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19 Crimes and Mugshot Branding:

Reappropriating Convict Narratives to Sell Crime, Criminals and Experiences

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Abstract

In 2011 a Californian company launched *19 Crimes* -- an Australian-made wine range whose labels displayed images of convicts and wine corks imprinted with one of '19 crimes' that was punishable by transportation to Australia. Since its introduction to the market, *19 Crimes* have marketed their product widely, adopting a variety of immersive and entertaining strategies, including developing Augmented Reality (AR) experiences for each of their labels. This article examines *19 Crimes'* selection of, mainly, Fenian convicts and the narratives presented to consumers through AR experiences to promote convict imagery and notions of 'rule breaking'. From the analysis it is clear that a form of cultural hijacking has occurred, where convict images and stories celebrate rule breakers and success stories. Through this process, the traditional, State owned 'mugshot' has become a popular culture spectacle that is commodified for the purposes of entertainment and, essentially, encouraging ongoing consumer practices.

*Keywords***:** *19 Crimes*, convicts, cultural hijacking, spectacular productions, Augmented Reality (AR)

Introduction

Crime and punishment have long been a consumer staple. Many cultures across time and place have been enthralled with scenes and descriptions of crime, criminals and punishments. However, as Ferrell et al. (2008) indicate, there has been a relatively recent shift in the "range and tone of advertiser-appropriated violence" (p. 141) and content relating to crime and criminals. Crime and criminals are becoming increasingly 'celebrated' in media and popular culture contexts. Consuming 'real-life' crime is increasingly more acceptable in mainstream society with the purchase (or theft) of murderobilia or items taken (stolen or bought) from sites of crime offering one telling example.

Crime and criminals are now part of the mainstream consumerist cultural production and a cheap commodity within the mediascape (Ferrell et al., 2008). This mediascape is shaping and manipulating the collective conscious and images are being used to shape and produce certain realities (Hayward, 2010). Importantly, the media regularly use mugshots, surveillance photographs and images of notorious criminals to sell their product (Hayward, 2010). Images permeate our society and never remain static. That is, images are constantly appropriated and re-appropriated to suit the needs of both producers and consumers. Further, images have the power to shape popular understandings and social constructions of crime (Hayward, 2010).

Images are not neutral and do not present just one 'reality'. As Hayward (2010) notes, images are "both mutable and malleable … Uploaded and downloaded, copied and cross-posted, Flickr-ed, Facebook-ed and PhotoShop-ped, the image today is as much about porosity and manipulation as it is about fixity and representation" (p. 1).

In recent years a wine label called *19 Crimes* has used digital images of Australian convicts, and more recently, digital Augmented Reality (AR) technologies to produce interactive wine labels that provide a different representation of Australian convicts. The Treasury Wine Estates brand launched their *19 Crimes* wine range in 2011 to a target population of young men aged between 18 and 34 (Lyons, 2020). The *19 Crimes* wine labels featured an image of a convict and the cork displayed one of 19 Crimes that were punishable by transportation to Australia.

While some have questioned the rationale behind marketing convicts, these reservations have been quick to be quashed. For example, editor of the *Wine Economist*, Mike Veseth (2018) asks:

> Who wants to buy a criminal wine? … each label … features a photo of a sad man — the mug shot of a convicted criminal. Who wants to buy a sad man wine? Who wants to associate themselves with a loser? How in the world can a wine like this get on the shelf, much less sell more than a million cases? (paras. 4-5)

The answer he offers is that:

> 19 Crimes seems to have been rather precisely engineered to appeal to an important demographic — millennial men, especially those who see themselves as a bit of a rogue. Outlaws, if you know what I mean, who identify with others who defy convention. Outlaw wine for self-styled renegades? Now you are beginning to see the 19 Crimes logic. (para. 6)

As such, *19 Crimes* shapes and manipulates understandings of the convict world in a way that encourages consumer practices. Importantly, the majority of convict images utilised by *19 Crimes* are of Fenian 'political convicts', thus showcasing a very select view of the 'convict experience'. The Fenians originated in 1858 as a secret Irish separatist movement against British rule in Ireland and, over the next decade, led to numerous Fenians being arrested, charged and transported to Australia (Amos, 1987).

As already noted, contemporary Western societies are inundated with images of crime and criminals (Hayward, 2010). As Ferrell et al. (2008) have argued: crime, criminals and punishment are "commodified, packaged, and sold within the economics of entertainment" (p. 150). We argue that the convict images and narratives featured on the *19 Crimes* wine labels have been carefully selected and crafted to maximise the processes of commodifying, packaging and selling wine for the principle intent of entertaining and encouraging further consumption. As a result, the true meaning or 'reality' around these convict images and stories have been culturally hijacked for political and economic means.

The collection of convict photographs on the wine labels have always been highly selective. *19 Crimes* has carefully selected convict stories linked to "rule breaking, culture creating and [the] overcoming [of] adversity" (19 Crimes, 2020, para. 4), although stories of convicts becoming 'settlers' -- the 'success stories' -- are not excluded. The labels are also historically informative; much of the information on the labels provides details of these specific convict experiences whilst being transported, imprisoned and in many cases, escaping banishment to Australia. Yet the labels are not an accurate representation of the overall convict experience, as we will explore throughout this paper.

In this paper we analyse a selection of *19 Crimes* wine labels and argue that their *purposeful* selection of convicts (particularly Fenian convicts) generally misrepresents the overall convict demographic and experience. As such, while the *19 Crimes* labels present an enjoyable and informative experience, it is nevertheless a very romanticised notion of Australia's convict heritage, where 'romanticisation' here refers to "a sort of sympathetic divergence from reality" (Ferrell et al., 2008, p. 21). Such a presentation manipulates the collective conscious through selling a narrow 'reality.'

Methodology

Our analysis seeks to "… understand and identify the various ways in which mediated processes of visual production and cultural exchange now 'constitute' the experience of crime, self, and society under conditions of late modernity" (Hayward, 2010, p. 5). Content analysis of the convicts selected, and the narratives told throughout the AR experiences, was used to look for "deeper meanings and messages to which media consumers are exposed" and the cultural frames by which this is achieved (Kort-Butler, 2016, p. 2). The analysis of the mediated 'texts' of the 'story' of crime and criminals presented through the AR experiences were examined for their cultural meanings and social effects (Ferrell et al., 2008).

