

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 30/91

Dated the 23rd day of July 1991

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

GROUP OPPOSED TO
ADVERTISING OF LIQUOR
of Hamilton

Broadcaster
RADIO PACIFIC (WAIKATO)
LIMITED

I.W. Gallaway Chairperson
J.B. Fish
J.L. Hardie
J.R. Morris

DECISION

Introduction

At about 9.15 am on 29 May 1991, Radio Pacific (Waikato) Ltd broadcast an advertisement for Davies Corner Liquor Store. It advertised "Queen's Birthday specials" and included the words "You're in for a merry old time this Queen's Birthday Weekend".

GOAL's Complaint to Radio Pacific (Waikato) Limited.

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Radio Pacific (Waikato) Ltd in a letter dated 29 May 1991. He considered that the reference to a "merry old time" breached rule 6 of the Code for Advertising Alcoholic Beverages, particularly the requirement that:

... it is unacceptable to suggest that the consumption or presence of liquor will create a significant change in mood or environment.



Radio Pacific (Waikato) Ltd's Response to the Formal Complaint

The broadcaster responded to Mr Turner in a letter dated 31 May 1991. The commercial, it said, was an unsubtle parody on royalty. In addition to the phrase noted by GOAL, the advertisement had mentioned "corgis", "Queen's Birthday", "right royal", and "lose your head". It denied that the advertisement related to a product which would create a significant mood change, adding that if it were to be found to do so, it would give a new meaning to the phrase "Merry Christmas".

The broadcaster drew attention to the sentence in rule 6 which reads:

Liquor advertisements may depict the consumption of liquor as part of a friendly and happy social environment.

It commented:

It is my understanding that merry means happy or perhaps joyful. Old King Cole was particularly merry without alcohol, in fact he was easily amused with a trio of fiddlers.

GOAL's Complaint to the Broadcasting Standards Authority

AS GOAL was dissatisfied with the broadcaster's response, Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority on 5 June 1991 under s.8(a) of the Broadcasting Act 1989.

He dismissed the broadcaster's response to the complaint as largely irrelevant, adding that it had not addressed the phrase about which he complained. The definitions of "merry" supplied by that station had omitted the one of "slightly drunk". He concluded:

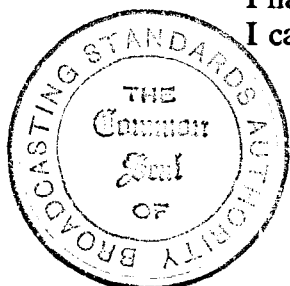
There is a clear implication here that products from the liquor store will make customers merry, i.e. will create a significant change of mood.

Radio Pacific (Waikato)'s Response to the Authority

The broadcaster was asked for its comments on this complaint on 10 June and its reply is dated 21 June. It repeated the claim that the commercial was a parody of royalty which included a number of words related to that theme. "Merry" was one such word. It accepted that one definition of that word was "slightly tipsy", but that it was a British colloquialism and the primary meanings were "joyous", "full of laughter" and "gaiety".

It observed:

I have never heard anyone say: "let's go and get merry". Mr Turner is British, so I can understand his translation, and that is exactly what it is - a translation.



GOAL's Final Comment to the Authority

When asked by the Authority to comment on Radio Pacific (Waikato)'s letter, Mr Turner said he could not understand how the word "merry" could be linked to a theme of royalty. He wrote:

Even if we agree that merry does not mean slightly tipsy in New Zealand we should have no difficulty in accepting that the advertisement held out the promise of a significant mood change as a result of the consumption or presence of liquor.

Decision

The members of the Authority have listened to a tape of the advertisement, have studied the correspondence and have carefully considered the arguments put forward by Mr Turner on GOAL's behalf and by Radio Pacific (Waikato) in response.

The relevant part of rule 6 of the Code for Advertising Alcoholic Beverages reads:

Liquor advertisements may depict the consumption of liquor as part of a friendly and happy social environment. However, it is unacceptable to suggest that the consumption or presence of liquor will create a significant change in mood or environment. The depiction of liquor as part of a celebration shall not imply that the beverage is the cause of success or achievement. Further, it is unacceptable to depict the consumption or presence of liquor as a necessary component of the achievement of personnel, business, social, sporting or sexual success.

The rule prohibits the suggestion that the consumption or presence of alcohol will create a "significant change in mood" and, in the Authority's opinion, that prohibition is directed against reasonably explicit suggestions that liquor will cause a marked change in mood.

The Authority did not accept the broadcaster's argument that the advertisement was an unsubtle parody on royalty. The links between the expressions "lose your head" and "merry old time" on the one hand, and royalty on the other, were tenuous, to say the least.

On the other hand, the Authority did not accept that the phrase "merry old time" in the context of this advertisement meant "slightly drunk". It noted the various meanings of the word "merry" and its use as a Christmas greeting. As a result the Authority concluded that the use of the phrase "merry old time" in the advertisement complained about did not, as the complainant alleged, hold out the promise that the consumption or presence of liquor would create a significant change in mood.

For the above reasons, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson
23rd July 1991

