

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 101/92

Decision No: 102/92

Decision No: 103/92

Dated the 21st day of December 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of complaints by

GROUP OPPOSED TO
ADVERTISING OF LIQUOR
of Hamilton

GROWTH THROUGH
MODERATION SOCIETY INC.
of Hamilton

MARGARET JACKSON
of Cambridge

Broadcaster
TELEVISION NEW ZEALAND
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

A duo imitating the Blues Brothers was shown performing and singing before an enthusiastic crowd in a bar in a television advertisement for Steinlager Blue beer broadcast by TV1 at about 9.15 and 10.00pm on 31 August 1992 and on TV2 on 10 September 1992. On hearing the music, one plainly dressed woman was seen to change into modern attire.

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to Television New Zealand Ltd, as the broadcaster, that the advertisement breached the provisions in the Code for Advertising Alcoholic Beverages which prohibit,



first, boisterous group scenes involving irresponsible frivolity and careless freedom, and secondly, the presence of liquor creating a significant change of mood.

The Secretary of the Growth Through Moderation Society, Ms Bell, complained that the advertisement breached the provisions in the Code which prohibit, first, suggesting that alcohol is an essential ingredient for a good party, and secondly, associating beer with sexual or romantic success.

Mrs Margaret Jackson complained that the advertisement breached the provision which prohibits liquor advertisements on television from depicting boisterous group scenes involving irresponsible frivolity and careless freedom.

Explaining that the emphasis of the advertisement was on entertainment, not on the consumption of alcohol, and that the transformation of the woman was specifically associated with the music, TVNZ declined to uphold the complaints. Dissatisfied with TVNZ's decision, the complainants referred their complaints to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the advertisement complained about and have read the correspondence (summarised in the Appendices). As is its usual practice, the Authority has determined the complaints without a formal hearing.

Standards

Each complainant alleged that the advertisement for Steinlager Blue beer breached standard 5 of the Code for Advertising Alcoholic Beverages. In addition, the Secretaries for the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, and the Growth Through Moderation Society, Ms E.E. Bell, alleged that the advertisement breached standard 6 of the same Code. The standards read (omitting an irrelevant aspect of standard 6):

- 5 Liquor advertisements shall depict responsible and moderate consumption of liquor. They shall not promote offensive behaviour, excessive consumption or the misuse or abuse of alcohol. Boisterous group scenes involving irresponsible frivolity, careless freedom and abandon, or scenes exaggerating the pleasures of companionship associated with the consumption of liquor, are not acceptable. Liquor advertisements shall not depict drunkenness, suggest the likelihood of drunkenness or encourage excessive drinking.
- 6 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 personal, business, social, sporting or sexual success. ...

Summary of the Complaints and the Responses

GOAL alleged that the advertisement showed boisterous group scenes involving irresponsible frivolity or careless freedom and thus breached standard 5. Standard 6 was breached by the "transformation" of the female character "Rocky" in the presence of liquor. That transformation, it continued, equated to "a significant change of mood". Alleging that the advertisement implied that beer was an essential ingredient for a "good" party, the Growth Through Moderation Society complained that the advertisement breached standards 5 and 6 as it displayed abandonment and rowdiness and associated alcohol with sexual or, at least, romantic success. Mrs Jackson confined her complaint to standard 5 and argued that the advertisement displayed boisterous group scenes involving frivolity and careless freedom and, in addition, she complained that the advertisement breached the provision in standard 5 which prohibits the exaggeration of the pleasures of companionship by associating them with the consumption of liquor.

In its response to the complaint from GOAL, TVNZ stated that the "boisterous group scenes" were directly associated with the arrival of the musicians - the Blues Brothers. The "boisterous group scenes", it said, were not associated with the consumption of liquor. As for the transformation of the character "Rocky", TVNZ pointed out that she was not shown drinking and that her transformation was accompanied by a clear reference to the music. In addition to making those points to the Growth Through Moderation Society, TVNZ argued that alcohol was not shown as being a necessary component of any kind of success. In response to Mrs Jackson, TVNZ added that the emphasis was on the entertainment - not on liquor consumption - and that the entertainment was clearly responsible for any changes depicted in the advertisement.

