

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 106/93

Dated the 2nd day of September 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

MID-CANTERBURY COMMUNITY  
COUNCIL ON ALCOHOL AND  
OTHER DRUGS INC.  
of Ashburton

Broadcaster  
TV3 NETWORK SERVICES  
LIMITED

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

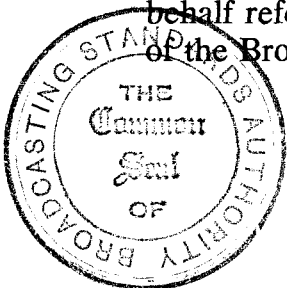
DECISION

Introduction

A 15 second advertisement accompanied by the sounds of a duck quacking, a gun firing and a glass filling, portrayed script moving across the screen until the phrase "Let's Duck around to the puB" was shown. The letters DB were capitalised and then formed the DB logo.

Mrs Clark of the Mid-Canterbury Community Council on Alcohol and other Drugs Inc. complained to TV3 Network Services Ltd that the advertisement breached the standards applicable to liquor advertising as alcohol consumption was clearly associated with guns and the sport of duck shooting.

Explaining that the advertisement showed no "real life" or "real life" associated activities and that its broadcast did not correspond with the duck shooting season, TV3 declined to uphold the complaint. Dissatisfied with that decision, Mrs Clark on the Council's behalf referred the complaint to the Broadcasting Standards Authority under s.8(1)(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 practice, the Authority has determined the complaint without a formal hearing.

On behalf of the Mid-Canterbury Community Council on Alcohol and other Drugs Inc., Mrs Chris Clark complained to TV3 about a DB beer advertisement which, she said, clearly associated alcohol consumption with the use of guns and the sport of duck shooting.

TV3 assessed the complaint under standard 7 of the Code for Advertising Alcoholic Beverages which states in part:

7. There shall be no direct association between the consumption of liquor and the operation of a motor vehicle, boat or aeroplane, or engagement in swimming, water sports or other potentially hazardous activity. Any consumption shall clearly be after the relevant activity and involve only safe practice.

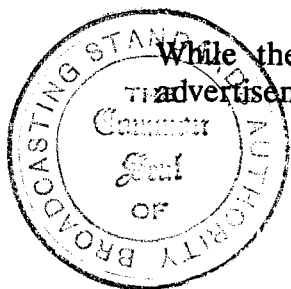
The commercial, TV3 reported, took the form of a moving written script in which the letters finally formed the message "Lets Duck around to the PuB". The capitalised letters then formed the DB logo and the advertisement was accompanied by the sound effects of a gun firing, a duck quacking and a glass being filled.

Declining to uphold the complaint, TV3 said that care had been taken to ensure that the standard was not breached. Rather than associate DB with the duck shooting, TV3 continued, the commercial had shown no "real life" images of duck shooting or any other activity. Instead, a video or arcade game approach had been adopted. Furthermore, TV3 added, the advertisement was shown some two months before the duck shooting season began.

In response to TV3's final point, Mrs Clark maintained that although the complaint referred to a broadcast of the commercial some time before the shooting season began, it had been played right up to the opening of the season.

When considering the complaint, the Authority focussed on the phrase in standard 7 that there shall be "no direct association" between the consumption of liquor and a potentially hazardous activity. Without question, the Authority agreed with the complainant that duck shooting was such an activity. The Authority also accepted that the commercial contained an aural suggestion that liquor consumption was being associated with duck shooting. Although it could be argued that some visual association also occurred in the phrase "Lets Duck around to the puB", the Authority acknowledged TV3's point that the commercial involved a play-on-words rather than an explicit reference to "real life" activity.

While the Authority accepted that a combination of the various elements in the advertisement gave rise to an indirect association between liquor consumption and a



potentially hazardous activity, it was not prepared to accept that the disparate elements in the advertisement came together sufficiently to breach the prohibition on a "direct" association. Although not an aspect of the complaint to the broadcaster, the Authority also considered the complainant's allegation that the advertisement was broadcast until the beginning of the duck shooting season. This was a matter of concern particularly when TV3 had used the fact that the duck shooting season was still some two months away as one of the arguments against upholding the complaint. However, the Authority decided that such broadcasts, although increasingly marginal, did not contravene the standard.

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

Signed for and on behalf of the Authority



Iain Gallaway  
Chairperson



2 September 1993

Appendix

Mid-Canterbury Community Council on Alcohol and other Drugs Inc.'s Complaint to TV3 Network Services Limited

In a letter to TV3 Network Services Ltd, Mrs Chris Clark of the Mid-Canterbury Community Council on Alcohol and other Drugs Inc. based in Ashburton complained about a DB advertisement broadcast at about 9.20pm Sunday 7 March 1993. She wrote:

The advertisement clearly associated alcohol consumption with the use of guns and the sport of duck shooting.

Referring to the advertising standard which prohibits a direct association between the consumption of alcohol and a potentially hazardous activity, she stated that the association of alcohol with a gun was extremely dangerous.

TV3's Response to the Formal Complaint

TV3 advised Mrs Clark of the Community Council of its Complaints Committee's decision in a letter dated 8 June 1993 and advised that the complaint had been assessed under the standard prohibiting a direct association between the consumption of liquor and a potentially hazardous activity.

Reporting that the advertisement took the form of a moving written script in which certain letters were targeted by a simulated telescopic sight, TV3 said the letters finally formed the message "Lets Duck around to the puB". The capitalised letters then formed the DB logo and the advertisement was accompanied by the sound effects of a gun firing, a duck quacking and a glass being filled.

Should the advertiser have wished to associate its product with duck shooting, TV3 explained, it could have done so graphically. However, care had been taken not to breach the standards. TV3 continued:

In this instance it was obvious that the advertiser had been at pains to show no "real life" images of duck shooting (or "real life" associated activities). It was also noted that the duck shooting season was still some two months away and therefore the association with that activity could be described as tenuous using chronological parameters. Further, it could easily also be held that the advertiser had adopted a video or arcade game approach.

Consequently, TV3 concluded, duck shooting was sufficiently distanced from alcohol consumption not to breach the standard.



**The Council's Complaint to the Broadcasting Standards Authority**

Dissatisfied with TV3's response, in a letter dated 21 June 1993 Mrs Clark on the Council's behalf referred the complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Describing TV3's explanation that no "real life images" were shown as irrelevant, Mrs Clark maintained that the advertisement associated duck shooting, guns and the advertiser's product. Furthermore, she wrote, the advertisement had been played until the beginning of the duck shooting season.

**TV3's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 24 June and TV3, in its reply dated 8 July 1993, stated that it did not wish to comment further.

