Complaints about any form of advertising should be made to the Advertising Standards Board (ASB). The ASB will consider your complaint against the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics (see fact sheet ADV5). If your complaint is about alcohol advertising, the ASB will forward your complaint to ABAC Chief Adjudicator for consideration against the Alcohol Beverages Advertising Code (see fact sheet ADV6).

Case Study 1

Company Involved: Fosters Australia Pty (Corona)

Date: Jan/Feb 2008

Media Type: Billboard

Description of Advertisement:

This outdoor advertisement depicts a couple on a bicycle alongside a beach. The man is seated on the bike seat and the woman is perched behind him, sitting on a carton of Corona Extra, and holding onto a surfboard. Text reads “From where you’d rather be.”

Complaint:

The advertisement shows the young couple riding their bicycle ‘two up’ and not wearing helmets which contravenes the Road Rules in any State. The advertisement seems to suggest to the young male that he will be regarded in high esteem by the young females for his beer drinking ability and disregard for safety.

Outcome of complaint:

AANA: Finding that the advertisement breached section 2.6 of the Code the Board upheld the complaint. ABAC: The panel concluded that the ad was in breach of Section (a), therefore the complaint was upheld.

Justification for Decision (AANA):

The Board considered section 2.6 of the Code which requires that advertisements not depict material that is contrary to prevailing community standards on health and safety. The Board also considered that Australian Road Rules specifically state that: ‘the rider of a bicycle must not carry more persons on the bicycle than the bicycle is designed to carry’ Part 15 clause 246; and ‘the rider of a bicycle must wear an approved bicycle helmet securely fitted...’ Part 15 clause 256. Finding that the advertisement breached section 2.6 of the Code the Board upheld the complaint.

Justification for Decision (ABAC):

The section (a) standard is about “a responsible approach” to alcohol consumption. It is not irresponsible per se to consume alcohol on a beach, but the ad portrays two people taking an entire carton of beer to the beach and a majority of the Panel believes that this suggests excessive consumption. A majority of the Panel concludes that the ad breaches Section (a) on this point.

Full reports of complaint determinations can be found at:


Case Study 2

Company Involved: Fosters Australia Pty (Black Douglas Whisky)

Date: Feb/March 2008

Media Type: Billboard

Description of Advertisement:

The outdoor advertisement features a scene photographed at night, of a concrete plinth on which are statues of three Scottish warriors, their swords stuck upright in the ground, hoisting their kilts above their waists and bending over to bare their buttocks at the (assumed) enemy. Written on the plinth are the words “And these three men made a solemn vow. The English rule is dead.” Inset into the photograph is a bottle of The Black Douglas whiskey and the Scottish flag superimposed with the words “Stand Your Ground”.

Complaint:

I am offended by the picture of three men with their pants pulled down exposing their bottoms. This is the focus of the sign and it is grossly inappropriate to be using such images in a public space.

The advertisement is irresponsible in that it is suggesting to the already troubled youth that it is cool to “get pissed and flash a brown eye”.

Outcome of complaint:

AANA: Finding that the advertisement did not breach Section 2.3 of the Code, the Board dismissed the complaint.

ABAC: The panel concluded that the ad was in breach of Section (a), therefore the complaint was upheld.

Justification for Decision (AANA):

The Board considered that the nudity in this advertisement was not real, that it was not sexual in nature, and that while it might be suggestive of socially undesirable behaviour, it was not inappropriate for a wide audience and did not breach Section 2.3 of the Code.

Justification for Decision (ABAC):

On balance the Panel believes the ad does not adequately establish its historical context and that a reasonable viewer could conclude that the ad is associating offensive behaviour with alcohol use. While the ad does not depict alcohol consumption, the section (a) standard is wider than actual consumption and goes to a responsible approach to alcohol consumption. The Panel does not believe the ad meets this standard and accordingly that the ad breaches the ABAC.