The first stage of the data collection process involved identifying as many AR labels as possible. There is little information available on how many labels *19 Crimes* have produced, or how many different convicts are presented. From the available labels sourced (including from local bottle shops and those found through online searches), we found fourteen different convicts presented (only one of which is female). Of these, we were unable to identify two. Representing the convicts, John O'Reilly appears on four different labels, and James Wilson and Jane Castings both appear on two different labels. Of the fourteen convicts, at least ten were Fenian brothers: Michael Moore, Robert Cranston, James Wilson, Michael Harrington, Cornelius Dwyer Kane, John O'Reilly, Hugh Francis Brophy, James Keiley, and Thomas Delaney.

Another image of a Fenian, that of Jeremiah O'Donovan Rossa is also used, however, he was never transported to Australia. Three of the Fenian convicts were associated with the *Catalpa* escape (James Wilson, Robert Cranston and Michael Harrington) and one other with a different escape (John O'Reilly aboard the *Gazelle*). Most of the convicts used by *19 Crimes* represent political prisoners, and as such are portrayed by *19 Crimes* and other sources as being distinct from 'normal' convicts. There is historical evidence that the Fenian convicts saw themselves as separate from the criminal convicts and that this caused apprehension, particularly aboard the ships where convicts were closely confined. The only two 'normal' convicts used are Jane Castings

and Henry Singleton (although there is some debate as to whether this mugshot is actually of Henry Singleton or Henry Brew), both of whom were transported for stealing.

Representing State power, the Magistrate appears on two labels and the Warden appears on one label. It is not clear whether the image of the Magistrate or the Warden are actual historical pictures from the time (particularly of a Magistrate or a warden), or whether these images have been created for, or re-appropriated by, *19 Crimes*.

Further, not all labels (or experiences) could be sourced as they do not seem to be accessible within Australia (while the 'wine' is Australian, and the marketing relies of Australian convicts, the company itself is based in the US and the campaign was first launched in Canada; Australia was not the 'primary' target audience). For those labels we could not source in person, information in the form of videos and images were collected from a wide range of websites for some of the labels (and some recordings are incomplete as shown in Table 1). This collection process was further complicated by *19 Crimes* reusing convicts across different wine labels. In one case, while the photo on the label (2016 Red Blend) shows one convict, the AR experience shows a different convict and it is unclear whether this is the same convict (where the photographs were taken at different times, or the original image was altered), or whether two different convicts are used for the same narrative. The researchers identified the following different *19 Crimes* labels for inclusion in the analysis:

Table 1: *19 Crimes* wine labels

19 Crimes	**Convict**	**Availability of 'standard' experience, duration and source**	**Transcription of 'alternative' experience and source**
Blanc de Blancs	James Wilson	Full recording/transcript 1.02 minutes Original bottle - (Australia)	Availability unknown
Pinot Noir (Other labels of this variety have 'THE PUNISHMENT' printed on the label)	Thomas Delaney (7305)	Full recording/transcript 0.59 seconds Original bottle - (Australia)	Availability unknown
2017 Shiraz	James Keiley (7277)	Full recording/transcript 0.10 seconds Original bottle - (Australia)	Availability unknown
2019 Malbec	Hugh Francis Brophy (7172)	Full recording/transcript 0.40 seconds Original bottle - (Australia)	Availability unknown

2017 Red Blend	John O'Reilly	Full recording/transcript – one word unclear 0.54 seconds Original bottle - (Australia)	Availability unknown
2016 Red Blend	Unknown	Full recording/transcript – one word unclear 0.54 seconds Original bottle - (Australia) (The AR experience brings up the face and story of John O'Reilly- that is, a different image than that on the bottle)	Availability unknown
THE UPRISING – 2017 Red Wine (aged 30 days in rum barrels)	Cornelius Dwyer Kane	Full recording/transcript 0.46 seconds Original bottle - (Australia)	Full 'alternative experience' sourced on YouTube 0.45 seconds
Cabernet Sauvignon 2017	Michael Harrington	Full recording/transcript 0.51 seconds Original bottle - (Australia)	Full 'alternative experience' sourced on YouTube 0.42 seconds
Hard Chard	Jane Castings (789)	Full recording/transcript 0.57 seconds Original bottle - (Australia)	
Shiraz	The Magistrate	Full recording/transcript 15.43 minutes Original bottle - (Australia)	
Shiraz	Henry Singleton or Robert Brew		
Cabernet Sauvignon	Jeremiah O'Donovan Rossa		

THE BANISHED – Dark Red	James Wilson	Appears to be the same experience as Blanc de Blancs Sourced from YouTube (partial recording only)	
CELL BLOCK SELECT - 2018 Red Wine	John O'Reilly		
BEHIND BARS - Red Wine	John O'Reilly (without name plate)		
BEHIND BARS - Chard	Jane Castings (without name plate)		
Revolutionary Rosé	Robert Cranston (9702)	Partial recording only, sourced from Facebook 0.25 seconds	
The SENTENCED Cabernet Sauvignon	The Magistrate		
Sauvignon Block	Michael Moore	Partial recording only, sourced from Facebook 1 minute	
LIFE SENTENCE - Red	John O'Reilly		
The Warden	Warden	Recording, sourced from Facebook	

		0.03-0.05 seconds	
Cabernet Sauvignon	Unknown		

After the original labels or videos were acquired the researchers independently transcribed the labels and compared the results. While this process was relatively easy, there were areas where the researchers were unable to decipher certain words or phrases (as indicated in the above Table). The next stage involved identifying the convict on the label, which in many cases was very clear as the convict's name was either printed on the label or stated in the AR. However, various other convicts were discovered searching online databases of convict photos, and in particular Fenian convict photos (for example, Robert Cranston, Henry Singleton and Jeremiah O'Donovan were all identified via internet searches). Each of the identified convicts was then researched, drawing on a range of (usually non-academic) historical and social sources. Importantly, much of the information available on the relevant convicts was produced by genealogy or Fenian enthusiasts. The inevitable contradictory information has been noted in the analysis. Following Kort-Butler's (2016, p. 9) strategy, summaries of "overarching themes, concepts, and divergent ideas" (p. 9) were recorded and combined with descriptions and quotes from relevant data sources. In this way, the researchers were able to identify and contextualise the latent meaning of the narratives and ground these within the evolving social and political processes surrounding convict heritage within Australia.

