

Alcohol Advertising Review Board

Determination Report

Reference number: 235/13
Product: Smirnoff Double Black Vodka
Advertiser: Diageo Australia

The complaint is **upheld in part**.

7 January 2014

This determination by the Alcohol Advertising Review Board Panel ("the Panel") concerns an advertisement for Smirnoff Double Black Vodka by Diageo Australia which was the subject of a complaint received on 4 December 2013.

The Advertisement

The advertisement was seen on the side of several buses in lower North Shore Sydney, NSW. The advertisement featured a barren landscape at night, with city lights in the distance. A building in the middle of the countryside has beams of light pointing into the sky. On the left of the advertisement are four streaks of light, with silhouettes of people inside the light diving towards the ground. A bottle of Smirnoff Double Black is on the right, with the text "ARRIVE BOLDLY" along the bottom of the advertisement.

The Complaint

The complainant believes the advertisement contravenes the Code. The complainant stated:

"I object to this advertisement and I believe it is purposely going out to encourage "pre-loading" by younger drinkers.

By using the words "Arrive Boldly" I believe it is encouraging drinkers to consume their product before going out so they can arrive at parties or nightclubs in an elevated state.

Moreover, I believe that they are making assertions or correlations with youth culture via the references to Star Trek (specifically, the first Star Trek movie directed by JJ Abrams) through the use of the word "Boldly" and the image of a small group of people in some form of spacesuit and apparently entering the atmosphere. The word "Boldly" has for generations featured prominently in the Star Trek franchise and the image of a group of people entering an atmosphere very similar to a scene in the first JJ Abrams Star Trek film and would resonate with younger audiences in particular.

Specifically, I believe that this advertisement breaches the following provisions of the code;

I believe the imagery of the people flying with the use of the word "Boldly" misleadingly suggests a connection with the Star Trek franchise, and in doing the ad breaches Code 3 (a)ii as

it is ostensibly in breach sections 52 and 53 of the Trade Practices Act respectively for false and misleading conduct and/or claiming a sponsorship or association that is not exist.

Directly flowing on from this assertion, the ad is therefore also in breach of Code 3 (b).

I believe that by actively promoting consumption of this product prior to arrival at a venue, as is specifically depicted in this advertisement, it is specifically promoting "pre-loading" and in that regard the ad is in breach of Code 3(d), (e) and (f), insofar as pre-loading is widely acknowledged as an unhealthy and unsafe practice, as well as being contrary to the prevailing community standards.

The connection being sought to be made by this ad with the Star Trek franchise, and in particular with regards to the most recent incarnation of the franchise, is specifically targeted at a youth audience and in that regard the ad also breaches Code 4 (a).

The ad seeks to promote drinking before arrival at an event or party, and in that regard would be in breach of Code 4 (B) generally, and in particular, subsection (iv) of that Code to the suggestion that if you are not "arriving boldly" you are arriving timidly.

Overwhelmingly, this ad is in clear breach of Code 4 (C) by clearly depicting a message that, by consuming this product, you will enjoy increased confidence or "boldness". Again, this association also places the ad in breach of Code 4(E) by linking the product with "daring".

Finally, I note that this advertisement was placed on a number of public buses in Sydney and is therefore in breach of the Placement Code 7.

Running my family business in the liquor industry, I am embarrassed the ads like this are allowed to be published."

The Code

The advertisement was reviewed against the Code, and in particular:

Section (3)(a)(ii) of the Content Code:

- 3. General provisions:
 - a. Compliance
 - ii. Alcohol Advertisements shall comply with the Commonwealth law and the law of the relevant State or Territory.

Section (3)(b) of the Content Code:

- 3. General provisions:
 - b. Accuracy and truth:
 - i. Alcohol Advertisements must not contain inaccurate Claims, statements, illustrations or representations, either direct or implied, about a Product.
 - ii. The accuracy and/or truth of an Alcohol Advertisement will be determined by the overall general impression it conveys.

Section (3)(d) of the Content Code:

- 3. General provisions:
 - d. Safety

Alcohol Advertisements must not depict situations that might reasonably be interpreted as encouraging unsafe or dangerous practices or acts.

Section (3)(e) of the Content Code:

3. General provisions:

e. Health

Alcohol Advertisements must not depict material contrary to Prevailing Community Standards on health and safety.

Section (3)(f) of the Content Code:

3. General provisions:

f. Community Standards

Alcohol Advertisements shall not display obvious indifference to, or encourage, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.

Section (4)(a)(i)(1) of the Content Code:

4. Alcohol-specific provisions:

a. Young people

i. Alcohol Advertisements shall not:

1. be directed at, or have a strong or evident appeal to, Young People;

Section (4)(b)(iv) of the Content Code:

4. Alcohol-specific provisions:

b. Consumption

- iv. Alcohol Advertisements must not suggest that refusal of alcohol is a sign of weakness.

