Advertisement**

The complaint was in relation to promotions in a Bottlemart catalogue. The complainant provided three images of the catalogue.

Image 1 featured the text “Win a funner summer” and “Spend \$50 in-store for your chance to win 1 \$10k backyard makeover! Plus thousands of instant prizes to be won!” Small text below stated, “Not available in Bottlemart Express stores. Terms and conditions apply. See page 4 for details.” Below was a large infographic with the text ‘\$10,000 background makeover’ in the middle, surrounded by the other prizes: ‘thermometongs’, cooler bags, ‘a BBQ to be won in every store’, and stubby coolers. At the bottom of the advertisement was text “start at” followed by the Bottlemart logo.

Image 2 featured the text “Win Splendour in the Grass tickets” at the top of the page. Below was a background image of a silhouette of hands at a concert with an image of a Carlton Dry case specially marked with the competition, with the text ‘exclusive to Bottlemart’. Text below states, “\$42.99 Carlton Dry 24 X 330ml bottles” and “Buy any Carlton Dry 10PK or 24PK and receive your entry leaflet for your chance to win. Enter at [bottlemart.com.au](http://bottlemart.com.au). Terms and conditions apply. See website for details.” At the bottom of the advertisement was text “start at” followed by the Bottlemart logo.

Image 3 featured the text “Start with a Splash” at the top of the page. Below the text was an image of several people jumping into a pool. In the foreground of the advertisement were bottles of Maker’s Mark Bourbon, Johnnie Walker Black Label Scotch Whisky and Bombay Sapphire Gin with the price “\$44.99 each” below the image and Russian Standard Vodka with the price “34.99” below the image of the alcohol product.

## The Complaint

The complainant believes the advertisement contravenes the Code. The complainant stated:

"In the Bottlemart Brochure:

Win a Funner Summer were two adds that are linked to young people having a good time in water plus a festival.

I believe these could relate to:

A: young people:

Water and alcohol

Drinking and drowning

Pics attached from the Royal Life Saving Drowning Report 2017.

The other advert is of a festival. We know drug use is an issue at festivals and young people frequent festivals.

c: Change in mood

Both pics have linked having fun in summer with alcohol."

## The Code

The advertisement was reviewed against the Code, and in particular:

Section (4)(a)(i)(1) of the Content Code:

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;

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

4. Alcohol-specific provisions:

a. Young people

ii. Adults appearing in Alcohol Advertisements must be over 25 years of age and be clearly depicted as adults of this age

Section (4)(c)(i) of the Content Code:

4. Alcohol-specific provisions:

a. Change in mood and/or success

i. Alcohol Advertisements must not imply that the presence or consumption of alcohol is in any way essential to the enjoyment of an activity or an event, or that it is essential to the success of a social occasion.

Section (4)(h) of the Content Code:

4. Alcohol-specific provisions:

d. Operation of vehicles, skilled activity, sport

Alcohol Advertisements may not portray Alcoholic Beverages in such a way as to associate the product with the operation of any vehicle or with any activity

requiring a significant degree of skill, care or mental alertness, including sporting and physical activities.

### **The Advertiser's Comments**

The Advertiser was contacted for comment on 15 February 2019. No response was received.

### **Panel's determination**

The complaint was referred to three Panel members for review. The Panel determined:

1. The advertisement contravened section (4)(a)(i)(1) of the Content Code, on the basis that the Panel believed the advertisement, particularly the Start with a Splash promotion, has evident appeal to young people. One Panel member believed that the advertisement for Splendour in the Grass tickets did not contravene this provision, however the other Panel members believed that festivals generally draw a younger demographic and that Splendour in the Grass is heavily promoted by and associated with the national broadcaster for young Australians, Triple J.
2. The advertisement contravened section (4)(a)(ii) of the Content Code, on the basis that the Panel believed that the Start with a Splash promotion included a young man who appeared to be under 25 years of age and who was not clearly depicted as an adult over 25 years.
3. The advertisement contravened section (4)(c)(i) of the Content Code, on the basis that the Panel believed the Start with a Splash promotion associated alcohol with enjoyment and fun. While one Panel member believed that the Splendour in the Grass promotion did not imply that alcohol is essential to the enjoyment or success at the festival, another Panel member was of the view that this promotion associated alcohol with winning and success in winning.
4. The advertisement contravened section (4)(h) of the Content Code, on the basis that the Panel believed that the Start with a Splash promotion associated alcohol beverages with water-based recreation. A Panel member further commented that the advertisement also associated alcohol with risky jumping and a degree of aerobatics at a substantial height above the water surface, requiring a significant degree of care and mental alertness to avoid serious injury.

The complaint is **upheld**.

### **Further action**

The Alcohol Advertising Review Board requests the Advertiser cease or amend the promotion in line with the Panel's concerns.