Cultural criminology urges academics to analyse photographs as more than just reproductions of scenes or persons. Instead, academics are encouraged to analyse the "social process of producing images" as part of "the production of the modern spectacle" (Carney, 2010, p. 18). Carney (2010) recognised that we are active when viewing or producing photos and images in that we use our own social understandings and practices to view, interpret or take an image. Taking such an approach requires the researcher to be "attuned to representation and style" and ask questions relating to the expectations that viewers may hold when viewing an image and why they have these expectations (Hayward, 2010, p. 3).

Context: Mugshots and *19 Crimes*

The mugshots

The history of mugshots inevitably impacts on the availability of images that *19 Crimes* can utilise. Edge (2014) has argued "the meanings held in photographs are slippery, shifting and change in different historical locations, contexts and cultural environments" (p. 483). As such, it is important to unpack the meaning in the historical photographs used by *19 Crimes*.

While some English prisons were photographing criminals as early as the 1840s, it was not until around the 1870s that it became common, and indeed 'good' practice. The *Habitual Criminals Act* of 1869 has been attributed with accelerating the use of criminal photographs, and in 1871 the *Crimes Prevention Act* mandated the photographing of criminals (Clark, 2015). Further, convicts only began to be photographed in Australia in the early 1870s (Barnard, 2010) and only in Western Australia and Port Arthur (Convict Records, 2021). This inevitably restricts the availability of images *19 Crimes* could utilise. As most of the convict images used by *19 Crimes* feature Fenians, it is important to provide the context in which these images arose.

According to Edge (2014) the introduction of photographing convicts in Ireland was introduced in 1857 and the 1863 Select Committee on Prison Discipline viewed photography:

> …as a means of surveillance and control, noting how convicts were forcibly photographed after conviction … Historically, then, when the Fenian Crisis took hold in 1867, photography was already being used by the state to record, examine and control criminals and by middle-class Irish nationalists to promote their 'cause'. (p. 487)

In February 1866 the British Government allowed the arrest and detention of 'suspected' Fenians without a trial (Edge, 2014). This enabled all of the Fenian convicts used by *19 Crimes* to be photographed prior to transportation at Dublin Mountjoy Prison in 1866 (Manuscripts and Archives Division). All ten of the Fenian convicts discussed in this paper appear in a volume of photographs from 1866. The volume was compiled and owned by Sir Thomas Aiskew Larcom, the permanent Under Secretary for Ireland from 1853 to 1869. A letter from the unknown photographer states:

> You asked me some months ago to get you the photographs of the convicted and untried political prisoners who have been confined in Mountjoy. I now send you a most unique 'Book of Beauty' . . . The camera is bad, but I am about to get a better, a really good one. (as cited in Edge, 2014, p. 490)

The images are mainly of the Fenians face-on to the camera (although some are slightly angled), the prisoners are usually seated, and the pictures often appear to be poorly lit. In the later photographs (and in the images of all ten Fenians on *19 Crimes* labels), the prisoners have a nameboard attached to their chests.

One of the Fenians appearing in the 'Book of Beauty' is Fenian Jeremiah O'Donovan Rossa (1831-1915), who recorded the following account of being 'prepared' for his 'post-conviction' photograph:

> After being shaven I was led to have my picture taken. The photographer had a large black-painted pasteboard prepared, with my name across it in white, and, pinning it across my breast, he sat me in position. I remained sitting and looking according to instructions until he had done, and he never had the manners to tell-what artists never fail to tell me-that I made an exceedingly good picture. (O'Donovan Rossa, 1882, p. 73, as cited in Edge, 2014, p. 490)

This photograph of O'Donovan Rossa was used by *19 Crimes* on a Cabernet Sauvignon bottle. Yet, while there is some confusion, it appears that a different Jeremiah O'Donovan (with an alias of Jeremiah O'Donvan Rossa) was transported to Australia. The image used by *19 Crimes* is that of the famous Fenian O'Donovan Rossa who migrated to America and wrote his own biography of which an excerpt appears above. As such, *19 Crimes* appear to have selected an image, not of a convict bound for Australia, but of a convicted criminal who migrated to America.

Of the two remaining convict images that we have been able to identify, one image was taken at Port Arthur, and the other taken at an unknown location. Jane Castings, tried and sentenced in 1846, did not have a mugshot at the time of her arrest, or subsequently as a convict in Australia. Instead, *19 Crimes* appear to have cropped a photo of Jane sitting with her adult daughter Maria Jane Castings, after she attained 'free' status (that is, she was no longer a convict). In Henry Singleton's case, the mugshot used on the *Shiraz* bottle comes from a photograph taken at Port Arthur in 1873 or 1874.

Re-purposing convict photographs and turning the photograph into an interactive spectacle

In 2017, *19 Crimes* embarked on an innovative marketing strategy that allowed them to animate the 'convict' and their image. As such, they became the first wine to use an Augmented Reality (AR) app (the app

was later renamed to *Living Wines Labels* in 2018) that allowed customers to use their smartphone (or device) to watch:

> … mugshots of infamous 18th century British criminals come to life as 3D characters who recount *their* side of the story. Having committed at least one of the 19 crimes punishable by exile to Australia, these convicts now humor and delight wine drinkers across the globe. (Lirie, 2018, para. 2)

Given the target audience of the *19 Crimes* wine was already 18-34 year old males, AR made sense as a marketing technique as it offered the millennial generation further digital experiences. In this way, the marketing strategy shifted from just collecting the corks (or lids) to also 'collecting' the convicts themselves. It also enabled the photograph of the convict to act as a navigational device allowing the consumer to "… 'see' virtual worlds" (Hayward, 2010, p. 2). Veseth (2018) stated that the AR experience resulted in "humanising their [the convicts] identities" (para. 14).

The AR experience has been highly praised and the success of *19 Crimes* continues to grow. For example, during the UK COVID-19 lockdown in 2020, *19 Crimes* sales increased by 148 per cent in volume (Pearson-Jones, 2020). *19 Crimes* has also continued to expand its range and now offers sparkling wine and beer within its remit. In 2020 they also launched a 'Snoop Dog' line of red wine, building on their narrative of 'rule breakers' and creators of culture.

