

**Alcohol Advertising Review Board**

**Determination Report**

**Reference number:** 791/19  
**Product:** The Bavarian  
**Advertiser:** Rockpool Dining Group

The complaint is **upheld**.

**19 August 2019**

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for The Bavarian by Rockpool Dining Group which was the subject of a complaint received on 2 July 2019.

**The Advertisement**

The advertisement was seen on a bus used for a school route in Willoughby, NSW, on 20 June 2019.

The advertisement featured an image of several food and drink items on a yellow background. Text in the middle of the advertisement stated “Royal Snack Hour” and “Every day 4 – 6pm”. On the left of the text was a logo for The Bavarian. On the right of the text was a red circle with white text stating “Free PREMIUM SNACKS”. Above the text was two glasses of beer. Along the bottom of the advertisement in small font were the locations of The Bavarian.

**The Complaint**

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

“The Bavarian

Bus advertisement

Willoughby, Sydney, 20/06/19

Visual = 2 steins of beer + snacks. 'Royal Snack Hour. Everyday 4-6pm. Free premium snacks'

Placement code - 6. Outdoor and 7. Transport advertising (it's outside a school, and on a designated school bus).

This ad was on a designated school bus for a public primary school. It's inappropriate to advertise a deal that involves buying a beer and receive 'free snacks' in return on a school bus.

The 'snacks' are also discretionary foods therefore shouldn't be on a school bus.”

**The Code**

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

Section (6) of the Placement Code:

## 6. Outdoor

Alcohol Advertisements are not permitted within 500m of schools.

This provision does not apply to Alcohol Advertisements that are on premises licensed to sell Alcoholic Beverages.

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 9 July 2019. No response was received.

## **Panel's determination**

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

1. The advertisement contravened sections (6) and (7) of the Placement Code, on the basis that the advertisement was for a licensed premise and was placed on a bus that would travel in close proximity to schools. Several Panel members commented that while the text does not mention alcohol, the image of glasses of beer and the 'snack hour' that coincides with the timing that an alcohol venue would usually time a 'happy hour' do appear to promote alcohol consumption.

The complaint is **upheld**.

## **Further action**

The Alcohol Advertising Review Board requests the Advertiser cease using public transport-related locations to advertise their products due to likely exposure of young people.