

Alcohol Advertising Review Board

Determination Report

Reference number: 775/19
Product: Jack Daniel's chocolate
Advertiser: Brown-Forman Australia

The complaint is **upheld in part**.

21 May 2019

This determination by the Alcohol Advertising Review Board Panel ("the Panel") concerns an advertisement for Jack Daniel's chocolate by Brown-Forman Australia which was the subject of a complaint received on 16 April 2019.

The Advertisement

The complaint was in relation to Jack Daniel's chocolate seen in the confectionery aisle at IGA on Main Street in Osborne Park, WA on 16 April 2019.

The packaging of the block of chocolate is black with a large Jack Daniel's Tennessee Whiskey logo in white in the middle. A Goldkenn logo is above it. Across the top of the chocolate is the text "SWISS CHOCOLATE LIQUOR".

The Complaint

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

"Jack Daniels Chocolate alongside Remy Martin fine champagne Chocolate

Eye level in a confectionery isle + product packaging

16/4/19 - 12pm - IGA Osborne Park Main street

This chocolate is placed at eye view in the confectionery aisle... an aisle which children are likely to take notice to.

As a [identifying information removed] it is so disappointing to see the local IGA having alcohol related chocolate sitting in such a viewable position to the general public, but more importantly, children.

The influence that this product placement and packaging can have on decision making is quite significant. It also exposes youth to believe that "Jack Daniels and Remy Champagne" are like confectionery and the negative association to the alcohol product are reduced.

Before children/youth become a legal age to drink, they will already be able to identify this label and associate it with a "treat" which can have a range of negative impacts on health during someone's life-cycle."

The Remy Martin Cognac chocolate was reviewed in determination report 776/19.

The Code

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

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 (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 17 April 2019. The advertiser responded on 24 April 2019 with the following:

“In the meantime our global licensing group is in the process of contacting Goldkenn. These types of products are not intended for grocery store aisles and this is a noted stipulation in the contract we enforce.

Typically, these types of products would be found in duty free shops or other specialty stores away from a younger audience.”

On Monday 29 April 2019, the Advertiser followed up with:

“Our licensee, Goldkenn, and their distributor has informed us that the JD chocolate has been removed from this store—and any others like it.

Instructions to his staff regarding removal of all the JD bars in these stores has been communicated. Can you let me know if you hear/see otherwise, please?”

Panel's determination

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

1. The advertisement did not contravene section (4)(a)(i)(1) of the Content Code, on the basis that the majority of the Panel did not believe that the advertisement would have strong or evident appeal to young people.
2. The advertisement contravened section (1)(i) of the Placement Code, on the basis that the product was placed in the confectionary aisle at the local supermarket, next to other popular chocolate items. The Panel believed young people would be exposed to the product.

The complaint is **upheld in part**.

Further action

The Alcohol Advertising Review Board acknowledges and commends the Advertiser for their prompt response to the complainant's concerns.