Findings: The AR Spectacle

The Convicts

James Wilson, John O'Reilly and Jane Castings all appear on multiple labels, and their stories have featured prominently on *19 Crimes* Instagram account and webpage. Due to an inability to source all of the labels and examine their AR experience, we are unable to say whether the stories of these convicts differ across their different labels. However, one partial recording available on YouTube suggests that the narratives are the same, at least for James Wilson. The following analysis only includes those labels/convicts where a partial or full transcription of the AR experience is available, as such, not all convicts are covered here.

Table 2: *19 Crimes* convict experiences

Overview of the content in the AR experience	**Historical accounts**
Convict: James Wilson Fenian	
This AR experience introduces James Wilson as a fighter who was tried for treason. He is represented as someone who fights for truth, country, and "to the end". The narrative also tells the viewer that he, along with six of his brothers found freedom.	Wilson was convicted by the Dublin General Court Martial for the crime of being an 'Irish rebel' (Convict Records, 2020); and/or attending Fenian meetings, deserted in order to become a Fenian agent; desertion and mutinous conduct (Amos, 1987).

The AR experience concludes with the following statement which has been taken verbatim from one of Wilson's letters to Fenian New York journalist John Devoy asking for help to be rescued: "Think that we have been nearly nine years in this living tomb since our first arrest and that it is impossible for mind or body to withstand the continual strain that is upon them. One or the other must give way". (Wilson, 1874, as cited in FitzSimons, 2019, para. 47).	Wilson was subjected to numerous punishments and cruelties prior to, including and after transportation. For example, he was branded with the letter "D" for 'deserter' on his chest; assigned 'backbreaking work' (King, 2013); and "sentenced to fourteen days solitary, confinement" (photo from the Wild Geese Memorial, as cited in The Silver Voice). He wrote letters to the New York Fenian branch asking for rescue and the letter, which *19 Crimes* cited verbatim is alleged to have sparked a rescue mission which saw James Wilson and five of his fellow prisoners being rescued on the *Catalpa* and taken to America where Wilson lived out his life (Reid, n.d).
Convict: Thomas Delaney Fenian	
'Thomas Delaney' tells viewers he was a member of the 10th Royal Hussars Calvary, and their motto was '*Ich dien'* or 'I Serve'. He alludes to treason when stating that he and his Fenian brothers had different "ideas of serving the Crown". The voice is dismissive of their "so-called crimes against the Crown" and focuses on the "brotherhood" and loyalty of the Fenians, including John O'Reilly who helped six Fenian brothers to escape to America. The AR voice tells us that Thomas "would have been the seventh, but it wasn't meant to be".	The transcript does not say who the convict is; the name was acquired from the 'name board' in the photo on the label. Delaney was sentenced to 10 years penal servitude for attending a Fenian meeting, harbouring deserters, and mutinous conduct (Amos, 1987). As a convict, he committed further offences, including "disorderly conduct, being out after hours, drunk, in a house of ill fame etc" (Amos 1987, p. 362).
Convict: James Keiley Fenian	

In this label, Keiley ousts himself as an informer and proclaims (proudly) that he cared more about his own welfare than the "cause".	Keiley ''attended meetings in Clonmel and got false keys of the Barrack magazine for the Fenians'; concealing mutiny" (Amos, 1987, p. 372). Keiley has been attributed by some sources as being an informer and because of this, excluded by his fellow Fenians during the *Catalpa* escape. While Keiley allegedly offered to "…divulge the names of certain of his comrades ... His offer was not accepted" (James Roche, as cited in Amos, 1987, p. 278). Amos (1987) outlines how Keiley twice offered statements about Fenian plans in Ireland whilst at Dartmoor prison and that in Millbank prison in November 1866 he attempted suicide. While a convict, Keiley was cautioned for disobedience, insubordination, absconding and threatening language. In 1905 Keiley was pardoned.
Convict: Hugh Francis Brophy Fenian	
Brophy's AR experience recounts the *Catalpa* escape, telling the viewer that it occurred on Easter Monday 1876, and that it was not without its difficulties (the boat almost sank getting to the *Catalpa* and their hands were "bloody from rowing"). The focus then shifts to the friendships that were forged "in the darkest hours of rebellion" and how Fenian brothers do not betray one another.	Brophy was convicted of treason and felony. While a convict, Brophy was cautioned for communicating with liberated convicts, refusing to join his party, mutinous conduct and refusing to obey (Amos, 1987).
Convict: John O'Reilly Fenian	
John O'Reilly tells the viewer that he was convicted of Crime 18 (which according to the *19 Crimes* (2022) website refers to	O'Reilly was convicted of mutinous conduct. He was the first Fenian convict to escape from Western Australia onboard the *Gazelle*. Prior

"Incorrigible rogues who broke out of Prison and persons reprieved from capital punishment"). While originally being sentenced to death, he was "banished to Australia" where he found true love and began a new life. The AR message is that "the spirit of a rogue sustains when the bars of man impede".	to being transported, O'Reilly spent time in Dartmoor, "a fearsome prison for intractables", resulting in mental and physical diminishment (Amos, 1987, p. 108). O'Reilly was transferred from Fremantle Prison to Bunbury where he attempted suicide. Several months later he escaped (King, 2013).
Convict: Cornelius Dwyer Kane Fenian	
The voice of 'Kane' talks about being an Irishman and fighting for the good of Ireland, rather than assassination and plunder (thus reinforcing notions of the Fenians as political prisoners). His narrative ends with him asking the judge not to provide any "advice or lecture, for I assure you, it would be lost upon me". **Alternative AR experience** This experience shows a ship on the label; then a 3D image 'pops' out of the bottle of a guard holding a gun showing a convict into a cell (presumably in the ships hold). The bottle becomes a cell wall and the barred door comes out of the bottle. The convict walks in and once he has turned around the barred door slides shut in their face. The floor is wooden boards – indicating perhaps the ship floor. What follows is a dialogue between the convict and the guard, where the guard informs the convict (and thus the viewer) that "political prisoners are kept apart from *real* criminals Australia bound".	Kane, or Keane (as his name appears in historical documents) was convicted of treason and felony. Whilst serving his sentence, he petitioned the Secretary of State complaining that his treatment was unnecessarily harsh and he lacked proper attention from the Medical Orderly (Amos, 1987).

The guard then locks the cell door and turns his back on the convict. The convict sits down, and you can see and hear the clanking of the arm irons; then Irish music starts playing. The convict then tells the viewer that the trip to Australia was much better than anticipated because he was reunited with fellow Fenians. The convict and guard disappear leaving behind just the 'cell' for a moment before that too disappears.	
Convict: Michael Harrington Fenian	
Harrington's AR label begins exactly the same as Brophy's – using the exact same words to describe the escape to the *Catalpa*. The label then diverges to allow Harrington to call himself a 'hero' rather than a 'traitor'. The label then reverts to the end of the Brophy label discussing verbatim friendship and brotherhood. **Alternative AR experience** The label shows a ship on the label; then a 3D image 'pops' out of the bottle. The bottle becomes a cell wall, and the barred door comes out of the bottle – the door is open, and the guard is in the cell with his back to the convict. The convict is sitting at a small table. The guard places presumably food on the table in front of the convict. The guard, in response to the convict not eating, berates the convict by stating "you don't read or write" and stating that "it's a bloody shame this rope ain't long enough for you to hang your traitored neck with".	Harrington was convicted of mutinous conduct and desertion. During his time as a convict he was charged with insubordinate conduct, insolence, feigning sickness, bad conduct, under the influence of liquor, abusive language, absconding from camp, mutinous conduct, and being drunk while in charge of a prisoner (whilst being a constable) (Amos, 1987).

The convict always has his back to the scene so there is no way to see if it is the same convict as other experiences like this. The convict, guard and then cell disappear to show the convict image on the label.	
Convict: Robert Cranston Fenian	
NOTE: This is based on a partial transcript. Cranston talks about the journey to Australia and the escape aboard the *Catalpa*. This label provides different information to Brophy and Harrington, telling the viewer that most thought the *Catalpa* was a whaling ship (the implication being, it did not arouse suspicion) and that the Fenian cause was triumphant despite transportation because they escaped.	Robert Cranston appeared before the Dublin court on charges of attending Fenian meetings, harbouring Fenian deserters, and mutinous conduct (Amos, 1987). *The Pilot* (1874), a Catholic newspaper (which John O'Reilly later wrote for), reported that Cranston was convicted of breaching articles of war, mutinous conduct and "endeavouring to induce a soldier to become a Fenian" (p. 3). He was sentenced to penal servitude for life. During his time as a convict, he only appeared to be reprimanded once when he refused to work. Cranston escaped on the *Catalpa* on the 17 April 1876.
Convict: Michael Moore Fenian	
NOTE: This is based on a partial transcript: Moore's AR label recounts his background in Dublin as a Pikemaker or blacksmith and his contribution to the Fenian cause. The voice states that although he wore chains and was banished, his "spirit remained unbroken" and that he served his "10 years of hard labour as only an Irishman can; with insubordination". The experience also provides further information on the Prison ship *Hougoumont*, including that it	Moore was a blacksmith and pikemaker who was found guilty of actively making and distributing pikes; and treason-felony (Amos, 1987). He was sentenced to 10 years penal servitude. During his time in Western Australia he was cautioned for striking work, insolence and refusing to work (Amos, 1987). He was released in 1869 and left the same year for San Francisco.

left London on October 12, 1867, that it was the last convict ship from Britain and that the trip took 89 "harrowing days at sea".	
Convict: Jane Castings	
Casting's AR experience begins by telling the viewer that she begged for mercy "for the sake of" her children upon being sentenced to seven years transportation for stealing bacon and leading a gang of thieves. Her AR voice projects sadness over the loss of her children and describes her life as involving "toil and hardship", but ultimately, she saw her sentence out, "gained grit and a new life".	Jane Castings was tried at Leicester Borough Quarter Sessions for receiving three pounds weight of cheese knowing it was stolen, receiving a piece of bacon knowing that it was stolen and accused of encouraging juvenile thieves to commit offences (Leicester Journal, 1846). Castings was also charged with harbouring and comforting known thieves (Leicester Mercury, 1846). She was acquitted for receiving stolen cheese, but was found guilty for receiving the bacon. The *Leicester Mercury* (1846) reported that Castings was responsible for getting "at least half-a-dozen youths transported', by encouraging them in acts of robbery!" (p.1). Castings petitioned for pardon claiming innocence and denying knowledge that the goods were stolen (Castings, 1846). She was transported on the *Sea Queen* on 8th May 1846. She gave birth to a daughter, Maria, while in the Female Cascade Factory in 1848. On the 12 February 1850 she was given a Ticket of Leave, and on 2nd March 1853 her Certificate of Freedom.

Nine of the ten labels with transcripts available feature Fenian convicts, and all these Fenians were transported to Australia on the *Hougoumont*. Jane Castings is the only female convict, and the only 'criminal' convict (as opposed to political convict). As noted above, the Fenians were often not thought of as normal convicts (Amos, 1987). At the time of their sentencing to transportation there were protests in England, Ireland, and in Western Australia. Public pressure led to Queen Victoria pardoning 34 civilian Fenians in early 1869 (Hugh Brophy was one of them (Alona, 2019)) and further pardons in 1871. However, some Fenians were left imprisoned, leading to the *Catalpa* rescue.

At the time of the *Catalpa* rescue, only eight Fenians remained in Fremantle Prison (FitzSimons, 2019), six of whom were rescued. The *Catalpa* rescue is still considered by some to be "the most daring escape ever undertaken" (The Silver Voice, 2017, para. 1) and occurred on Easter Monday (April 16) 1876. The *Catalpa* posed as a whaling ship and docked in international waters. A smaller boat was rowed in to collect the

prisoners, which along with the *Catalpa* itself, was pursued by authorities. In 2005 a memorial was constructed in Western Australia showing six "Wild Geese flying out to sea to freedom" (The Silver Voice, 2017, para. 16).

While much of the information presented through the AR experience seems to generally reflect historical accounts of these convicts, there are instances where some of the labels do not seem well suited. For example, in the case of Hugh Brophy, while his AR experience talks about escaping on the *Catalpa*, Brophy actually remained in Australia, dying in Melbourne (Amos, 1987). The main two paragraphs of Brophy's AR experience are also identical to that of the Cabernet Sauvignon 2017 AR label, which may indicate that the AR narrative was designed for Michael Harrington (Cabernet Sauvignon) and just reused for Brophy. Michael Harrington also appeared on the 2104 Shiraz Duff label with the same narrative, reinforcing the idea that this narrative was designed for Harrington rather than Brophy.

As outlined above, only two of the known *19 Crimes* convicts portray 'criminal' convicts – Jane Castings and Henry Singleton. Jane was sentenced for receiving stolen bacon and Henry for stealing shirts. Both convicts spent time in Tasmania; Jane at the Female Cascades Factory in Hobart and Henry at Port Arthur (1853). While Jane quickly earned her freedom, Henry continued to re-offend for much of his life and was sentenced on several occasions to Port Arthur. Here, he was considered to be of "'bad character', constantly in trouble for refusing work, being dirty and disobedient, talking, having money improperly in his possession, insubordination, and using threatening language" (Port Arthur Historic Site [PAHS], 2017, para. 1).

The alternate AR experiences, whilst they appear to be attached to a particular label (we cannot say for certain as the only access we have to these is through people posting their experiences on sites such as YouTube) are more general in nature. They appear to depict the convicts' experiences on their voyage to Australia. Given all of the Fenians selected by *19 Crimes* were aboard the same ship, it would be safe to say these scenes take place on the *Hougoumont*.

The alternate AR experience of Cornelius Dwyer Kane again emphasises that these are Fenian convicts – the gaoler states the convict is an Irish prisoner and has the 'luxury' of being kept apart from the 'real' criminals. The convict then enlightens the reader as to the reality of the voyage on the *Hougoumont* – rather than being a 'tough' journey, he was reunited with a fellow Fenian brother, and they entertained each other. On the *Hougoumont*, the Fenians did celebrate the 'Arts' – hosting performances and editing/writing their own publication, the *Wild Goose*, which can still be accessed. The alternate AR experience of Michael Harrington seems to switch gears – rather than telling the viewer how much more enjoyable and sociable the journey was, it focuses upon the prisoner food, the work required of convicts during the voyage and implies the less than friendly attitude of the guards towards the convicts. *This* AR experience could be generalised to any *male* convict transported to Australia.

The Magistrate

This is the most interactive of the labels and if consumers follow each 'path' until the end, the AR experience will last almost 16 minutes. Upon scanning the label, consumers are told that: "Court in session. We are here to review the case of inmate nine-one-two. How do you plead?" Three options become available to select: Innocent, guilty and silence. Consumers are free to keep looping through this scenario, selecting different options each time. If users take too long to select an option (regardless of where they are in the experience) the Magistrate declares: "Silence may be golden, even admirable. But are you sure that's the right move?", and then if users again fail to select an option again the magistrate declares once more: "Silence? Are you sure that's the right move? Those that have nothing to lose are dangerous. Guilty!"

Examining the first 'guilty' option more closely, viewers are 'entertained' by other potential crimes of the time when the Magistrate asks whether they have impersonated an Egyptian (Crime 5 on the *19 Crimes* website); committed bigamy (Crime 12); or stolen a shroud (Crime 16). Where a viewer selects 'silence' from the main

menu, an option of 'revolt' becomes available. If selected, we are warned "don't you dare threaten me, convict. Perhaps I should teach you some manners?"

Every single scenario and option ultimately lead to the Magistrate pronouncing a guilty verdict, with a response of "we don't make deals. Guilty"; or "those who have nothing to lose are dangerous. Guilty"; or "we can't trust you. Guilty". The inevitable pronunciation of 'Guilty' is most likely a social commentary on the system of 'justice' at the time; although it is conceivable that it continues to provide commentary on modern justice systems.

When consumers are asked to make a choice there is often background noise including: chattering noises (as if in a busy courtroom); the Magistrate clearing his throat; and the Magistrate saying "Order! Order!" and the gavel banging. Just before the Magistrate pronounces a Guilty verdict there are sounds of a crowd in background then astonished "Ohs" whenever a person is found guilty. If users select 'no' for a retrial after the Magistrate asks for "Silence!" there are the sounds of a gavel being banged.

The Warden

Running for only 3-5 seconds, this AR experience is on constant loop (for as long as the consumer cares to watch). The image on the bottle appears to be a rectangular metal peephole with a sliding metal door in a cell door (the bottle) with a partial face pressed up against it – presumably 'the warden'. On the metal plate is imprinted: "Cell. Security. Australia". The warden states, "Up against the wall" and slides the metal door shut. After a moment or so, the door is slid open again and the whole process repeats as long as the consumer scans the label.

Analysis: Cultural Hijacking

Re-envisaging the convict story to render inhumane conditions normative

The use of 'real-life' convict images and narratives based upon historical accounts to brand the *19 Crimes* wine labels introduces a system of codes and rituals that attribute a sense of authenticity to the product. Drawing on Kubrin's (2005) example of gansta rap as a form of popular culture and how it could be used to reconstitute reality and to "*create* cultural understandings of urban street life that render violence, danger and unpredictability normative" (p. 376), we argue that *19 Crimes* similarly creates its own systems of codes and rituals to create a cultural understanding of convict experiences that renders the inhumane conditions as normative. Through viewing and engaging with the AR experience, consumers are offered a very selective 'reality' that fosters a cultural understanding of convicts as 'rule breakers' which may encourage in consumers feelings of admiration and respect for the men and women sent to Australia. Further, this particular narrative of 'rule-breakers' and the marketing campaigns surrounding the wine that encourages similar risk-taking behaviour from consumers creates its own cultural self-image for its users. The consumers themselves become part of the narrative and in turn earn respect from fellow *19 Crime* drinkers.

This is especially the case when the target audience of *19 Crimes* is considered. As Ferrell et al. (2008) have noted:

> In fact, panic-inducing images of crime and deviance are now prime marketing tools for selling products in the youth market. At one level, there is nothing inherently new about this; the compelling salacious nature of certain criminal acts ensured a ready audience for crime throughout the twentieth century. What has changed, however, is the force and range of illicit message, and the speed at which it loops and reverberates. Crime and transgression are now packed and promoted as fashionable cultural symbols, with transgression

> thus emerging as a desirable consumer decision (see Fenwick and Hayward, 2000). Here, within consumer culture, crime becomes an aesthetic, a style, a fashion – and so the distinction between the representation of criminality and the pursuit of stylized excitement, especially youthful excitement, evaporates. (p. 140)

While the images displayed on *19 Crimes* is not 'panic-inducing', the images are nonetheless of real 'criminals', and these 'criminals' and their transgressions have been neatly packaged as a desirable consumer commodity for predominantly young males. While consumers are explicitly told, by the convicts themselves, of the 'criminal acts' that they committed, these stories are crafted in such a way as to evoke feelings of empathy and solidarity – the crimes are no longer seen as actions that hurt others or the state; rather they are seen as stylised activism pushing against the boundaries of the government and the powerful.

