

BILLBORED

THE UN-OFFICIAL NEWSLETTER OF B.U.G.A. U.P.
Billboard-Utilising Graffitiists Against Unhealthy Promotions

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Art Gallery Case Heard At Last

More than two years after a protester chained himself to a Marlboro Alfa Romeo in the Art Gallery of NSW, the case has finally came up for hearing at the District Court in Sydney.

Even after finally reaching the court, though, all was not plain sailing, and it was over two weeks before the case was finally dismissed. Ric Bolzan and Lord Bloody Wog Rolo were both arrested at the Art Gallery of New South Wales in August 1982 during a demonstration in which Bolzan chained himself to the Marlboro car and read out a letter of protest that cigarette advertising was masquerading as art in an exhibition on the theme of Art in Technology. Rolo was charged with damaging the car and Bolzan with "common intent" (i.e. conspiring with Rolo to do the damage). The owners of the car were claiming several thousand dollars of damage, so the case was scheduled for a District Court hearing.

In court, the jury saw a video taken at the time of the protest by a news crew who happened to be near the Gallery. In the film, Rolo could be seen spray-painting on the Marlboro stickers on the car and peeling them off, but no other permanent damage to the car was visible. Before the video was shown the case had been adjourned twice, once because the first judge disqualified himself from hearing it, and once to decide whether the jury should see the video.

At this stage a further delay occurred when Judge Jane Mathews and one of the court officers fell ill with measles. The hearing was postponed twice more.

"Common Intent" Dismissed

According to the prosecution, the case against Bolzan had rested on the fact that both he and Rolo had BUGA UP materials and stickers in their houses and were therefore both "members". On her return to hear the rest of the evidence Judge Jane Mathews clearly felt that the case was an expensive and unnecessary charade and dismissed the charge against Bolzan. On October 30th, Rolo was found guilty of damaging the car but was only fined \$150. When he declared that he would not pay the fine, but would go to jail for it, Judge Mathews reduced the fine to \$75 on the grounds that three

days in jail would be sufficient punishment for such a minor offence. Damages were not awarded to the owners of the car.



Ric Bolzan exposing the connection between sponsorship and advertising to visitors at the Art Gallery of NSW.

New Charge Laid

Shortly after dismissal of the charge against Ric Bolzan, he received another summons charging him with "serious alarm and affront" for the same episode, so the story (and cost to the Crown) continues...

Fred Cole Shows Adelaide How It's Done

A talk extolling the virtues of billboard enhancement at the Adelaide Festival of the Arts has landed Sydney BUG Fred Cole in trouble with the law yet again.

Fred gave a lecture, illustrated by slides, at the University of Adelaide in March 1984, at the invitation of the Festival organisers. Although there were only about eight people present at this talk, they seemed unusually attentive as Fred explained the technicalities of spray-painting and paint-bombing.

And little wonder, since two of the eight were spies from the advertising industry. One was the works manager of Australia Posters, the other an employee of an advertising agency.

Fred did not discover this until July 1984, when he appeared in Holden Hill Court, South Australia, where a case against him for billboard refacement was being heard (practise what you preach).

After the hearing, he was approached by a senior officer of the Adelaide CIB, and arrested for "inciting to an illegal act".

This turned out to be the aftermath of the talk given earlier that year at the University. The two advertising people present had given detailed information to the police, who had no doubt worked round the clock for more than three months to sleuth down the culprit. The statements revealed that Fred had said that he was "in Adelaide to show how to graffiti signs in the correct manner. He stated that he was unhappy with the way things had been done in Adelaide and that more organised effort was required."

Fred appeared in court on this charge on 14th December, and was committed to trial in the South Australian Supreme Court.

On the charge of Malicious Injury to a billboard, he was committed to trial before judge and jury in the District Criminal Court. Keep tuned for further developments.

