CASE REPORT

1. Complaint reference number 110/07
2. Advertiser Jim Beam Brands (The Tragedy)
3. Product Alcohol
4. Type of advertisement Pay TV
5. Nature of complaint Discrimination or vilification Religion – section 2.1 Discrimination or vilification Sexual preference – section 2.1
6. Date of determination Tuesday, 10 April 2007
7. DETERMINATION Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features an attractive young brunette woman in a night club telling the camera "Actually I've never had a boyfriend. Not one, no. I've always preferred girls. I guess I just find them more fascinating." An attractive young blonde woman joins her, touching her leg and putting her arm around her shoulders. The first girl introduces her "This is my girlfriend. I don't know why, but blokes just don't do it for me. I just love girls." A male voiceover concludes "THE TRAGEDY. JIM BEAM. THE BOURBON".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

"Totally inappropriate material for children during a live sports program."

"I find this offensive due to the fact that it goes against my Christian faith and also I don't find it acceptable that I sit down with my young children to watch a game of footy and this ad comes on. When they ask questions of this ad I then have to explain. I don't have a problem with them advertising their product but I don't see what lesbians have to do with drinking bourbon.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

"These commercials are intended to be a humorous campaign which claims Jim Beam is the highest quality, the best and 'The Ultimate' bourbon, or, as the catchphrase puts it 'The Bourbon'. Each has been pre-vetted and approved against the ABAC code and with CAD."

"In each case, we liken Jim Beam to other 'ultimate' or incredible things, the kind of things which our audience could only imagine in their wildest dreams. This is common to most humorous advertising, we over-exaggerate and fantasize in order to illustrate our point."

"In 'The Tragedy' TVC a beautiful girl who is dreamily attractive to any man turns out not to be attracted to men at all, but instead prefers other women. To most men this is the ultimate tragedy, in the same way that Jim Beam is the ultimate bourbon. This is a fantasy occurrence for most men, to the point of cliche, and as such we believe it is understood to be non-sensical."

"Prior to filming and airing this commercial we researched it amongst both men and women (in Australia and NZ) aged between 20 and 35 to make sure our audience shares a similar view, and the outcome was positive. Interestingly, although our audience are all positive, 'The tragedy' was..."
liked more by women than by men. It was seen as a well understood scenario which ‘never happens in real life’ and one which gave men their ‘just desserts’.

The complainant makes two points, first that it [lesbianism] goes against her Christian faith, and second, the offence that her children are exposed to this issue by our advertising.

Taking the first point, whether or not sexuality forms reasonable content for advertising is a matter of judgment, particularly when it comes to the issue of religious faith which we would not venture to comment upon. I believe Jim Beam have taken the necessary steps to ensure that depicting lesbianism is not offensive to the majority in itself, and not as shown in this commercial. For this reason we assert this TVC is not interpreted as discriminating against or vilifying lesbians, in fact the converse is true, lesbians are celebrated.

The second point does concern us. Although we are confident this commercial is acceptable to the majority we are mindful it is not our place to prompt unwelcome discussion of the subject between parents and their children. As a consequence we have ensured this particular TVC will no longer be aired during sports programming prior to 8.30 pm on the Pay TV channels. This is the standard set for network TV and alcohol advertising, which we understand is the appropriate benchmark. We would hope this demonstrates a responsible approach to the issue.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered the complainant's comments that the advertisement was offensive.

The Board considered whether the depiction of the lesbian women breached Section 2.3 of the Code dealing with sex, sexuality and nudity. The Board agreed that the depiction of lesbian affection was no less acceptable than depicting hetero-sexual affection. The Board agreed that the advertisement did not breach Section 2.3.

The Board then considered whether the advertisement breached Section 2.1 of the Code dealing with discrimination and vilification. The Board agreed that the advertisement was a parody not to be taken seriously and that the label at the end, "The Tragedy", was not intended to mean that it was a tragedy generally for women to be lesbians, but that such an attractive woman was not available to hetero-sexual men. The Board agreed that this did not amount to discrimination against lesbians.

Finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.