Consumers, as such, are 'affected' by the labels on *19 Crimes* alcohol. For Massumi (2002, p. 214, as cited in Young, 2010), affect is akin to connecting the body with itself and the wider world; "…with intensified affect comes … a heightened sense of belonging …" (p. 85). Many of the campaign techniques employed by *19 Crimes* seeks to connect or affect its consumers with other like-minded drinkers (that is, other rule-breakers) and to the convicts themselves. Young (2010) argues that:

> …crime connects bodies known and unknown through the proliferation of images. The connection might be a minor or substantial interruption to one's sense of the proper, or a reinforcement of one's view of 'the state of society today' or an experience of the exhilaration of illicit behaviour. Whatever the case, *crime as image connects bodies*. (p. 85)

Those viewing the image need to feel connected to the image to be affected. Once a person "feels *addressed* by the image" they will be more affected by it, making it a force within society (Young, 2010, p. 86). This is why the construction and presentation of the image is paramount. Images, those of crime and criminals in particular, are often constructed to elicit a specific significance or reading from the viewer (Young, 2010).

In the case of *19 Crimes*, the spectator is encouraged to connect with the convict over concepts of 'rule breaking' and 'rebelling' against the State. Indeed, considering the Magistrate label, where one is found guilty regardless of one's choices (or innocence), there is a clear invitation to rebel against the state, because the state is represented as being unfair and unyielding. This does not mean that *every* viewer of the *19 Crimes* labels has the same reaction or reading of the labels; however, given the broader marketing campaigns and the reinforced messaging being delivered through the AR labels, the intended 'reading' is clear.

Yet, the information presented, through its romanticisation, renders inhumane conditions normative or invisible. Take for example the case of Keiley. His AR experience implies that he had no regrets about informing on his fellow Fenians. However, historical documents record at least one suicide attempt, and scarring on both wrists implying a second attempt indicating he felt a deep remorse over his betrayal (Amos, 1987). There was also a recognition at the time of the official pressure placed on Fenians to inform on others, and a belief that at least one in ten turned informer.

Marketing a commodifiable treason

The convict story and Australia's political denial and eventual acceptance of convict heritage has undergone numerous cultural imaginings and reimaginings influenced by ever-changing political and social movements. As Ferrell et al. (2008 – italics in original) argue "*[t]he difference between one crime and another is negotiated, not innate – in the final analysis [it is] more a matter of contested meaning than inherent magnitude"* (p. 86). The crimes committed by convicts, and indeed, the convicts themselves, have undergone a process of culturally re-negotiated meaning and understanding. Even considering the magistrate label, the

traditional understanding of the magistrate as someone who is supposed to provide 'justice' has been reimagined so that no justice is ever available. Perhaps the only label that has not reimagined our cultural understanding is that of the warden who tells people to stand up against the wall – very much in keeping with our current popular culture understandings of prison guards and police officers.

As the convict story has become more accepted, and indeed become a badge of honour to many Australian families, the consumer practices around convicts has increased and expanded into many facets of life. People actively search records and genealogy websites to find their own personal connection to their convict heritage, tourists travel great distances to visit decommissioned convict sites, and there is a range of merchandise that is branded with convict symbols and images. It would appear that *19 Crimes* has capitalised upon this growing fascination with convicts and engaged in the process of creatively engaging its consumers with select convict experiences. However, while *19 Crimes* have selected 'real' convicts and included sections of historical documents in their AR experience, we argue that they do so in a way that romanticises the original intent of the convicts themselves.

As noted earlier, ten of the fourteen images selected by *19 Crimes* are Fenians – Irish service men who are often portrayed as being political prisoners and victims of the British empire. The British press at the time accused the Fenians of terrorist behaviour and cartoons visually displayed the Irish as an inferior race (Edge, 2014). The narratives told through the AR experience are of men trying to stand up for something greater than themselves: a 'brotherhood' for 'the cause'. Three of these Fenian convicts are associated with daring escapes that saw the convicts becoming free men in America. These are narratives commonly attractive to young males, hence their marketing appeal. However, while *19 Crimes* have created an extraordinary, interactive and in many ways informative experience, at the same time they have romanticised the Fenian brotherhood and turned their story into a commodity to be collected.

The labels also make light of what is normally considered to be one of the most condemned and contentious crimes: treason. While the conviction and transportation of the Fenians at the time was controversial in some social and political sectors of both British and Australian society, the use of them on alcohol labels romanticises concepts of treason. This is accepted because of the shifting cultural understanding and acceptance of convicts within Australian society; convicts are now celebrated rather than shunned, and the Fenians have always seen themselves as fighting for freedom, rather than necessarily being treasonous. Yet, in a different context the placement of treasonous criminals on wine bottles certainly would not be accepted.

The way the wine labels and the AR experience are constructed allows a continued contestation of what the cultural label of 'convict' means. *19 Crimes* have engaged in a process of negotiating the meaning attributed to convicts and transportation. In romanticising the Australian convict experience the labels also actively criticise the justice system by which convicts were judged. Take for example 'The Magistrate': this interactive label lasts approximately 16 minutes and no matter which option a consumer selects the judgment is always 'guilty'. This is undoubtedly a commentary on the courts and 'justice' of the time. Yet, it should also resonate with some people in regards to our current criminal justice system and ongoing inequities; however, we doubt that this occurs very often. The manner in which the AR experience is done, whilst very entertaining, also suggests a criminal justice system that is characterised by a lottery of luck in terms of guilt or innocence.

Spectacular productions

When considering the mugshots used by *19 Crimes* it is essential to remember that these images have been culturally reappropriated. These convicts were photographed as part of a ritual of state control and punishment. As Carney (2010) notes, the criminal photograph enabled the state to "stigmatize the body of the criminal in front of a mass audience" (p. 211). In this way, the criminal mugshot became its own photographic spectacle:

> Today we know that a mug shot in the spectacle is no mere instrument of identification. It also involves the capture of a suspect, the enactment of a power of arrest and, in its release to the mass media, not only an indication of policing power in general but also, as Moreau-Christophe might have hoped, its capacity to brand a detained body with shame. (Carney, 2010, pp. 22-23)

The photographing of criminals forms a central part of the arrest, control and identification process. Although the photographing of convicts was rarely conducted when transportation was initiated, once the technology became available it was quickly adopted.

Most of the images of the convicts used by *19 Crimes* were taken by the State, and were in essence coerced images – the convicts would not have been able to give consent freely, and as such consumers are participating in gaining enjoyment and amusement from coerced men and women. According to Edge (2014) the gaze of the camera in this circumstance can be likened to the gaze of the panopticon; the photographs:

> … were forcibly taken and owned by a state institution. They were part of an official filling system that recorded 'facts' about the individual and were distributed across powerful institutions in order to track and identify the 'Fenian criminal'. (p. 488)

Yet, Edge asks readers to take a more expansive view of these photographs. She suggests, drawing on work from Davidson, that there is an important "distinction between the photographic gaze as surveillance – 'to be seen' (institutional) and the photographic gaze as spectacle – 'to see' (domestic or celebrity)" (Edge, 2014, p. 488). These photographs can now certainly be viewed as a spectacle, that is, convicts turned celebrities.

Referring back to Jeremiah O'Donovan Rossa's final reflection on being photographed ("I made an exceedingly good picture"), Edge (2014) argues that this "offers a rather 'knowing' ironic twist on the process" (p. 491). During these post-conviction images, the Fenians were 'staged'; they were shaved and a nameboard placed on their chest "… to ensure that the photograph … carried the established signs of criminality: a formulaic pose, a number, the removal of all signs of individuality such as fashion and style, and finally the removal of a sign of 'vanity' and self grooming – the beard" (Edge, 2014, p. 491). Edge (2014) speculates that the removal of people's beards was another way of showing their control over nature and, we argue, another way for the State to exercise control over the Fenian prisoners.

Photographs of criminals were not just used by the state, they were sought after commodities to be released into circulation by media outlets seeking to sate public curiosity (Carney, 2010). Yet, while these photographs may have been circulated – they still reflected the common themes of crime, punishment and state control. In modern society, these images have been re-appropriated and commercialised for a completely different purpose. The purpose is no longer necessarily related to 'naming and shaming' offenders; rather in many cases the repurposing of criminal photographs has been to celebrate and revere certain criminals. According to Hayward (2010) any group can take an image that was once used to serve the State and "subject it to a cultural hijacking and a radical reversal of meaning" (p. 6). *19 Crimes* certainly engages with this cultural reappropriation; the convicts on the labels are no longer seen as criminals who need to be surveyed and controlled – they are now pioneers, rule-breakers and success stories.

There are two further problematic areas regarding *19 Crimes'* adaption and reimagination of these convict images to sell wine. The first, in using an image of Jane Castings as a free woman and then overlaying a name board on her image raises ethical questions about reimposing her convict status upon her. In the past year there has been substantial media commentary on historical photographs being doctored to provide a new 'spin' on original material. For example, the colourisation and making victims of the Khmer Rouge killing fields

'smile' has received substantial criticism and the retraction of certain photographs from online platforms (ABC News, 2021). However, there has been little concern raised over the doctoring of Jane Castings' image.

Second, the fact that *19 Crimes* have super-imposed a different AR experience over a photo of a possibly different convict, or had a convict speak a narrative that does not match his 'real' story indicates that the image of the convict itself is more important than historical accuracy. That is, entertainment is more important, which is understandable as a marketing technique. However, it does minimise the experiences and uniqueness of these convicts – essentially making them interchangeable in this current AR experience.

Conclusion

In essence, the marketing choices of *19 Crimes* could be seen as selling convicts as "cheap commodities … sold as seductions of entertainment and digital spectacle" (Ferrell et al., 2008, p. 144). The image of the convict no longer embodies or represents its original intent and 'reality' (that of surveillance and control); instead, it has become embedded in a consumer context, symbolising rule-breaking and having a good time; a collector's item within the everyday culture of consumption.

Another possible (although unlikely) consequence of the *19 Crimes* labels is the potential to promote criminogenic behaviour. As Ferrell et al., (2008) discuss, it is common knowledge that crime is packaged and sold as entertainment, and the effects of such consumption on promoting criminality or 'copy-cat' crimes among consumers is often debated. Is it possible that the romanticisation of convicts and the message that 'rule breaking' is cool could lead to more criminogenic behaviour? While entirely plausible, particularly if one considers crimes such as 'drunk and disorderly' behaviour, it is doubtful that *19 Crimes* promotes this type of behaviour over and above other alcohol companies and campaigns, although it could be an area of future study.

Our main concern does not relate to the potential for criminogenic behaviour. Instead, our concern is around the romanticisation of Australia's convict past and the promotion of particular perceptions of that past as characterised by heroic rebels and rule breakers with little regard for the rich and sometimes tragic history of the convict experience. It has been reported that some Irish people have found the labels "offensive and that it trivializes the struggles and the hardships encountered by Irish convicts who spent years in cruel penal colonies for mostly minor offences" (O'Brien, 2020, para. 10).

While it could be argued that *19 Crimes* is offering consumers the opportunity to engage in meaningful dialogue about the crimes convicts were sent to Australia for, and some of the conditions that they endured, it is more likely that this branding technique reflects what Ferrell et al., (2008) refer to as "just another mediated ploy, the next loop in an endless spiral, coerced and corrupted easily enough by the machinery of the late modern mediascape" (p. 149). The selection of convicts for the *19 Crimes* labels are mostly of Fenian soldiers who were convicted of various crimes associated with mutiny and treason – the perfect narrative for concepts of resistance to imperialism, political abuse and state violence and control – thus, enabling consumers to more easily connect with the convict and to feel solidarity for rule breakers. It also perpetuates (relatively) newly formed stereotypes within the mediascape of convicts being unfairly transported and is part of a wider scale change in the cultural hijacking of once State-owned images for the purpose of celebrating rebellion and rule-breaking.

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