When he referred GOAL's complaint to the Authority, Mr Turner argued that it was not necessary, in view of his reading of standard 5, to show that "boisterous group scenes" were caused by the consumption of liquor. Boisterous group scenes involving frivolity, careless freedom or abandon were unacceptable in liquor advertisements. In response, TVNZ stated:

[W]e do not believe that the advertisement depicts any irresponsible frivolity, careless freedom and abandon and we seriously question that the term "boisterous" is applicable.

In addition to the comments from the parties to the complaint, the Authority also received an unsolicited research report from a student at Waikato University and a submission from the solicitors acting for Lion Breweries Ltd. The findings from the research are included in the Appendix but they are not reported in the body of the decision as the Authority found the report to be of no value in view of its focus and the highly selective nature of the sample used. The submission from the solicitors acting for Lion Breweries recorded the process carried out in an endeavour to ensure that the advertisement complied with the Code and divided the 75 second advertisement into four main components. A total of 42 seconds showed the Blues Brothers performing, 8



seconds showed crowd and drinking shots, the product closeups occupied 11 seconds and 14 seconds were devoted to "Rocky", the female character transformed by the music.

The submission from Lion Breweries also discussed each of the complaints and dealt only with the aspects it believed were relevant. As with TVNZ, it argued that the group scenes did not involve irresponsible frivolity or display any careless freedom or abandon although, unlike TVNZ, it referred back to what it considered to be the dominant consideration under standard 5 - the depiction of responsible and moderate consumption of liquor. Similarly, in regard to "Rocky's" transformation, it emphasised that "Rocky" was not shown drinking and that the only change portrayed was the change to her attire - a change which was not significant. Furthermore, referring to standard 6's introductory sentence, the change added to the "friendly, happy, humorous, social environment" displayed in the advertisement.

Discussing the Growth Through Moderation Society's complaint, the submission acknowledged that the scene depicted might be rowdy, but that was not unusual for the type of scene pictured and it denied any suggestion of abandonment. It repeated its contention about "Rocky's" mood change noted in response to GOAL's complaint.

With reference to Mrs Jackson's complaint about exaggerating the pleasures of companionship associated with liquor, it argued that the advertisement's emphasis was on musical performance and that shots of the venue where drinking could be discerned amounted to only 8 seconds of a 75 second commercial.

The submission concluded that the advertisement complied with the purposes of the Code which were:

[T]hat advertising will be conducted in a manner which is not in conflict with the principle of moderation in alcohol consumption and to provide a mechanism for responsible self-regulation by the industry.

Decision

By way of introduction, the Authority records that it does not accept the submission from Lion Breweries that it should focus on the first sentence of each standard as incorporating its purpose and to regard the following sentences as provisos. It regards each standard as a provision to be read in its entirety and for each sentence to be given equal weight in order to extract the standard's complete meaning.

GOAL and the Growth Through Moderation Society both complained that the Steinlager Blue beer advertisement breached the provision in standard 5 which states that in liquor advertisements:

Boisterous group scenes involving irresponsible frivolity, careless freedom and abandon ... are not acceptable.

"Boisterous" is defined in the *Concise Oxford* (8th edn) as "rough; noisily exuberant" and the Authority accepted that "noisily exuberant" was the appropriate description of the



atmosphere portrayed in the advertisement. However, standard 5 is breached only when, in addition to the depiction of boisterous group scenes, irresponsible frivolity, careless freedom and abandon are also portrayed. The Authority decided that the group scenes displayed in the advertisement could not be so described and, accordingly, the advertisement did not breach that aspect of standard 5.

In her complaint, Mrs Jackson focused on the aspect of the same sentence in standard 5 omitted in the extract above which prohibits in liquor advertisements:

... scenes exaggerating the pleasures of companionship associated with the consumption of liquor

Noting both that music performance rather than companionship was the theme of the advertisement and that the consumption of liquor was not stressed, the Authority concluded that it did not breach that aspect of standard 5.

GOAL also argued that the standard 5 requirement that liquor advertisements depict "reasonable and moderate consumption of liquor" meant more than the absence of immoderate consumption. It required, GOAL maintained, some reference in the advertisement to moderate consumption. Taking into account, first, that the advertisement did not depict any behaviour which could suggest the immoderate or irresponsible consumption of liquor, and secondly, that it could well be impractical for a liquor advertisement to include an active reference to moderate consumption, the Authority did not accept that submission.