MOP UP Exposes Racket

The day was fine and warm. MOP UP's familiar 10 metre cigarette was inflated and in position, and its new brightly painted van was making its first public appearance. On the grass opposite the entrance to the tennis stadium, where last year a "cemetery" had stood silently symbolizing the 44 Australians who die each day from smoking-related disease, there was plenty of noise and movement. A mock "tennis court" had been laid out, with appropriate perimeter advertising extolling the benefits of smoking and urging the spectators, Max Gillies style, to "smoke millions of cigarettes all the time".

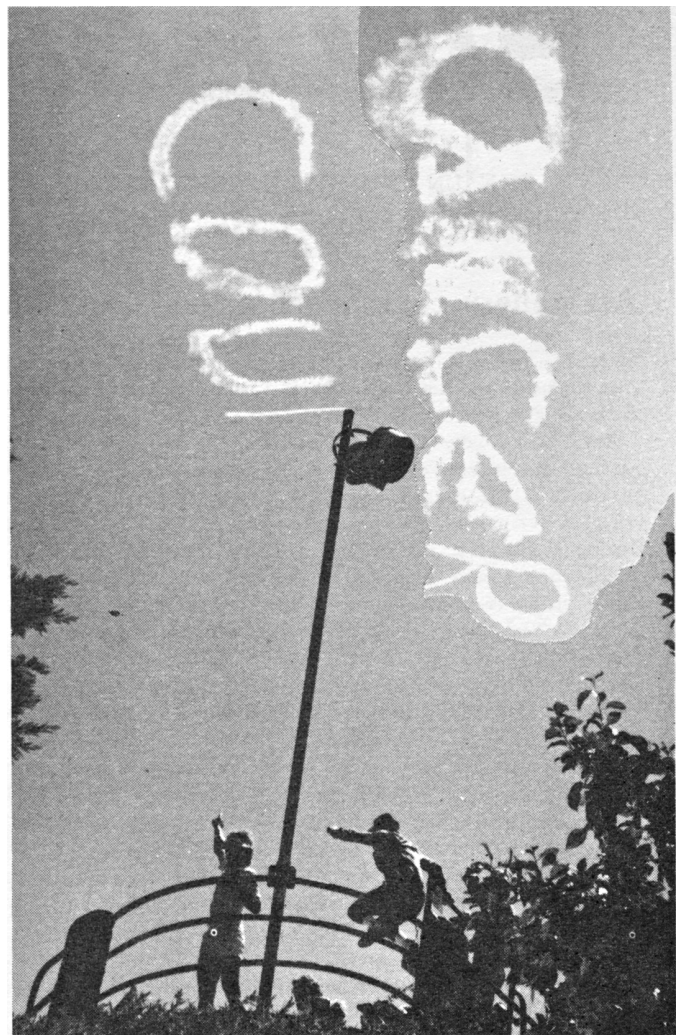
During the morning, a tense match was fought out between "Health" and "Wealth" - no match really, as the final score was a straight win to Wealth, 6-0, 6-0, 6-0. Of course the match was rigged, the players being manipulated via handfuls of money, and the strings attached to their limbs, by a tobacco executive sitting in the umpire's chair. A "commentator" informed the passers-by of the game's progress through a loud-hailer.

Cameras from a couple of television stations came, whirled, and went away. It was a pleasant enough afternoon for the MOP UP crowd, but there was a definite feeling that their annual protest had become almost a part of the Kooyong establishment. This year's was simply another witty, but acceptably tame, variation on the came theme.

BUGA UP Helps Out

Or at least that's how it seemed until 2.30 pm, just as the Men's Final was reaching its climax. That is when the BUGA UP team came into play. The drone of a light aircraft engine attracted attention skyward, and players and crowd watched as the words "CANCER COUNTRY" were spelled out in the clear blue sky right over the courts. The TV cameramen, displaying the same consummate skill with which they manage to capture lingering shots of perimeter ads, carefully avoided shots of the sky for the next few minutes. As the skywriting was visible for several miles around, this did not matter greatly. And reliable witnesses inside the grounds reported that the Philip Morris executives present were definitely not amused.

But then they were warned that this year BUGA UP would be "helping out" with MOP UP's traditional job. And when it comes to BUGA UP protests, the sky's the limit.



