

Alcohol Advertising Review Board

Determination Report

Reference number: 803/19
Product: Jimmy Brings
Advertiser: Endeavour Drinks Group

The complaint is **upheld**.

17 October 2019

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Jimmy Brings by Endeavour Drinks Group which was the subject of a complaint received on 16 September 2019.

The Advertisement

The advertisement was in the form of a flyer seen outside 140 William Street in Perth CBD, WA, on 13 September 2019.

The advertisement featured the word “MISSING” in large text across the top. Below was an image of an esky. Below the image was the text:

“... BEER IN THE ESKY @ PARTY
Did everyone *conveniently* forget to BYO to your party?
Wine, Beer and Spirits to your place in 30 minutes or less.
JIMMY BRINGS”

Below the Jimmy Brings logo were Google Play and App Store logos. In small font across the bottom was the text:

“THIS IS A FICTIONAL POSTER, NOT REAL.
IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR OBTAIN ALCOHOL ON BEHALF OF
A PERSON UNDER THE AGE OF 18. ALL CUSTOMERS MUST HAVE VALID ID. WE WILL NOT SERVE
INTOXICATED PERSONS.”

The bottom of the flyer was cut into strips that were able to be torn off. On the strips was a Jimmy Brings logo, with the text “\$10 DISCOUNT USE CODE: MISSINGBEER”.

The Complaint

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

“JIMMY BRINGS AUSTRALIA PTY LIMITED T/As Jimmy Brings, ABN 54 606 103 557; a division of
Woolworths Group Limited, ABN 88 000 014 675
Flyer stuck to buildings, poles, and other architectural fixtures
13 SEP 2019, outside 140 William St, Perth WA 6000

Please see the attachment to this submission for a photograph of one version of the flyer seen. 4.(c)(i) of the code requires that “ 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 event”. The flyer in question, and other versions of it seem, would suggest that the party or event might not be as enjoyable without the presence of alcohol or alcoholic beverages. It also included a tear off slip with a discount code for the use of the service. Several different advertisements, of varying text, but similar messages, were stuck en masse to polls and other fixtures along and in the vicinity of the William St location where the attached sample was photographed.”

The Code

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

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 (1)(i) of the Placement Code:

1. Placement: General

Alcohol Advertisements should not be placed:

- (i) in places or at broadcast times where Young People are exposed or are likely to be exposed;

The Advertiser’s Comments

The Advertiser was contacted for comment on 20 September 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 section (4)(c)(i) of the Content Code, on the basis that the majority of the Panel believed that the advertisement suggests that those that haven’t brought alcohol to a party are still there to drink alcohol (despite not having brought any alcohol), and that it is essential that ‘everyone’ at the party has access to alcohol in order to enjoy it.
2. The advertisement contravened section (1)(i) of the Placement Code, on the basis that the majority of the Panel believed the advertisement was placed where young people were likely to be exposed. While one Panel member did not believe it was possible to conclude that the placement would be seen by a lot of young people, another Panel member commented that 140 William St is a busy intersection and a major public transport access point, which is highly likely to be frequented by young people, including school children.

The complaint is **upheld**.

Further action

The Alcohol Advertising Review Board requests the Advertiser cease or modify the promotion in line with the Panel's concerns, and cease the placement of alcohol advertisements in locations where young people are likely to be exposed.