

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 31/93
Dated the 1st day of April 1993

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

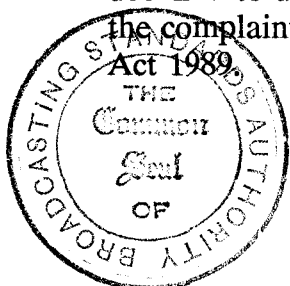
DECISION

Introduction

"New Zealand beer - naturally its the best" was a phrase used in an advertisement for Lion Red beer broadcast on Channel Two at about 10.05pm on 28 October 1992. The advertisement also mentioned the "wholesome" ingredients such as "superb golden barley", "hops" and "the quality of our water". A man scything barley was depicted at the beginning and the end of the commercial.

The Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to Television New Zealand Ltd that the various references to the "natural" process and ingredients, and the depiction of a muscular man scything, implied that beer was a health giving product. Accordingly, the advertisement breached standard 1 of the Code of Advertising Alcoholic Beverages which prohibits any unsustainable innuendo in any liquor advertisement that the product contains some special quality.

Denying that the advertisement suggested that beer was a health-giving product, TVNZ declined to uphold the complaint. Dissatisfied with TVNZ's decision, GOAL referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting



Decision

The members of the Authority have viewed the item 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.

Mr Cliff Turner, as Secretary of the Group Opposed to Advertising of Liquor, complained to TVNZ about an advertisement for Lion Red beer which, he said, implied that beer contained health giving qualities. He wrote:

The bronzed, muscular body of the man wielding the scythe and the references to "natural process", "goodness of grain", "great natural advantages", "superb golden barley", "purity of water" all contribute to this implication.

Stressing the word "innuendo", he maintained that the advertisement breached standard 1 of the Code for Advertising Alcoholic Beverages which reads:

1. Advertising shall not by use of illustration or copy, directly or by innuendo, contain any description, claim or comparison which is misleading about the product advertised, or about any other product, or suggest some special quality or property which cannot be sustained.

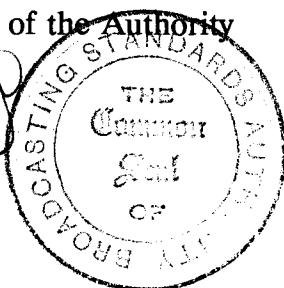
In response to the complaint, TVNZ said that the advertiser had chosen, as the person to portray the physical labourer, someone who was neither slight nor possessed of a body-builder physique. The advertisement's other references, it continued, were accurate descriptions of the ingredients of beer and the brewing process and, it argued, the advertisement was neither misleading nor did it contain any innuendo that beer had special health-giving qualities.

The Authority examined the advertisement to see whether it contained in fact the innuendo that the beer featured had health giving qualities. The Authority noted that the advertisement focused on wholesome ingredients which, when brewed in a natural process, resulted in a beer claimed to have good characteristics. The Authority agreed with Mr Turner that the qualities of the ingredients and the process were emphasised. They were emphasised, the Authority decided, in order to refer to the quality of the beer. In agreement with TVNZ, the Authority concluded that the advertisement, although stressing the quality of the beer, had not contained an innuendo about any health giving qualities of the beer. Furthermore, the Authority agreed with TVNZ that the advertisement had referred to the special qualities of the beer being advertised when compared, not with other beverages but with other beers.

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

Signed for and on behalf of the Authority

Iain Gallaway
Iain Gallaway
Chairperson



1 April 1993

Appendix

GOAL's Complaint to Television New Zealand Limited

In a letter dated 29 October 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 Lion Red beer broadcast by Channel Two at 10.05pm on 28 October 1992.

He argued that the advertisement implied that beer was a health giving product. That implication was contained in the words such as "natural process", "goodness of grain", "great natural advantages", "superb golden barley" and "purity of water". The depiction of a muscular man wielding a scythe and the extolment of beer in general also contributed to the implication.

Accordingly, GOAL argued, the advertisement breached standard 1 of the Code for Advertising Alcoholic Beverages in that it contained an unsustainable innuendo that beer had some special health giving property.

TVNZ's Response to the Formal Complaint

TVNZ advised GOAL of its Complaints Committee's decision in a letter dated 17 December 1992.

Dealing with some specific aspects of the complaint, TVNZ said it would have been foolish to have used a slight character to represent grain harvesting but care had been used in selecting a person who had an appropriate but not excessively muscular physique. The reference to the "natural process" accurately described the brewing process and the other adjectives were also accurate.

TVNZ concluded:

The Committee was unable to conclude that a descriptive advertisement such as this was misleading in any way, or that it contained any implication or innuendo that the end product had some special health-giving property.

It was advertising beer certainly - but by explaining why its beer might be better beer than somebody else's rather than suggesting that beer in itself had any health benefits.

Accordingly, your complaint was not upheld.



GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TVNZ's decision, in a letter dated 18 December 1992, Mr Turner on GOAL's behalf referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989. He maintained that TVNZ had given insufficient attention to the "innuendo" contained in the advertisement.

TVNZ's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 22 December 1992 and TVNZ's reply, 5 February 1993.

TVNZ said that the advertisement listed the "natural" ingredients of beer and suggested that beer brewed in New Zealand could be considered better than beer brewed elsewhere. The ingredients noted and the process undertaken were accurately described. It stated:

The comparison was between Lion Red (the beer being advertised) and other beer. It did not compare beer with other beverages and conclude that beer had special properties.

GOAL's Final Comment to the Authority

When asked to comment on TVNZ's reply, in a letter dated 10 February 1993 Mr Turner on GOAL's behalf stated it might well be the case that the ingredients listed and the process described were accurately described. But the standard referred to an "innuendo" and accuracy

does not mean that it is free from innuendo about the properties of beer.