Play grinds to a halt as BUGA UP's sky-writing takes shape.

ABC Threat To Commercials?

The ABC has stirred up a hornet's nest by its announcement of a decision to seek a 20% share of viewers between 7 and 9pm. Peter Long, chairman of the AANA (Australian Association of National Advertisers), called such a campaign the greatest threat to advertisers since the introduction of VCRs. (It's nice to know something can still scare them.)

Mr Long, quoted in 1 June issue of B&T, claims that the ABC presents an enormous threat to advertisers by trying to attract more viewers to its commercial-free programmes. He said that ABC television "denies" 10% of viewers to commercial stations and that any further gains could be fatal to advertisers, therefore the ABC should have nothing to do with ratings at all. The trend of his argument seems to be that although ABC serves some purpose by attracting cranky audiences to its "cultural" or "intellectual" programming, it in not performing its duty to the people of Australia unless those audiences can also be reached by advertisers.

The ABC isn't sitting back however. On 10 October a campaign was launched to improve the ABC's image. Press ads in major national newspapers will run for six weeks with the intention of updating the public on how the ABC is changing and what new developments are planned. Spokesperson Judi Stack said "There has been a great deal of confusion, particularly in the media, of what is going on in the ABC."

A further article by Mr Long in the Sydney Morning Herald Guide on 22 October advocates the acceptance of advertising, known as "corporate underwriting", by the ABC. He derogates the Fraser government's statement that "many people view the proposal as a direct threat to the ABC's editorial independence and programming integrity" by suggesting that as 87% of the viewing audience watch commercial television there aren't "many people" interested in the fate of the ABC, and especially not as a non-commercial station. Curiously enough, however, the minority who do watch ABC television are vital to advertisers who "seek the right of access to all media at all times because of their need to interest potential customers in their goods and services, and to inform the community about their activities as corporate citizens" (this writer's emphasis). The government, Mr Long concludes, in denying advertisers that right, is also denying to the public the richness that commercials contribute to "the economic, social and cultural life of the community". The ABC is obviously a threat not only to advertisers, but to the well-being of the whole nation.

The Sweet Sound Of Suckers

The sugar industry, elated at the success of its campaign to increase sugar consumption, (see Billboard 16, August 1984), is planning to increase its activities over the next year.

Speaking at the Confectionery Manufacturers' Association annual conference on October 8th, Tony Thirlwell, marketing manager of CSR Sugar, said "The time has come for the sugar industry to adopt a more aggressive approach". He said that the industry had been "forced out of its complacency" by people's negative attitude towards sugar.

The Rot Sets In

The most alarming development in the sugar war has been the announcement that the sugar industry will spend \$1.5 million on sponsorship of junior athletics, through an association to be headed by Olympic athlete Glynis Nunn.

This will bring the total expenditure on sugar promotion for 1985 to \$5 million, in addition to the \$4.2 million already spent last year.

TPC Not Impressed By FACTS

The Federation of Australian Commercial Television Stations (FACTS) has withdrawn its application for authorisation by the Trade Practices Commission, as a result of what was considered an unreasonable request that the consumer movement should participate in self-regulation of television advertising.

FACTS has been operating its Commercial Acceptance Division (CAD) for many years, ostensibly with the intention of preventing the broadcasting of commercials which do not meet certain standards. Every new commercial is been submitted for viewing by a nominee of FACTS, and if it meets the standards (according to this one person) it is granted a "CAD number", without which TV stations will not accept it.

When the Trade Practices Act was passed in 1975, this arrangement fell foul of the Act which prohibited "restrictive trade" agreements. In order to continue operation, FACTS CAD applied to the Trade Practices Commission for special exemption (known as "authorisation").

Consultation

When CAD's authorisation was reviewed by the TPC last year, it was ruled that authorisation would be allowed only on the condition that representatives of the Australian Federation of Consumer Organisations, Commonwealth Department of Health and Federal Office of Road Safety be consulted annually (see Billboard 17, October 1984 for further details).

