

COMPLAINT NUMBER	17/242
COMPLAINANT	Alcohol Healthwatch
ITEMS	Facebook and Instagram
DATE OF MEETING	22 August 2017
OUTCOME	No Jurisdiction

SUMMARY

Two Facebook groups and an Instagram account depicted several social media posts which focused on the consumption of Double Brown beer, a product of DB Breweries Limited. These were:

- The Facebook community page – Double Brown. From where you actually are
- The Facebook community page – Double Brown Appreciation Society
- Instagram page – Doublebrownadventures

Alcohol Healthwatch was concerned the material breached several aspects of the ASA Code for Advertising and Promotion of Alcohol. They presented 18 posts from the *Double Brown. From where you actually are* Facebook group that depicted irresponsible drinking behaviours including excessive drinking, drinking in hazardous environments, and showing people under 25 consuming alcohol with strong appeal to minors.

DB Breweries Limited said it does not own or manage any of the pages referred to in the complaint, nor does it have any degree of control over the content that is shown on those pages.

The Complaints Board said there was no evidence the content on the Facebook pages and Instagram account was generated or controlled by DB Breweries Limited, or that it had endorsed or distributed the user-generated content. The Complaints Board considered that while the definition of an advertisement is broad, the content subject to complaint did not fall within the ambit of the definition.

The Complaints Board ruled it had No Jurisdiction to consider the complaint.

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chair of the Complaints Board directed the Complaints Board to first consider whether the material complained of constituted an advertisement, and if it fell within the Complaints Board's jurisdiction for consideration. The Complaints Board considered the material in terms of the Advertising Codes of Practice and the ASA Guidance Notes on Alcohol Advertising and Social Media.

The Complaints Board ruled the complaint was outside its Jurisdiction.

The Complaints Board noted the material complained of by Alcohol Healthwatch related to two Facebook groups and an Instagram account that depicted the consumption of Double Brown beer, a product of DB Breweries Limited. These were:

- The Facebook community page – Double Brown. From where you actually are
- The Facebook community page – Double Brown Appreciation Society
- Instagram account – Doublebrownadventures

The Complainant was concerned the material breached several aspects of the ASA Code for Advertising and Promotion of Alcohol. They presented 18 posts from the *Double Brown. From where you actually are* Facebook group that depicted irresponsible drinking behaviours including excessive drinking, drinking in hazardous environments, and showing people under 25 consuming alcohol with strong appeal to minors.

The Complaints Board noted the Complainant's view the Facebook groups and Instagram account meet the definition of an advertisement as per the Code for Advertising and Promotion of Alcohol. The Complainant said, in part "we believe that these social media accounts are part of a coordinated effort by Dominion Breweries to promote the Double Brown brand to a target market of which could be described as young, provincial, bogans... using this page to promote the brand Double Brown using word of mouth marketing, product displays, and branded merchandise."

Further, the Complainant asserted that DB Breweries Limited "has a reasonable degree of control over the social media platform in use (*Double Brown. From where you actually are*) and is using the page to promote its beer brand Double Brown to the public... we find it difficult to believe that Dominion Breweries would be unaware of the existence of this page. A large company such as Dominion Breweries should not face unreasonable difficulties in getting the page removed to protect its brand."

The Complainant raised concerns that some of the posts on the social media pages were appeals for ideas or feedback on seeking sponsorship from DB Breweries Limited in the form of prizes.

The Complainant said the pages have "a strong influence, with over 8,600 followers, and each post has many likes, comments, and shares. The more likes, comments, and shares a post receives, the more visible a post will be and the Facebook page can grow their audience in this way. Many people tag their friends to view or share the post. Alcohol-content, presented as visual images and or textual content, along with positive peer reactions to the posts results in showcasing of inappropriate alcohol use in a positive light. Posting alcohol-related content on personal social media accounts is linked to adverse alcohol-related outcomes such as higher alcohol use, craving and also alcohol-related harms. Those who are exposed to alcohol-related content on social media (e.g. posts shared by or liked by their friends in their social network) have been associated with adverse alcohol outcomes."

The Complaints Board noted the response from DB Breweries Limited, which said, in part: "the ASA Guidance Notes for the Code for Advertising and Promotion of Alcohol state, in note vii for Principle 3, that:

'It is acknowledged that *advertisers can only be responsible for the material that is on the sites/pages that they own or manage*. Where possible, links to pages with content likely to breach the codes should be removed but *the content of an individual's social media page /profile, with no connection to the advertiser, is outside the jurisdiction of the ASA.*' (emphasis added)

In addition, the ASA Guidelines for Social Media state that: ‘Unless the advertiser has a reasonable degree of control over the social media platform in use and is promoting a brand or service to the public, it is outside the jurisdiction of the ASA.’

DB Breweries does not own or manage any of the pages referred to in the complaint, nor does DB have any degree of control over the content that is shown on those pages.

The pages in question are operated as fan pages by individuals who are not associated with DB. The Facebook Page rules (https://www.facebook.com/page_guidelines.php) allow ‘any user to create a page to express support for or interest in a brand [...], provided that it does not mislead others into thinking that it is an official page, or violate someone’s rights’.

...in order to seek to have these fan pages removed from Facebook, the content or information posted on the page would need to infringe DB’s intellectual property rights. As the fan pages are not carrying out any element of ‘trade’, DB’s legal counsels’ view is that a request by DB to Facebook to remove the pages due to trademark infringement would not be successful.”

The Complaints Board noted the Advertiser’s confirmation it did not have control over the Facebook pages and Instagram account and “does not condone social media content that encourages irresponsible consumption; however, DB should not be held responsible for content that is posted by individuals on a social media page created by someone who has no connection with our organisation, and over which DB cannot exercise any control.”

The Complaints Board noted that Facebook did not respond to a request for a response.

Complaints Board Discussion

The Complaints Board considered whether it had jurisdiction to consider the material subject to complaint.

In making its determination, the Complaints Board took in account the ASA definition of an advertisement, which says:

“Advertising and advertisement(s)’ are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.”

The Complaints Board also noted the following definition of Alcohol advertising and promotion in the Advertising Standards Codes of Practice Code for the Advertising and Promotion of Alcohol. The definition states:

“Alcohol advertising and promotion’ means an advertisement, packaging, point of sale or other promotions, activities and materials (including dispenser units) generated by an alcohol producer, distributor or retailer that promotes alcohol by product, brand or outlet. This includes media releases, branded merchandise, competitions, word of mouth marketing, advergaming, product displays and sampling, but does not include a sponsorship advertisement or an advertisement in which reference to or the depiction of alcohol or alcohol packaging or an alcohol outlet is incidental to its purpose. An advertisement including a reference to licensed premises is not automatically an alcohol advertisement - the intent of the advertisement must be to promote the consumption of alcohol.”

Another relevant definition was the that of **“User Generated Content”** which, according to the Advertising Standards Authority Guidance note on Social Media, is:

"content on websites or emails where the public contributes to the content, such as the YouTube and Facebook websites and viral emails. The Code applies to promotions on such websites and emails where the producer, distributor or retailer provides a platform for, or **distributes the user-generated content or endorses the user-generated content.**"

After carefully considering these definitions, the Complaints Board concluded that for content to be considered an alcohol advertisement it needs to:

- Be generated by an alcohol producer; and
- Be a message controlled directly or indirectly by the Advertiser; and
- Have an intent to influence; or
- Be Advertiser endorsed or distributed user-generated content.

The Complaints Board noted DB Breweries stated the content on the Facebook pages and Instagram account was not generated or controlled by DB Breweries Limited, nor had it endorsed or distributed the user-generated content.

The Complaints Board took into account the serious concerns expressed about the content by the Complainant. However, the Complaints Board considered that while the definition of an advertisement is broad, the content subject to complaint, which was not controlled by DB Breweries, did not fall within the ambit of the definition. Accordingly, the Complaints Board ruled it had No Jurisdiction to consider the complaint.

Finally, the Complaints Board noted that the platforms used to distribute the material have their own terms and conditions of use and complaints processes that the Complainant may wish to make use of.

DESCRIPTION OF ITEMS

Two Facebook groups and an Instagram account depicted several social media posts which focused on the consumption of Double Brown beer, a product of DB Breweries Limited. These were:

- The Facebook community page – Double Brown. From where you actually are
- The Facebook community page – Double Brown Appreciation Society
- Instagram page – Doublebrownadventures

COMPLAINT FROM DR. NICKI JACKSON, ALCOHOL HEALTHWATCH

Subject: Complaint about posts on the Facebook community page – *Double Brown. From where you actually are.*

This complaint relates to the social media posts containing photos and videos shared by the page administrator(s) from a Facebook community page entitled "*Double Brown. From where you actually are.*". Here is the link to the page - <https://www.facebook.com/doublebrownfromwhereyouactuallyare/>.