Full reports of complaint determinations can be found at:


Case Study 3

Company Involved: **Maxxium Australia Pty Ltd (Galliano)**

Date: **Oct 2006**

Media Type: **Television**

Description of Advertisement:

This television advertisement announces a search for “Galliano Stunt Guys” and a male (Matt) standing beside a little old lady seated on a bench, informs viewers “The hunt is on Australia. We’re searching for the Galliano Stunt Guy. Someone who’ll do the stunt that stops the nation – and lets nothing get in the way of a good gag. Is it you? Go to gallianostuntguys.com and tell us what you’d do to get on TV. Footage is shown of various suggested stunts such as “sharing an ice spa with your mates” (shot of men in ice bath in middle of a snowy icy road with traffic driving by) or “lick your car clean?” (a man is shown cleaning his filthy car with his tongue). The man speaking looks at the old lady who has applied red lipstick and is puckering up for a kiss. Matt continues “Tell us what you’d do to win the title and the ultimate boys’ weekend worth over seven grand”. As Matt steel’s himself to kiss the old woman, he suddenly backs off, unable to complete the action and admits “Alright, alright – so I’m no Galliano Stunt Guy. Are you?”

Complaint:

Galliano’s association with this campaign is hardly promoting responsible consumption of alcohol. Promotion and encouragement of dangerous behaviour is in itself, irresponsible. Linking this behaviour with alcohol should be illegal!

Outcome of complaint:

AANA: In finding that the advertisement breached Section 2.1 of the Code, the Board accordingly upheld the complaint.

ABAC: This complaint did not allude to any breaches of the ABAC code, therefore it was not reviewed by ABAC.

Justification for Decision (AANA):

The Board considered section 2.6 of the Code which requires that advertisements not depict material that is contrary to prevailing community standards on health and safety. The Board also considered that Australian Road Rules specifically state that: ‘the rider of a bicycle must not carry more persons on the bicycle than the bicycle is designed to carry’ Part 15 clause 246; and ‘the rider of a bicycle must wear an approved bicycle helmet securely fitted...’ Part 15 clause 256. Finding that the advertisement breached section 2.6 of the Code the Board upheld the complaint.

Justification for Decision (ABAC):

On the basis of the depictions used in the advertisement, and the conditions of entry of the competition, the Board determined that the advertisement did not depict material that is contrary to prevailing community standards on health and safety, either by depicting or encouraging unsafe stunts or by excessive consumption of alcohol. The Board then considered the sequence depicting the man in the advertisement about to kiss a woman, who appeared to be over the age of 70, and whether the advertisement contravened section 2.1 of the Code in relation to vilification of a section of the community based on age and gender. The Board determined that the sequence implied that kissing a woman of this age is unpleasant and that the sequence also depicts a level of ‘disgust’ associated with older women generally. The Board determined that the material contravened the provision of the Code relating to the vilification of a section of the community based on sex and age. Accordingly, the Board upheld the complaint.

Full reports of complaint determinations can be found at:

Case Study 4

Company Involved: Lion Nathan Australia (Tooheys New)

Date: Jan 2007

Media Type: Radio

Description of Advertisement:

There are two radio advertisements in this series sung to the traditional British anthem “Land of Hope and Glory”, but with the lyrics as follows:


Each advertisement concludes with a male voiceover announcing “Introducing Toohey’s New Supercold. Served so cold - it’s a Pom’s worst nightmare”.

Complaint:

I think that it’s a breach of 2.1 of Section 2 of the AANA Advertiser Code of Ethics, in that it portrays English people in a way that vilifies them on account of their nationality. Secondly, I also think that this advertisement is a breach of 2.5 of Section 2 of the AANA Advertiser Code of Ethics, in that words such as ‘bitch’ are used, which may be viewed by some as obscene language and unsuitable for children.

Outcome of complaint:

AANA: In finding that the advertisement breached Section 2.1 of the Code, the Board accordingly upheld the complaint.

ABAC: This complaint did not allude to any breaches of the ABAC code, therefore it was not reviewed by ABAC.

Justification for Decision (AANA):

The Board found that the advertisement negatively stereotyped and vilified English people and hence found that the advertisement breached Section 2.1 of the Advertiser Code of Ethics dealing with vilification based on nationality.

The Board then considered whether the advertisement breached Section 2.5 of the Code dealing with strong language. In particular the Board considered the use of the word “bitch”. The Board agreed that the word did not refer to a person, rather it was used as a verb and synonym for “whinge” which, while strong, was not offensive enough by community standards to find that the advertisement had breached Section 2.5 of the Code.

Full reports of complaint determinations can be found at: