

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 43/92
Dated the 23rd day of July 1992

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
TELEVISION NEW ZEALAND
LIMITED

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

DECISION

Introduction

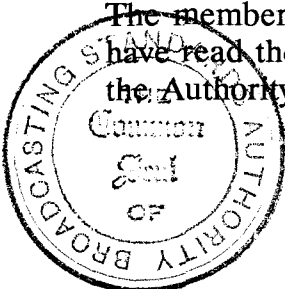
An advertisement for Gordons Gin was broadcast by Television New Zealand Ltd on TV1 on a number of occasions in February and March 1992.

The Secretary for the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to TVNZ that the advertisement, contrary to the Code for Advertising Alcoholic Beverages, implied that the consumption or presence of liquor was a necessary component of social and sexual success.

TVNZ denied that the advertisement carried that implication and declined to uphold the complaint. AS GOAL was dissatisfied with the decision, the complaint was referred 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 Appendix). As is its usual practice, the Authority has determined the complaint without a formal hearing.



Mr Turner, on GOAL's behalf, complained to TVNZ that the advertisement for Gordons Gin breached standard 6 of the Code for Advertising Alcoholic Beverages as it implied that the consumption or presence of liquor was a necessary component of social and sexual success. The relevant aspect of standard 6 reads:

- 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 or reward for the achievement of personal, business, social, sporting or sexual success.

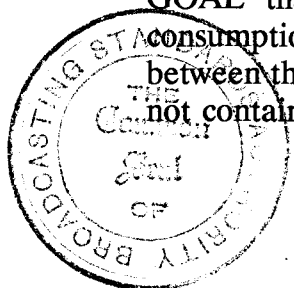
Stressing the first sentence of the standard, TVNZ said the advertisement depicted the consumption of liquor as part of a friendly and happy social environment as permitted by the standard. It did not, TVNZ continued, imply that the consumption or presence of liquor was a necessary component of social or sexual success.

On the other hand, GOAL emphasised the final sentence and said that the advertisement implied that the presence and consumption of liquor was a necessary component of social or sexual success.

Acknowledging that the social environment depicted in the advertisement might not be familiar to many, involving as it did only glamorous people in an exclusive setting, the Authority nevertheless agreed with TVNZ that the advertisement depicted the consumption of liquor as part of a friendly and happy social environment, as allowed by the first sentence of the standard. The Authority noted, however, that if that sentence of the standard allowed only depictions of the consumption of liquor which are "incidental to" a friendly and happy social environment, it would have had serious concerns about the number of times that consumption of gin was depicted in the advertisement.

Having decided that the social environment depicted was a "friendly and happy" one, the question remained whether, as alleged by GOAL, the advertisement depicted the consumption or presence of liquor as a necessary component of the achievement of social or sexual success. The Authority noted that it would be highly unlikely that an advertisement would make an explicit claim that liquor was necessary to the achievement of success. In its view, therefore, implicit suggestions in liquor advertisements that liquor is a cause of success would be in breach of the standard.

Applying this reasoning to the Gordons Gin advertisement, the Authority had some sympathy for GOAL's argument that the advertisement implied that the presence or consumption of liquor was a cause of social success. It did not, however, agree with GOAL that there was a suggestion in the advertisement that the presence or consumption of liquor caused sexual success. In the Authority's view, the interaction between the models revealed the good-natured camaraderie of a "set" of people and did not contain more specific sexual overtones.



Returning to the matter of the advertisement's connection between liquor and social success, a majority of the Authority decided that although the advertisement portrayed apparently socially successful people drinking liquor, it did not imply that their success was contributed to by the presence or the consumption of liquor. Some weight was given by the majority to the brevity of the advertisement, and its rapid pace, both of which made it difficult to discern any specific message about social success. Thus, as the presence or consumption of liquor was not depicted as an essential component of, or reward for, success, the advertisement was not in breach of standard 6 of the Code for Advertising Alcoholic Beverages.

A minority of the Authority was of the view that the advertisement did breach standard 6 by depicting the consumption or presence of liquor as a necessary component of the achievement of social success. The minority considered that the number of shots of people drinking and of drinks being poured emphasised the presence and consumption of liquor. The fact that the drinkers were very glamorous and apparently located in an exclusive setting further supported the conclusion that liquor consumption was being portrayed as a necessary component of entry into and acceptance by that social "set".

For the reasons set forth above, a majority of the Authority declines to uphold the complaint.

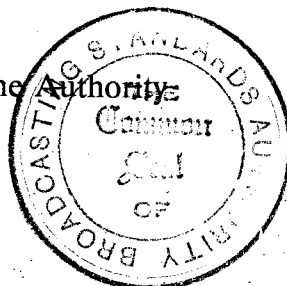
The Authority acknowledges that it has arrived at the same decision as the Advertising Standards Complaints Board when it assessed a complaint about the same advertisement also under standard 6 of the Code for Advertising Alcoholic Beverages.

The Authority does not accept either of the approaches proposed by the broadcaster or the complainant when assessing a complaint on which the Advertising Complaints Board has already ruled. TVNZ submitted that the Authority had been pre-empted by the Board and should, therefore, decline to determine the complaint. GOAL implied that the Authority, because of its statutory background, should not be subservient to the advertising industry or its "partisan" body. On the basis that the Authority, unlike the Board, is legislatively required under s.15(2) of the Broadcasting Act 1989 to give reasons for its decisions, the Authority intends to issue decisions, despite earlier Board rulings on similar or identical complaint, unless the circumstances suggest it is inappropriate to do so.

The standard under which the complaint was made is part of the Code for Advertising Alcoholic Beverages which was issued by the Advertising Standards Authority and later accepted by the Broadcasting Standards Authority as an approved code of broadcasting practice under s.4(1)(e) of the Broadcasting Act 1989. As part of the Authority's forthcoming review of liquor brand advertising on radio and television following six months of the new rules, the Authority will discuss the standard again with the Advertising Standards Authority. The Authority thus signals its intention that the interpretation of standard 6 is one of the provisions to be clarified during the review process.

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson
23 July 1992



Appendix

GOAL's Complaint to Television New Zealand Ltd

In a letter dated 11 February 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 Gordons Gin which had been broadcast by TV1 on a number of occasions. As the advertisement implied that the consumption or presence of liquor was a necessary component of social and sexual success, he wrote, it breached standard 6 of the Code for Advertising Alcoholic Beverages.

TVNZ's Response to the Formal Complaint

In a letter dated 21 April, TVNZ advised GOAL of its Complaints Committee's decision. It noted that the advertisement:

was a plotless series of lifestyle vignettes quick-cut to a music track with no spoken audio. All depicted well-dressed adults in a stylish setting.

As permitted by standard 6, TVNZ continued, it showed a friendly and happy social environment and it could not be argued that the advertisement stated or implied that gin was a necessary component for achieving social or sexual success. The complaint was not upheld.

GOAL's Complaint to the Broadcasting Standards Authority

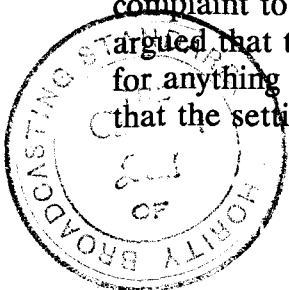
As it was dissatisfied with TVNZ's decision, in a letter dated 4 May 1992 Mr Turner, on GOAL's behalf, referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

As the advertisement consisted mainly of depicting romantic or flirtatious couples in highly glamorised surroundings, he maintained that it breached standard 6 of the Code.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the referral. Its request is dated 7 May 1992 and TVNZ's response, 4 June.

Pointing out that GOAL had expanded on its allegations in the referral of the complaint to the Authority when mentioning romantic and flirtatious attitudes, TVNZ argued that the advertisement did not imply that the presence of gin was necessary for anything - let alone the achievement of social and sexual success. While noting that the setting was friendly and social TVNZ contested the allegation that it was



flirtatious as, it said, the personal interaction was limited to kisses by way of greeting.

TVNZ enclosed a copy of decision 92/55 dated 18 May from the Advertising Standards Complaints Board when it declined to uphold the complaint under standard 6 and submitted that the Authority, in view of the Board's ruling, should decline to determine GOAL's complaint.

GOAL's Final Comment to the Authority

When asked to comment on TVNZ's response, in a letter dated 8 June Mr Turner, on GOAL's behalf, argued that the Authority, as a statutory body, should not allow its functions to be "usurped" by the Advertising Standards Complaints Board, an advertising industry "venture".

Referring to the advertisement, Mr Turner said it drew an unrealistic picture about alcohol and that it did not portray a "friendly and social environment" but an "advertising man's fantasy".

