

<b>COMPLAINT NUMBER</b>	18/125
<b>COMPLAINANT</b>	V. Stead
<b>ADVERTISER</b>	Beam Suntory
<b>ADVERTISEMENT</b>	Beam Suntory, Jim Beam
<b>DATE OF MEETING</b>	8 May 2018
<b>OUTCOME</b>	Not Upheld

### **SUMMARY**

The television advertisement for Jim Beam shows a woman entering a busy bar where the bartender places a Jim Beam branded coaster in front of her. Actress and Jim Beam brand ambassador, Mila Kunis, appears next to the woman and says: "It's not just a coaster you know. It's an invitation. The woman then orders a Jim Beam on the rocks. The drink is served in a tumbler style glass with a large ice cube.

The Complainant was concerned about the amount of bourbon shown in the glass and that the woman appeared to choose to drink alone.

The Advertiser said a large ice cube had displaced the bourbon in the glass giving the appearance of a larger serving and noted the woman ordered a single drink from a licensed premise which was filled with other people.

The Complaints Board noted the explanation from the Advertiser regarding the ice cube displacing the liquid in the glass and, taking into account the actions of the woman in the advertisement, said the advertisement did not encourage immoderate or irresponsible drinking. The Complaints Board said the advertisement was not in breach of Principles 1 or 2 or Guideline 2(b) of the Code for Advertising and Promotion of the Alcohol.

The Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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### **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the advertisement with reference to Principle 1, Principle 2 and Guideline 2(b) of the Code for Advertising and Promotion of Alcohol. Principle 1 required the Complaints Board to consider whether the advertisement observed a high standard of social responsibility. Principle 2 required alcohol advertising and promotions are consistent with the need for responsibility and moderation in alcohol and Guideline 2(b) required alcohol advertising and promotions shall not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.

**The Complaints Board ruled the complaint was Not Upheld.****Complaint from V. Stead**

The Complainant was concerned about the “amount of undiluted bourbon poured into the tumbler style glass.” The Complainant said the amount depicted was “approximately 6 standard drinks” and “it is irresponsible that a lone female should be drinking that amount.”

The Complainant also raised concerns the advertisement inferred “alcohol is the preferable company, in preference to a famous person, Mila Kunis. The space between the two women exaggerates the solo drinking activity.”

**Response from Advertiser, Beam Suntory**

The Advertiser responded to the Complainant’s concern the advertisement encouraged excessive and irresponsible consumption of alcohol.

The Advertiser said, in part: “The glass that the Jim Beam bourbon is poured into is small ‘rocks glass’ that contains a very large ice cube, in line with presentation standard for a straight whiskey or single malt that is poured ‘on the rocks’. As can be evidenced in the TVC, the large cube of ice is approximately half the height of the full glass, therefore the volume left in the glass for a legal pour means that the liquid raises higher in the glass than if there were no ice present... The pour is reflective of New Zealand standard practise for a straight whiskey/ single malt being poured over a large ice cube into a small ‘rocks glass’. As highlighted previously, the female talent or ‘Mila Kunis’ does not take an actual sip of bourbon during the commercial, so does not ‘feature, imply, condone or encourage irresponsible or immoderate drinking’.”

The Advertiser also said the woman in the advertisement appeared in an “an up market, premium cocktail bar that is moderately busy. The opening frame of the TVC shows no less than nine patrons in the bar, and at no point is she encouraged to drink alone or take an excessive drink.”

**Response from Media, Commercial Approvals Bureau**

The Commercial Approvals Bureau responded on behalf of the media, stating, in part: “CAB approved this Jim Beam on 20/03/18 with an ‘L830’ alcohol classification. An L830 classification means the commercial can only play after 8:30pm. A complainant believes this commercial shows immoderate drinking behaviours based on the serve poured. What may have escaped notice is that a ‘bourbon on the rocks’ has been ordered, and that if you look at the glass it has a large ‘whiskey ice cube’ inside.

These ice cubes are common with the serve of any of scotch/whiskey/bourbon and are often sphere-shaped but always over-sized.

**Complaints Board Discussion**

The Complaints Board noted the Complainant’s concerns the advertisement encouraged excessive and irresponsible consumption of alcohol and the response from the Advertiser and Media.

The Complaints Board noted the information provided by the Advertiser and Media that the advertisement showed a tumbler glass which contained a large ice cube causing displacement of the bourbon. The Complaints Board noted the advertisement showed the professionally dressed woman in a licensed premise ordering a single “Jim Beam on the rocks” and she was not shown consuming the drink. The Complaints Board said there was nothing in the advertisement to suggest the woman was drinking excessively or irresponsibly.

The Complaints Board noted the Complainant's concern the advertisement depicted a woman drinking alone. It observed the woman was in a bar setting surrounded by people and next to her is Mila Kunis, a brand ambassador for Jim Beam who invites the woman to order Jim Beam. The Complaints Board noted Mila Kunis vanishes after the woman orders her Jim Beam which adds an element of fantasy to the advertisement, rather than implying that the alcoholic beverage is the better company or is consumed alone.

The Complaints Board said the advertisement did not portray immoderate or irresponsible drinking behaviour and was not in breach of Principle 2 or Guideline 2(b) of the Code for Advertising and Promotion of Alcohol. The Complaints Board said the advertisement had been prepared with a high standard of social responsibility to consumers and society and was not in breach of Principle 1 of the Code for Advertising and Promotion of Alcohol.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

## **DESCRIPTION OF ADVERTISEMENT**

The television advertisement for Jim Beam showed a woman entering a busy bar where the bar tender placed a Jim Beam branded coaster in front of her. Actress and Jim Beam brand ambassador, Mila Kunis, appears next to the woman and says: "It's not just a coaster you know. It's an invitation." The woman then orders a Jim Beam on the rocks. The drink is served in a tumbler style glass with a large ice cube.

### **COMPLAINT FROM V. STEAD**

Ad Details: 1 Commonwealth Games 2018-04-13 after 9.00PM

Complaint Details:

I wish to complain about the amount of undiluted bourbon poured into the tumbler style glass. It is approximately 6 standard drinks, maybe more. It is irresponsible that a lone female should be drinking that amount. My second complaint is the inference that the alcohol is the preferable company, in preference to a famous person, Mila Kunis. The space between the two women exaggerates the solo drinking activity.

## **CODES OF PRACTICE**

### **CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL**

**Principle 1:** Alcohol advertising and promotions shall observe a high standard of social responsibility.

**Principle 2:** Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol.

**Guideline 2 (b):** Alcohol advertising and promotions shall not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.

### **RESPONSE FROM ADVERTISER, BEAM SUNTORY**

With reference to the complaint made and two principles noted by the ASA complaints board, I wish to note the following:

1. The glass that the Jim Beam bourbon is poured into is small 'rocks glass' that contains a very large ice cube, in line with presentation standard for a straight whiskey or single malt that is poured 'on the rocks'. As can be evidenced in the TVC, the large cube of ice is approximately half the height of the full glass, therefore the

volume left in the glass for a legal pour means that the liquid raises higher in the glass than if there were no ice present.

2. The female is shown within mixed company in an up market, premium cocktail bar that is moderately busy. The opening frame of the TVC shows no less than nine patrons in the bar, and at no point is she encouraged to drink alone or take an excessive drink.
3. The female shown does not actually take a sip of the bourbon within the advertisement, so is ensuring that the advertising observes an extremely high standard of social responsibility.
4. The Jim Beam TV commercial, featuring Mila Kunis was also passed through LAPPS and received the following LAPPS approval code: RB4266

With respect to the individual codes that Virginia Stead questions, the following is noted:

1. Ref Principle 1 – ‘Alcohol advertising and promotions shall observe a high standard of social responsibility’.

The female talent in the Jim Beam advertisement is in professional attire in an upmarket, premium setting – a cocktail bar. She appears to enter the bar, implying this is her first drink of the night. The female does not take a sip of the drink poured in front of her, and there is no link to ‘daring, aggressive, unruly, irresponsible or antisocial behaviour’ as noted in the code under Principle 1, Guideline 1(a).

2. Ref Principle 2 – Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol consumption. Guideline 2 (b). Alcohol advertising and promotions shall not feature, imply, condone or encourage irresponsible or immoderate drinking. This applies to both the amount of drink and the way the drinking is portrayed.

The pour is reflective of New Zealand standard practise for a straight whiskey/ single malt being poured over a large ice cube into a small ‘rocks glass’. As highlighted previously, the female talent or ‘Mila Kunis’ does not take an actual sip of bourbon during the commercial, so does not ‘feature, imply, condone or encourage irresponsible or immoderate drinking’ (Exert, Principle 2, Guideline 2(b)).

The commercial was passed through our own internal LAPPS DA process and then onto LAPPS and no infraction of Principle 1 or 2 was identified. I attach by way of evidence our pre-vetted approval of this TVC, with LAPPS approval code: RB4266.

As a 100% owned company of Beam Suntory, Beam Suntory (NZ) follows the strict guidelines as set down by the parent company within our own internal Marketing Code of Practice. We offer the consumer the keys to drink responsibly through drinksmart@ ([www.drinksmart.com](http://www.drinksmart.com)) globally, and ‘Cheers’ locally, as evidenced with the appearance of this logo at the end frame of our TVC. We apply these principles to convey a message of responsibility, both in consumption and in our marketing and advertising.

## **RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU**

### **BEAM SUNTORY TELEVISION ADVERTISEMENT**

**COMPLAINT: 18/125**

**KEY: JB30INA1801**

**RATING: L830**

We have been asked to respond to this complaint under the following codes:

Code of Advertising and Promotion of Alcohol – Principle 1, Principle 2 and Guideline 2(b);

CAB approved this Jim Beam on 20/03/18 with an 'L830' alcohol classification. An L830 classification means the commercial can only play after 8:30pm, as prescribed by New Zealand law.

A complainant believes this commercial shows immoderate drinking behaviours based on the serve poured.

What may have escaped notice is that a 'bourbon on the rocks' has been ordered, and that if you look at the glass it has a large 'whiskey ice cube' inside.

These ice cubes are common with the serve of any of scotch/whiskey/bourbon and are often sphere-shaped but always over-sized. Below are some images for scale, where you can see the displacement is quite significant and within the acceptable range for moderate serving.



#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.