Section (4)(c)(i) of the Content Code:

4. Alcohol-specific provisions:

c. Change in mood and/or success

- i. Alcohol Advertisements must not imply that the presence or consumption of alcohol is in any way essential to the enjoyment of an activity or an event, or that it is essential to the success of a social occasion.

Section (4)(e) of the Content Code:

4. Alcohol-specific provisions:

e. Alcohol and behaviour

Alcohol Advertisements must not link alcohol with daring, toughness, aggression, or unruly, irresponsible or antisocial behaviour.

Alcohol Advertisements shall not attempt to establish the Product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems,

or attempt to establish that consumption of Product should take precedence over other activities.

Section (7) of the Placement Code:

7. Transport advertising

No Alcohol Advertisements shall be placed on any means of public transport.

No Alcohol Advertisements shall be placed at any train, tram, bus or ferry stops.

The Advertiser's Comments

The Advertiser was contacted for comment on 5 December 2013. A response was received on 9 December 2013 and passed on to the Review Panel for consideration. The Advertiser declined to participate in the AARB process, noting that it is a signatory to and participates in the Alcohol Beverages Advertising Scheme (ABAC).

Panel's determination

The complaint was referred to three Panel members for review. The Panel determined:

1. The Panel did not believe they were in a position to accurately determine whether the advertisement contravened section (3)(a)(ii) of the Content Code, without having a full knowledge of the law on misleading and/or deceptive conduct.
2. The advertisement contravened section (3)(b) of the Content Code, on the basis that the majority of the Panel believed the advertisement implied inaccurate representations of the product. One Panel member commented that the implicit reference to Star Trek was not strong enough to be considered a breach of the Code, as the word 'boldly' is a word in common usage rather than specific to Star Trek. However, another Panel member believed that the advertisement conveyed the message that if you drink the product you will be daring and skilled, and noted that given that excessive consumption of alcohol impairs judgement and co-ordination, this is an inaccurate representation.
3. The advertisement contravened section (3)(d) of the Content Code, on the basis that the majority of the Panel believed the advertisement depicted a situation that might reasonably be interpreted as encouraging unsafe or dangerous practices or acts. One Panel member commented that the advertisement did not convey a 'real life scenario' [skydiving through streaks of light], but noted that it was concerning that the advertisement linked a daring 'entrance' to the consumption of Smirnoff Double Black Vodka. Another Panel member commented that the advertisement does seem to encourage drinking alcohol before arriving at a social event.
4. The advertisement did not contravene section (3)(e) of the Content Code, on the basis that the majority of the Panel did not believe the advertisement depicted material contrary to prevailing community standards on health and safety. While the Panel noted that the advertisement appears to encourage consumption of alcohol before going to an event ("pre-loading"), a Panel member commented that they did not believe there is a prevailing community standard against drinking alcohol before arriving at an event.

5. The advertisement did not contravene section (3)(f) of the Content Code, on the basis that the Panel did not believe the advertisement displayed indifference to, or encourage, conduct that offend the standards of public decency prevailing among a significant segment of the population, as they did not believe there is a prevailing community standard against drinking alcohol before arriving at an event.
6. The advertisement contravened section (4)(a)(i)(1) of the Content Code, on the basis that the Panel believed the advertisement was directed at and would have strong appeal to young people, through the actors making 'bold' entrances to a party, the associations with space travel, and the suggestion of drinking alcohol before an event.
7. The advertisement did not contravene section (4)(b)(iv) of the Content Code, on the basis that the majority of the Panel did not believe the advertisement suggested that refusal of alcohol is a sign of weakness. One Panel member commented that the "Arrive Boldly" tagline implies that to do otherwise is to be weak or ordinary. However, another Panel noted that while perhaps there is an implication that it is better to arrive 'boldly' than to arrive sober, they did not see this as a suggestion that refusing alcohol is a sign of weakness.
8. The advertisement contravened section (4)(c)(i) of the Content Code, on the basis that the majority of the Panel believed the advertisement implied that the presence or consumption of alcohol is essential to the enjoyment or success of a social occasion or activity.
9. The advertisement contravened section (4)(e) of the Content Code, on the basis that the Panel believed the use of the word 'boldly', the suggestion of drinking before an event, and the depiction of the flying characters suggests that alcohol is associated with daring behaviour. A Panel member noted that when speaking about the campaign, the marketing director of Diageo was quoted as saying:

"Our campaign communicates the feeling consumers get when they make a bold arrival, and ultimately shows how they can be confident, break free from judgement and step up with Smirnoff Double Black."¹
10. The advertisement contravened section (7) of the Placement Code, on the basis that the advertisement was placed on the side of a bus.

The complaint is **upheld in part**.

Further action

The Alcohol Advertising Review Board requests the advertisement be withdrawn immediately. The Alcohol Advertising Review Board notes that this is the second determination in relation to the Smirnoff Double Black Vodka "Arrive Boldly" campaign (ref 226/13).

¹ AdNews, 25 October 2013. Arrive Boldly. Available from: <http://www.adnews.com.au/campaign/arrive-boldly>