The Authority also did not accept the submission from Lion Breweries' solicitors that standard 5 should be interpreted to mean that the phrase "associated with the consumption of liquor" applied, not only to the "pleasures of companionship", but also to the first part of the sentence which reads:

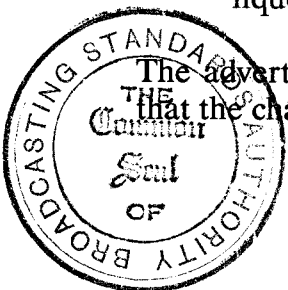
Boisterous group scenes involving irresponsible frivolity, careless freedom and abandon,

Taking into account the grammatical construction of the standard, the Authority was of the view that liquor advertisements depicting such boisterous group scenes would breach the standard regardless of whether or not that behaviour was associated with the consumption of liquor. However, the advertisement in question, as indicated above, was judged by the Authority not to include such boisterous scenes.

Both GOAL and the Growth Through Moderation Society complained that the advertisement breached standard 6 and GOAL referred specifically to the provision which states:

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

The advertisement shows the transformation of the character "Rocky". TVNZ argued that the change was associated with the music and Lion Breweries expressed the opinion



in its submission that the change was confined to attire and not to mood. The Authority, while questioning the Breweries' claim that the transformation was confined to her attire and was not significant, agreed with TVNZ that the transformation was directly associated with the music and, as both TVNZ and the brewery noted, "Rocky" was not shown to be drinking alcohol.

The Growth Through Moderation Society also referred to standard 6 in that the advertisement breached the provision:

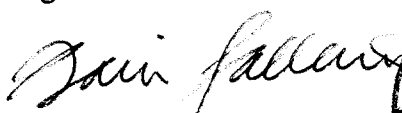
... it is unacceptable to depict the consumption or presence of liquor as a necessary component of the achievement of ... sexual success.

The advertisement, the Authority considered, did not depict sexual success. Nor, it was noted, did it depict "romantic" success as claimed in the complaint.

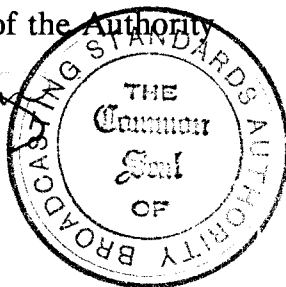
The Authority concluded that while the advertisement depicted boisterous group scenes and the presence of liquor, it did not involve irresponsible frivolity, careless freedom or abandon, or sexual success. Nor did the advertisement exaggerate the pleasures of companionship which might be associated with the consumption of liquor. Finally, there was no suggestion that the consumption or presence of liquor created a significant change of mood. It appeared to the Authority that this liquor advertisement depicted the consumption or presence of liquor as part of a friendly and happy social environment and did nothing to suggest irresponsible or immoderate consumption of liquor.

For the reasons set forth above, the Authority declines to uphold the complaints.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



21 December 1992

Appendix 1

GOAL's Complaint to Television New Zealand Limited

In a letter dated 1 September 1992, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd about an advertisement for Steinlager Blue beer broadcast on TV1 about 9.15pm on 31 August.

Referring to standard 5 of the Code for Advertising Alcoholic Beverages, he said that the advertisement breached the prohibition on boisterous group scenes involving irresponsible frivolity or careless freedom.

In a further letter dated 22 September, he alleged that the advertisement, by showing the transformation of a dowdy woman into a glamorous female, breached standard 6 of the Code which prohibits the presence or consumption of liquor creating a significant change of mood. The entire advertisement, he concluded, implied that the presence of liquor was a necessary component of social success.

TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 12 October 1992.

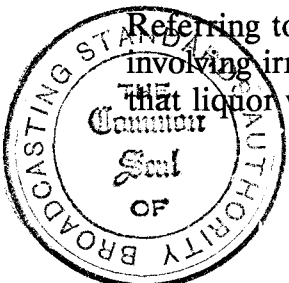
Noting the two standards cited, TVNZ said that the "boisterous group scenes" were directly associated with the arrival of the Blues Brothers and the playing of the music. The scenes were not associated with the consumption of liquor. Pointing out that standard 6 allowed the consumption of liquor as part of a friendly and happy social environment, TVNZ said that advertisement advertised entertainment - not the consumption of liquor, irresponsible frivolity or careless abandon.

In regard to the complaint about the transformation of the young woman, TVNZ explained that she was not shown drinking and that her transformation was accompanied by a clear reference to the music. The complaint was not upheld.

GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, on 15 October Mr Turner, on GOAL's behalf, referred the complaint to the Authority under s.8(a) of the Broadcasting Act 1989. He said the complaint related to the version of the advertisement which lasted 75 seconds.

Referring to standard 5, he argued that the prohibition on "boisterous group scenes involving irresponsible frivolity, careless freedom or abandon" did not need to show that liquor was responsible for them. Disputing TVNZ's claim that the emphasis was



on entertainment, not alcohol, he argued nevertheless that, as the advertisement involved liquor advertising, it was required to comply with the liquor advertising rules. He concluded:

In addition to the specific rules quoted I want to say that I do not think I have ever seen a liquor advertisement which has so blatantly promoted alcohol as part of the good life.

TVNZ's Response to the Authority

As is its practice, the Authority asked the broadcaster to comment on the complaint. Its letter was dated 19 October 1992 and TVNZ's reply, 10 November.

Referring to the comments from GOAL's secretary, TVNZ argued that the advertisement did not depict either irresponsible frivolity or careless freedom and seriously questioned whether the term "boisterous" was applicable. It continued:

With due respect to Mr Turner we would suggest that he is perhaps a little out of touch with what might be described as normal audience reaction at a modern day performance by a popular music group. We note that a recently televised Country and Western Concert (a very mild form of popular music) depicted scenes very much more frenzied than those in the Steinlager Blue Advertisement, yet nobody has suggested that the audience was boisterous.

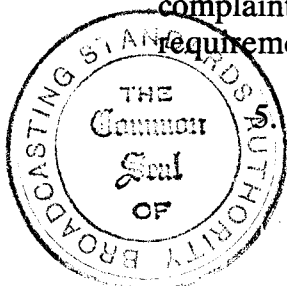
It is our view that the term "boisterous" suggests something unruly and uncontrolled, whereas the audience in the Steinlager Blue advertisement is seen to simply react enthusiastically to the music.

Moreover, even if the adjective "boisterous" was accepted, first, "irresponsible frivolity" was not involved, and secondly, the crowd enthusiasm was not linked to the consumption of alcohol.

After repeating that the change in one woman's demeanour was not associated with the consumption of liquor, TVNZ strongly disagreed with GOAL's assertion that any display of boisterous behaviour in a liquor advertisement would breach standard 5.

The construction of the standard, TVNZ argued, clearly linked "boisterous group scenes" with the "consumption of liquor". Referring to GOAL's comment that despite the focus on entertainment the advertisement was still a liquor one, TVNZ said that liquor advertisements, like other advertisements, did not necessarily focus on the product being advertised. Emphasising that the Code for Advertising Alcoholic Beverages was designed to facilitate acceptable liquor advertising, not to ban it, TVNZ referred to the opening sentence in each of standard 5 and 6 under which the complaint was made. It argued that the advertisement complied with the requirements which began:

Liquor advertisements shall depict responsible and moderate



consumption of liquor. ...

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

Other Correspondence

On 29 October, the Authority received an unsolicited research report prepared by a Mr Bevin Yeatman, a student in a Film and Television Studies course at Waikato University. A copy of the study was sent to GOAL, TVNZ and the solicitors for Lion Breweries Ltd.

The study entitled "Alcohol Advertising and Alcohol Advertising Codes: An investigation of the Steinlager Blue advertisement to consider whether it transgresses the Alcohol Advertising Codes", reported on the administration of a questionnaire to 36 students in the Film and Television Studies first year class at Waikato University.

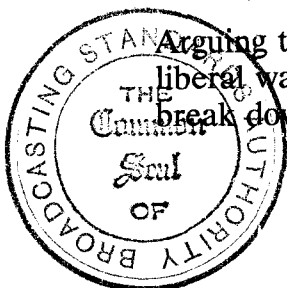
When interpreting the results from the questionnaires, Mr Yeatman drew the following conclusion about the advertisement:

It seems that the Steinlager Blue advertisement contravenes the alcohol advertising codes according to the research results, on three counts. It implies special qualities that cannot be sustained, it depicts people under the age of twenty-five drinking alcohol and it refers to heroes of the young, using them to enhance the effects of the product.

If an emphasis is made on the "creative" reading of the viewers, rather than the intended message of the creator of this advertisement, the results of this questionnaire clearly expose the transgression of the alcohol advertising code. The questionnaire reflects a range of "readings" some of which reflect highly individual responses, but most of which reflect a reading which implies that the product will enhance social exuberance and enthusiasm of the cult figure the Blues Brothers. Further, whether or not people under the age of twenty-five are depicted drinking in the advertisement does not seem to be as relevant as the fact that a majority of respondents in this questionnaire perceived that there were people under the age of twenty-five drinking.

A submission was also received from Morrison Morpeth, solicitors for Lion Breweries Ltd, and it detailed the process undertaken in preparing and making the advertisement to ensure that it complied with the Code for Advertising Alcoholic Beverages. It listed the special instructions sent to the production company before filming and recorded the examination undertaken of the partly finished product, again to ensure that the standards were met.

Arguing that the standards in the Code should be interpreted in a fair, large and liberal way, under s.5(j) of the Acts Interpretation Act 1924, it provided the following break down of the 75 second advertisement.



Analysis of the Steinlager Blue 75 second advertisement shows the following time allocation:

Blues Brothers' performance including MC. Opening crowd shots (no alcohol) and all Blues Brothers dancing and singing etc	42 seconds
Crowd and drinking shots	8 seconds
Product closeups	11 seconds
Rocky (all shots)	<u>14 seconds</u>
	<u>75 seconds</u>

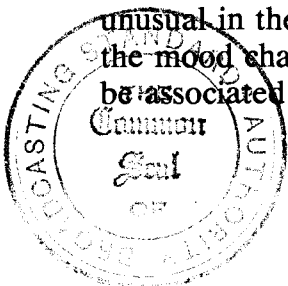
The subject matter of the majority of the commercial is the "Blues Brothers" performance whilst the shots that could be regarded as depicting consumption of liquor total only 8 seconds, and the brand promotion is restricted to 11 seconds. Some 14 seconds is devoted to the "Rocky" characterisation and sub-plot.

The submission then dealt with standards 5 and 6 of the Code which had been raised by the complainants. Describing some of GOAL's comments in its complaint about the advertisement as irrelevant, the submission argued that the advertisement did not display irresponsible frivolity or careless freedom and abandon but had displayed, as allowed by standard 6, the consumption of liquor as a part of a friendly and happy social environment.

Referring to the change in the character "Rocky", the submission stressed that there was no significant change in mood or environment. There was only a change in attire.

In regard to the aspect of Mrs Jackson's complaint not dealt with in the comments on GOAL's complaint - i.e. exaggerating the pleasures of companionship associated with liquor consumption - the submission noted that the advertisement only portrayed the crowd for eight seconds and the pleasures of companionship were not exaggerated in that time.

The submission regarded some of the comments in the Growth Through Moderation Society's complaint as irrelevant and said that most of its other aspects had been assessed when considering GOAL's complaint. In addition, the complaint had described the advertisement as "rowdy" which, the submission continued, was not unusual in the environment depicted and did not equate with abandonment. Part of the mood change complaint had also been considered above and the part which could be associated with the arrival of the Blues Brothers was not related to alcohol.



The submission then proceeded to discuss Mr Yeatman's unsolicited research report received by the Authority. It was argued that the report should not have been distributed to members of the Authority as, because of its methodological deficiencies, it could not be regarded as a "relevant submission" within s.10(1)(b) of the Broadcasting Act 1989. Expressing concern that unsolicited material might be distributed to members without being drawn to the attention of parties to a complaint, the submission attached a letter from the Complaints Committee of the Market Research Society of New Zealand. Giving four reasons, that letter stated that the report "cannot be used as a basis for concluding that the Steinlager Blue Advertising contravenes the terms of the Alcohol Advertising Code". The submission listed five additional reasons which, in its opinion, affected the report's validity and concluded:

The report submitted to the Authority by the University of Waikato is not a "relevant submission" in terms of s.10 of the Broadcasting Act and should accordingly be disregarded by the Authority in its determination of the Steinlager Blue complaints.

The submission made on behalf of the advertiser, in conclusion, repeated the point that the Code required alcohol advertising not to conflict with the principle of moderation and it provided a mechanism for responsible self-regulation by the industry.

Because the Steinlager Blue advertisement:

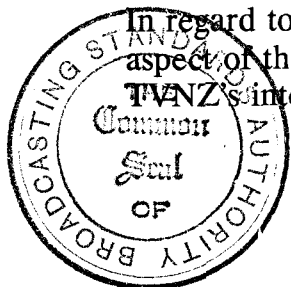
- a) clearly achieved product promotion in a way which meet the requirements of the Code; and
- b) de-emphasised alcohol consumption; and
- c) did not conflict with specific rules or the principles of moderation; and
- d) achieved self-regulation in its production;

it was submitted that the complaints should not be upheld.

GOAL's Final Comment to the Authority

When asked to comment on the reply from TVNZ, the research report and Lion Breweries Ltd's submission, in a letter dated 21 November Mr Turner, on GOAL's behalf, expressed his agreement with the brewer that it would be improper for the Authority to take cognisance of the research report.

In regard to TVNZ's comments, he argued that it was impossible to disassociate any aspect of the advertisement from the consumption of liquor. He disagreed with TVNZ's interpretation of standard 5 and maintained that it could read in part:



Boisterous group success involving irresponsible frivolity and careless freedom and abandon are not acceptable.

Consequently, he said, "boisterous group scenes should not be used in alcohol advertising" even when the consumption of liquor was not portrayed.

Further standard 5 required the "active or positive" depiction of moderate consumption, not just the absence of immoderate consumption. He added:

An active or positive depiction of moderate consumption requires some reference to moderate consumption to be made in the advertisement. This advertisement did not contain one word or one scene which referred to moderate consumption.

He then discussed the Lion Breweries submission and said that the parts of it which did not discuss the finished product which was broadcast should be ignored. He pointed out that whether "Rocky" was consuming alcohol or not was irrelevant as standard 6 also referred to the presence of liquor.



Appendix 2Growth Through Moderation Society Inc's Complaint to Television New Zealand Limited

In a letter dated 24 September 1992, the Secretary of the Growth Through Moderation Society, Ms E.E. Bell, complained to Television New Zealand Ltd about an advertisement for Steinlager Blue beer broadcast on TV2 on 10 September.

Referring to standards 5 and 6 of the Code for Advertising Alcoholic Beverages, she said that the advertisement implied that beer was an essential ingredient for a "good" party. Moreover, it displayed abandonment and rowdiness and associated alcohol with sexual or, at least, romantic success.

Ms Bell expressed the Society's belief that the advertisement was designed to appeal to teenagers or people in their early twenties.

TVNZ's Response to the Formal Complaint

TVNZ advised the Society of its Complaints Committee's decision in a letter dated 12 October 1992.

Noting the two standards cited, TVNZ said that the "boisterous group scenes" were directly associated with the arrival of the Blues Brothers, and the playing of the music. The scenes were not associated with the consumption of liquor. Pointing out that standard 6 allowed the consumption of liquor as part of a friendly and happy social environment, TVNZ said that advertisement advertised entertainment - not the consumption of liquor, irresponsible frivolity or careless abandon.

On the basis that the reference to romantic success referred to the transformation of the young woman, TVNZ explained that she was not shown drinking and that her transformation was accompanied by a clear reference to the music. Furthermore, alcohol was not shown as being a necessary component of any kind of success. The complaint was not upheld.

Growth Through Moderation's Society's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, on 22 October Ms Bell on the Society's behalf, referred the complaint to the Authority under s.8(a) of the Broadcasting Act 1989.

Disputing TVNZ's claim that the emphasis was on entertainment, not alcohol, she argued.

As the reply from TVNZ states the "hip" party atmosphere is generated by



the music then quite obviously this is what the production should be advertising and promoting, and any reference to alcohol should be omitted.

TVNZ's Response to the Authority

As is its practice, the Authority asked the broadcaster to comment on the complaint. Its letter was dated 27 October 1992 and TVNZ's reply, 10 November.

Referring to the comments from the Society's secretary and two other complainants about the same advertisement, TVNZ stated:

We do not deny that the advertisement is for Steinlager Blue. We point out that it is legal to advertise liquor on television and that the Code for Advertising Alcoholic Beverages provides guidelines to facilitate that.

TVNZ said liquor advertisements, like other advertisements, did not necessarily focus on the product being advertised and continued:

In this case the advertisement is for Steinlager Blue beer. It is shown being sold and consumed (in moderate quantities and in a responsible fashion) in the context of a bar concert by a popular music duo. The message from the advertiser is that at such occasions its beer is available - a perfectly valid message given that the codes specifically allow for liquor advertisements to depict consumption of liquor as part of a friendly and happy social environment. But the advertisement clearly shows that the crowd's enthusiasm is generated, not by beer, but by the arrival and performance of the musicians.

TVNZ denied that the advertisement suggested that beer was either responsible for, or an essential ingredient of, the atmosphere depicted. It also challenged the view that scenes reflected either rowdiness or abandonment.

Other Correspondence

Appendix 1 which summarised the GOAL complaint also included a summary of the other correspondence which was also relevant to this complaint. Rather than repeat the material, attention is drawn to pp.iii - v above where the matters were dealt with.

Growth Through Moderation Society's Final Comment

When asked to comment on TVNZ's reply, in a letter dated 26 November Ms Bell said that the Society had found the research report and the brewer's submission to be interesting and stood by its original complaint.



Appendix 3

Mrs Jackson's Complaint to Television New Zealand Limited

In a letter dated 9 September 1992, Mrs Margaret Jackson of Cambridge complained to Television New Zealand Ltd about an advertisement for Steinlager Blue beer broadcast on TV1 at about 10.00pm on 31 August 1992.

Referring to standard 5 of the Code for Advertising Alcoholic Beverages, she said that the advertisement breached the prohibition on boisterous group scenes involving irresponsible frivolity or careless freedom. The scenes depicted, she added, exaggerated the pleasures of companionship associated with the consumption of liquor.

TVNZ's Response to the Formal Complaint

TVNZ advised Mrs Jackson of its Complaints Committee's decision in a letter dated 12 October 1992.

Noting the standard cited, TVNZ said that the "boisterous group scenes" were directly associated with the arrival of the Blues Brothers and the playing of the music. The scenes were not associated with the consumption of liquor. Pointing out that standard 6 of the Code allowed the consumption of liquor as part of a friendly and happy social environment, TVNZ said that the emphasis was on entertainment - not the consumption of liquor, irresponsible frivolity or careless abandon. The complaint was not upheld.

Mrs Jackson's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, on 23 October Mrs Jackson referred the complaint to the Authority under s.8(a) of the Broadcasting Act 1989.

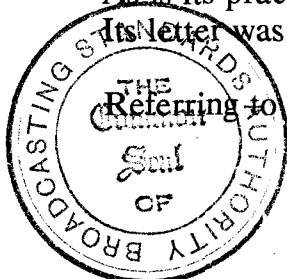
Referring to standard 5, she argued that the advertisement depicted alcohol as a natural part of the entertainment world and wrote:

Those producing the TV ad seem to go to the very limit of the Code - of course they will see nothing wrong with them.

TVNZ's Response to the Authority

As is its practice, the Authority asked the broadcaster to comment on the complaint. Its letter was dated 30 October 1992 and TVNZ's reply, 10 November.

Referring to the comments from Mrs Jackson and two other complainants about the



same advertisement, TVNZ argued that the advertisement did not depict either irresponsible frivolity or careless freedom and seriously questioned whether the term "boisterous" was applicable. Moreover, even if the adjective "boisterous" was accepted, first, "irresponsible frivolity" was not involved, and, secondly the crowd enthusiasm was not linked to the consumption of alcohol.

Referring to the transformation of the young woman, TVNZ argued that it was not linked to alcohol - "(she is not seen drinking)" - but to her companion's exhortation to "get hip" which it described as a reference to the music and its beat.

TVNZ disputed Mrs Jackson's assertion that the advertisement depicted alcohol as a natural part of the entertainment world, observing:

All the advertisement says is that the advertiser's product was available on the particular musical occasion shown. By doing so it draws the attention of viewers to its product and fulfils its purpose as an advertisement.

Noting that shouting, clapping and the waving of arms were part and parcel of popular music entertainment, and had been for many years, TVNZ said that the advertisement depicted a friendly and happy social environment as permitted by the Code for Advertising Alcoholic Beverages.

With reference to Mrs Jackson's remark about pushing the limits of the Code, TVNZ expressed the opinion that the advertiser and agency had been very responsible in providing a commercial which complied with the Code requirements.

Other Correspondence

Appendix 1 which summarised the GOAL complaint also included a summary of the other correspondence which was also relevant to this complaint. Rather than repeat the material, attention is drawn to pp, iii - v above where the matters were dealt with.

Mrs Jackson's Final Comment to the Authority

Although asked in mid November to comment on the report from TVNZ and the submission from Lion Breweries, Mrs Jackson's response had not been received by the time that the Authority issued its decision in mid December.

