

8 April 2014

Ms Fiona Jolly  
CEO  
Advertising Standards Bureau  
Level 2  
97 Northbourne Avenue  
TURNER ACT 2612

Dear Ms Jolly,

**Re: Alcohol Beverages Advertising Code Scheme television advertisement**

We write in relation to the recently released Alcohol Beverages Advertising Code Scheme (ABAC) television advertisement, available to view at <http://www.abac.org.au/publications/media/>. We believe the advertisement breaches provision 1.2 of the Australian Association of National Advertisers (AANA) Code of Ethics. The McCusker Centre for Action on Alcohol and Youth gives permission to be named as the complainant.

**Section 1.2: AANA Code of Ethics**

Section 1.2 of the AANA Code of Ethics states: *“Advertising or Marketing Communications shall not be misleading or deceptive or be likely to mislead or deceive.”* We believe the advertisement breaches this provision as it implies that all alcohol advertisements on television are pre-vetted against the ABAC Code and are covered by the ABAC Scheme. The voice in the advertisement states, *“The alcohol ads you see here on TV, good or bad, go through a rigorous process...”*

We note the relevant section of the ABAC Rules and Procedures in regard to the Alcohol Advertising Pre-Vetting Service:

*“For beer producers all advertisements for alcohol beverages (excluding internet and point of sale advertisements and promotion of alcohol at events) should be pre-vetted against the ABAC Code and may be pre-vetted against the AANA Code of Ethics. For spirits producers all advertisements for alcohol beverages (excluding internet and point of sale advertisements and promotion of alcohol at events) should be pre-vetted against the ABAC Code and the AANA Code of Ethics. For wine producers all television,*

*cinema and outdoor advertising should be pre-vetted against the ABAC Code and the AANA Code of Ethics. For all producers pre-vetting of naming and packaging is optional.”<sup>1</sup>*

The ABAC Rules and Procedures specifically state that promotion of alcohol at events, including sporting events, are not required to be pre-vetted. Alcohol advertisements in the form of sponsorship of major sporting events, including AFL, cricket, NRL, and motor racing, are broadcast on television regularly. Further to this, ABAC is a voluntary scheme and advertisements produced by non-signatories may not be pre-vetted. It is therefore misleading and incorrect to imply that all alcohol advertisements on television go through “*a rigorous process*”.

The media release from ABAC which announced the television advertisement provides similar misleading information. The media release stated, “*The alcohol industry is required to submit its TV advertising for ABAC pre-vetting to assess that messages and images comply prior to broadcast – unlike any other type of TV advertisement in Australia*” and describes ABAC as “*a government/industry group*”.<sup>2</sup> The three Directors of the ABAC Scheme represent the Distilled Spirits Industry Council of Australia, the Brewers Association of Australia and New Zealand and the Winemakers’ Federation of Australia. The same industry representatives sit on the Management Committee alongside one representative from the Communications Council and one government representative. The ABAC scheme was established by and is formally overseen by the alcohol industry. We believe the representation of ABAC as “*a government/industry group*” is misleading.

### **Action**

Given the misleading information within and associated with the ABAC television advertisement, we believe it should be withdrawn immediately.

Yours sincerely,

Professor Mike Daube AO  
Director, McCusker Centre for Action on Alcohol and Youth

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<sup>1</sup> Available from <http://www.abac.org.au/wp-content/uploads/2013/06/ABAC-Rules-and-Procedures-5-12-12.pdf>

<sup>2</sup> Available from <http://www.abac.org.au/wp-content/uploads/2014/03/ABAC-Media-Release-27-March-2014-Launch-of-Awareness-Campaign.pdf>