

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 53/92

Dated the 13th day of August 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  
TV3 NETWORK SERVICES  
LIMITED

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

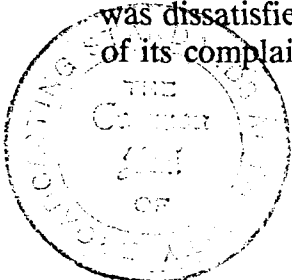
DECISION

Introduction

An advertisement for DB Export Dry beer was broadcast by TV3 Network Services Ltd on 1 February 1992. It depicted a glass of beer which, when picked up, knocked over a beer bottle which, in turn, knocked over a line of beer bottles. The accompanying audio announced that "The taste will bowl you over".

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Turner, complained to TV3 that the comment implied that the product could intoxicate and that it breached the broadcasting standards which prohibit liquor advertisements from suggesting either the likelihood of drunkenness or a significant change of mood.

As GOAL did not received a formal response to its complaint within 60 working days, it referred the significant change of mood aspect of the complaint to the Broadcasting Standards Authority under s.8(b) of the Broadcasting Act 1989. In response to the Authority's inquiries, TV3 said the expression referred to the taste of the product, not its alcoholic content, and declined to uphold both aspects of the complaint. As GOAL was dissatisfied with the broadcaster's substantive response, it then referred this aspect of its complaint to the Authority under s.8(a) of the Act.



## Decision

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

GOAL referred to the Authority its complaint about an advertisement for DB Export Dry beer which showed a glass of beer knocking over one beer bottle and then a line of beer bottles falling like dominoes. It was accompanied by an audio which said "The taste will knock you over". The advertisement, GOAL said, breached standard 6 of the Code for Advertising Alcoholic Beverages which 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 the achievement of personal, business, social, sporting or sexual success.


Liquor advertisements shall not suggest a relationship between liquor and sex by placing immoderate or immodest emphasis on romantic situations or by using illustrations or poses which are provocative or suggestive.

Referring to the unacceptability of a liquor advertisement suggesting a significant change in mood, GOAL argued that the advertisement complained about breached that provision. In response, TV3 described the phrase "bowl you over" as a well-known expression which, in the advertisement, referred to the taste of the beer, not its alcoholic content.

The Authority agreed with TV3's comments. In the Authority's opinion the colloquial phrase, "bowl you over", referred explicitly to the taste and suggested nothing more than a favourable reaction to the product. The relatively inoffensive phrase was not, the Authority considered, associated with a change of mood. The complaint was not upheld.

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

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson



13 August 1992

## Appendix

### GOAL's Complaint to TV3 Network Services Ltd

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, wrote to TV3 Network Services Ltd on 3 February 1992 about a DB Export Dry beer advertisement broadcast on 1 February 1992.

By using the words, "The taste will bowl you over", GOAL wrote, the advertisement suggested either that the product would intoxicate or that the drinker would experience a significant change of mood.

The former meaning contravened standard 5 of the Code for Advertising of Alcoholic Beverages which prohibits advertisements suggesting the likelihood of drunkenness, while the latter breached standard 6 which prohibits that liquor advertisements suggesting that drinkers will experience a mood change.

### GOAL's Complaint to the Broadcasting Standards Authority

As GOAL did not receive a reply to its complaint, Mr Turner on GOAL's behalf referred the standard 6 complaint to the Broadcasting Standards Authority on 8 May 1992 under s.8(b) of the Broadcasting Act 1989.

### TV3's Response to the Authority

The Authority sought the broadcaster's response to the complaint and in a letter dated 9 June 1992, TV3 advised the Authority that it declined to uphold the complaint under either standard 5 or 6.

Describing the phrase "bowl you over" as a well-known cricket expression, TV3 argued that it referred to the product's taste and not to its alcoholic content. It described the implications drawn by GOAL as irrelevant.

### GOAL's Final Comment to the Authority

When asked for a comment on TV3's reply, Mr Turner on GOAL's behalf emphasised the wording in standard 6 which prohibited liquor advertisements from suggesting a significant change of mood. If the wording of the advertisement suggested a significant change as a result of liquor consumption, he added, it was irrelevant whether the change was due to taste or alcoholic content.