FACTS were outraged at the suggestion that they should be answerable to the public in any way, and especially at the inclusion of AFCO which they view as an unrepresentative group of fringe lunatics. They claimed that these "consumerists" do not represent "consumers" at large, and therefore have no right to influence advertising standards. Presumably they believe that FACTS does represent consumers.

The TPC had rejected a counter- proposal in which FACTS offered that their operation be reviewed by the Advertising Standards Council rather than the bodies nominated by the TPC.

Application Withdrawn

Rather than capitulate to the wishes of the TPC, FACTS have now decided to withdraw their application. They were, however, still keen to operate the CAD since without the semblance of some regulation, the door would be open for meaningful legislative control in order to avoid failing foul of the Trade Practices Act, the system has been modified so that it is no longer compulsory for advertisers to submit ads for approval. It is theoretically possible for individual television stations to reject ads that do not have a CAD number, but they are unlikely to force advertisers to go to unnecessary extra trouble and expense of seeking CAD approval.

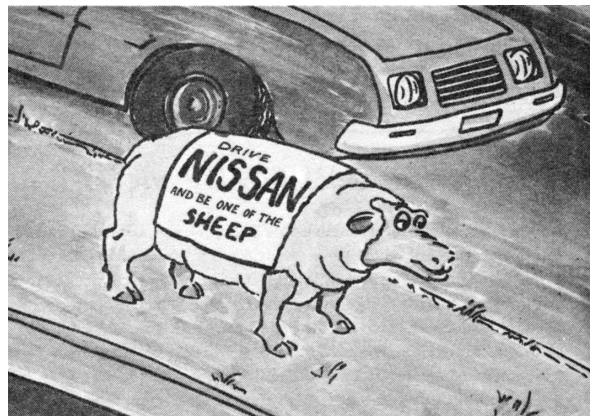
Although the TPC's move has not improved the lot of consumers who must suffer sub-standard or misleading advertising, it has denied the advertising industry the benefit of being able to claim that their system of self-regulation has been granted "quasi-legal status" by the TPC, a proud boast often made by the Advertising Standards Council.

Now that the regulation of television advertising has moved from "farce" status to "total sham", the Broadcasting Tribunal has a clear responsibility to impose tighter regulation.

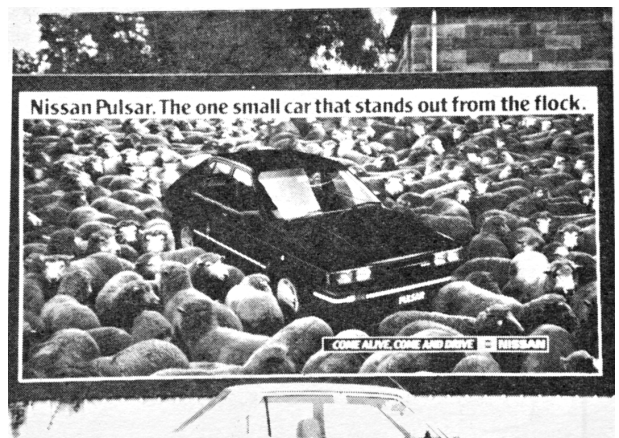
How to pull the wool over the consumers' eyes

WATCH this space . . . the advertising industry's magazine B & T recently reported that Pucks Farm in Toronto, Canada, is offering advertising space on the side of its cows at \$C500 per side per year. The farm attracts 50,000 visitors a year.

1. *The Warning* ((Sydney Morning Herald, 11/6/84)



2. *The Nightmare*



3. *The Reality*

Boos Over Booze Ads

The Australian Federation of Consumer Organizations has called on the Trade Practices Commission to take action against Tooheys breweries after university tests indicated that an ad for Tooheys 2.2 Lite is misleading.

The ad, featuring cricket star turned drug pusher Doug Walters, was the winner of the "Ad that breaks the most codes" award at the BUGA UP Bogies last year (see Billboard 18, November 1984). In this ad, Walters demonstrates how he can guzzle seven middies of Tooheys 2.2 in an hour. At the end of the "test" he registers 0.013 on a breathalyser.

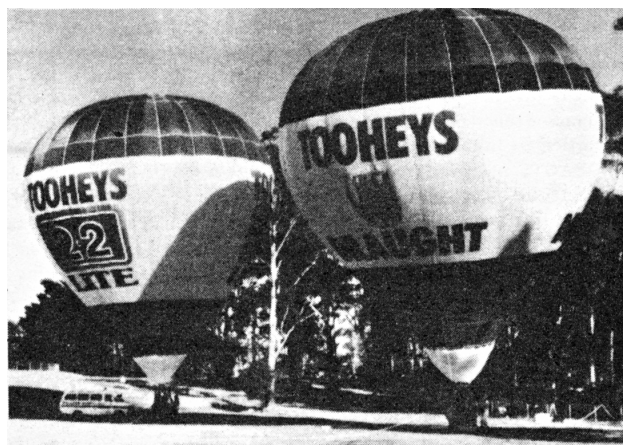
Little Confidence In Self-Regulation"

A spokesman for A.PCO said that the complaint had been made to the TPC rather than the Advertising Standards Council because they have little confidence in the effectiveness of ASC self-regulation, and we were concerned that FACTS had already approved the commercial" (FACTS is the Federation of Australian Commercial Television Stations... see story above).

The complaint follows findings by research pharmacologist Professor Starmer of Sydney University, who found that eight out of ten men drinking seven cans of Tooheys 2.2 in an hour had blood-alcohol levels above the legal limit of 0.05. Each can contained 375 ml, whereas the middies in the ad were 280 ml. However, it was clear that Doug Walters must have unusual alcohol metabolism to achieve his results. The implication of the ad is that anyone can drink seven middies and be under the limit, and in this respect the ad is obviously misleading.

Professor Starmer said that the effects of beer consumption vary widely depending on the size and fatness of the drinker, fizziness of the beer, and other factors.

BUGA UP activists have lodged complaints with the Advertising Standards council about this ad, and others like it, which breach the Voluntary Code for Alcohol Advertising by encouraging overindulgence. The results will be reported in a future issue of Billboard.



Heavy drinkers undergoing breath testing

Ministers Hear BUGA UP Views

Following a submission earlier this year, BUGA UP was requested to mend a representative to a hearing by SCORM (the Standing Committee of Health Ministers) to discuss the proposal for a tribunal to monitor cigarette advertising. In October, Dr Arthur Chesterfield-Evans travelled to Melbourne to put BUGA UP's point of view alongside that of representatives of the Non-Smokers' Movement of Australia and ACOSH.

The meeting included health ministers from most states. In reviewing the situation, they felt that the tobacco lobby's position was weak. In an attempt to postpone the evil day which would end self-regulation of cigarette advertising, the Tobacco Institute had put forward a number of "compromises" which were so small as to be laughable. In the face of this feeble opposition, SCOHM were aiming to finalize measures controlling tobacco advertising which would satisfy consumer and health lobbies.

BUGA UP "dissatisfied"

While expressing BUGA UP's dissatisfaction with the continued refusal of SCOHM to consider a complete ban (a view supported by the Western Australian Health Minister, who consequently boycotted the meeting), Dr Chesterfield-Evans felt that cooperation could at least ensure stringent controls. His presentation to the committee suggested consideration of areas not covered by the current proposal, such as sponsorship of broadcast events, and he opposed tobacco industry representation on the Tribunal which would administer the controls. Other suggestions included the review of all ads by the Tribunal before commencement of any cigarette promotion campaign.

The final outcome of discussions will not be known until early in the new year. However, it is fairly certain that the major innovation in the control of tobacco advertising will be stronger health warnings of a pre-determined size on all ads, to be reviewed and updated according to market research findings. This is the fruit of over five years of SCOHM debate on the subject.



BUGA.U.P.

If you would like to join the campaign against Unhealthy Promotions, or would like further information about B.U.G.A. U.P. write to:



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