

**Alcohol Advertising Review Board**

**Determination Report**

**Reference number:** 781/19  
**Product:** Jägermeister  
**Advertiser:** Brown-Forman Australia

The complaint is **upheld in part**.

**17 June 2019**

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Jägermeister by Brown-Forman Australia which was the subject of a complaint received on 15 May 2019.

**The Advertisement**

The complaint was in relation to posts on the Jägermeister Facebook page. The following images were provided by the complainant:

- A post by Jägermeister on 11 February 2019 featuring an image of the chests of two men and a woman. They are all holding shots of Jägermeister. The caption of the post stated “If you want to blend into the crowd, go somewhere else. #jägermeister #icecold #shot #cheers #jagermeister #jager #jäger #bottle #germany #berlin #crew #vibes #dark #fun #urban #streetwear #onthestreet”
- A post by Jägermeister on 25 March 2019 featuring an image of a photo booth covered in stickers. In the photo booth was a young woman sitting on the laps of two men. They were smiling and looking ahead. The caption of the post stated “Sometimes, it's more fun to do things the old fashioned way. Like making Jagermeister. #jägermeister #icecold #shot #jagermeister #jager #jäger #bottle #germany #berlin #crew #vibes #dark #fun #urban #streetwear #onthestreet”
- A post by Jägermeister on 13 May 2019 featuring an image of three young women. The women were smiling and dancing and holding small bottles of Jägermeister. The caption of the post stated “Night falls, spirits rise. #jägermeister #icecold #shot #jagermeister #jager #jäger #bottle #germany #berlin #crew #vibes #dark #fun #urban #streetwear #onthestreet”

**The Complaint**

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

“Photos showing young people having fun with the product. Photos have young women in particular in provocative poses, ie shots of product shown in front of chests and photos of legs of a woman sitting on the bar. I didn’t get a screenshot of the actual ad I saw, but it said it was

suggested to me because I am 18-34 and like 'Food and Drink'. I have screenshots of other similar photos from their Facebook page with the same models  
I believe the ad is using sex appeal to sell alcohol. I believe it is being specifically targeted to me as a young man  
Also for context, I'm not suggesting the images are inappropriate sexually. Rather they are using the suggestion as a tool to sell alcohol, especially as the ad is targeted specifically to me (ie young man), and I've always believed alcohol can't be advertised in this way."

### **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 (4)(d) of the Content Code:

4. Alcohol-specific provisions:

d. Alcohol and sex

Alcohol Advertisements shall not be sexually provocative or suggestive or suggest any link between liquor and sexual attraction or performance.

### **The Advertiser's Comments**

The Advertiser was contacted for comment on 21 May 2019. The following response was received on 23 May 2019 and passed on to the Panel for consideration:

"We have received your correspondence advising that a complaint has been lodged in respect of posts on the Jagermeister Facebook page.

Brown-Forman is a signatory and participant in the Alcohol Beverage Advertising Code (ABAC) scheme, which is the centrepiece of Australia's quasi-regulatory system and is administered by a Management Committee which includes industry, advertising and government representatives. We remain assured the ABAC is the proper and acknowledged forum to receive and vet consumer complaints. Therefore, we decline to participate in the AARB assessment process, but do invite the complainant to lodge the complaint with ABAC in order that it may be considered in accordance with the Code.

Brown-Forman has a well acknowledged and demonstrated record of promoting alcohol responsibly and we take all interest and inquiries seriously. Thank you."

### **Panel's determination**

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

1. The advertisement contravened section (4)(a)(i)(1) of the Content Code, on the basis that the images would have strong appeal to young people. A Panel member commented that the images portray young people consuming the product and having fun in situations that many young people will readily recognise and identify with.
2. The advertisement did not contravene section (4)(d) of the Content Code, on the basis that the Panel did not believe the images were sexually provocative or suggestive, or suggested a link between liquor and sexual attraction.

In addition, several Panel members commented that some of the women portrayed in the images appear to be under the age of 25.

The complaint is **upheld in part**.

#### **Further action**

The Alcohol Advertising Review Board requests the Advertiser remove the Facebook posts in line with the Panel's concerns, and take this determination into account in relation to future advertising.