Most content is user generated. People submit photos. The administrator(s) of the page (identified as *Double Brown. From where you actually are.*) reviews photos submitted by users and then post these photos on the facebook page to its audience consisting of over 8,600

followers or fans. The potential audience can be bigger depending on how the followers interact with each post.

Definition of advertisement and requirement for advertiser control:

We believe that this page breaches several principles of the Code for Advertising and Promotion of Alcohol. We also believe that posts from this Facebook page meet the definition of an advertisement as per the Code for Advertising and Promotion of Alcohol, and the published ASA guidelines for Social Media for the following reasons:

The posts referred to in this complaint promote the interest of the Double Brown product, produced and promoted by Dominion Breweries. We believe Dominion Breweries is using this page to promote the brand Double Brown using word of mouth marketing, product displays, and branded merchandise. We believe that Dominion Breweries has a reasonable degree of control over the social media platform in use (*Double Brown. From where you actually are*) and is using the page to promote its beer brand Double Brown to the public. The first visible post from the page was made on 11 May 2014 and Dominion Breweries has allowed the page to build a significant audience of over 8,600 followers over three years. We find it difficult to believe that Dominion Breweries would be unaware of the existence of this page. A large company such as Dominion Breweries should not face unreasonable difficulties in getting the page removed to protect its brand.

Adding to the case that Dominion Breweries has a reasonable degree of control over the page, are posts from a similar page *Double Brown Appreciation Society* (audience size 5931 followers). In at least 4 posts, the administrator of the page appeals to the page audience for ideas or feedback on seeking sponsorship from Dominion Breweries in the form of prizes (15 June 2014), sponsorship (1 July 2014), specials for *National Crate Day* (3 November 2014), and official sponsorship (29 August 2015). See appendix 1.

<https://www.facebook.com/DoubleBrownAppreciation/>

Furthermore is the existence of an Instagram page *Doublebrownadventures* which operates in a similar manner to the Double Brown facebook pages. The Instagram page (first visible post 28 November 2015) solicits content from users and reposts to an audience that has grown to 2624 Instagram users. Some of the content shared through the Instagram page is identical to the content shared through the facebook pages. Many of the posts appear to breach the same principles of the Code for Advertising and Promotion of Alcohol as do the posts from the facebook pages. See appendix 2.

<https://www.instagram.com/doublebrownadventures/>

Coordinated approach to targeted marketing:

We believe that these social media accounts are part of a coordinated effort by Dominion Breweries to promote the Double Brown brand to a target market of which could be described as young, provincial, bogans.¹

We believe the *Double Brown. From where you actually are.* page has a strong influence, with over 8,600 followers, and each post has many likes, comments, and shares. The more likes, comments, and shares a post receives, the more visible a post will be and the Facebook page can grow their audience in this way. Many people tag their friends to view or share the post. Alcohol-content, presented as visual images and or textual content, along with positive peer reactions to the posts results in showcasing of inappropriate alcohol use in a positive light [1].

¹ Slang term for someone who is working class, listens to heavy metal music, wears jeans and black t-shirts, and could often be spotted with a beer in hand, while enjoying a barbecue with mates. See: <http://www.stuff.co.nz/oddstuff/7129266/A-bogan-by-any-other-name>

Posting alcohol-related content on personal social media accounts is linked to adverse alcohol-related outcomes such as higher alcohol use, craving and also alcohol-related harms. Those who are exposed to alcohol-related content on social media (e.g. posts shared by or liked by their friends in their social network) have been associated with adverse alcohol outcomes [2].

Breaches of the Code for Advertising and Promotion of Alcohol:

Therefore, we believe many posts breach several aspects of the ASA code for Advertising and Promotion of Alcohol. In particular, we present 18 complaints from the *Double Brown. From where you actually are.* page. Complaints breach one or more of the following Principles and Guidelines from the code.

- Principle 1 (a): Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.
- Principle 1 (e): Alcohol advertising and promotions shall not actively link alcohol with the use of potentially dangerous machinery or driving or any other hazardous or unsafe practices. Alcohol advertising and promotions may include sporting or other physical activities but shall not imply that those activities have been undertaken after the consumption of alcohol.
- Principle 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.
- Principle 3 (c) Anyone visually prominent in alcohol advertising and promotions depicting alcohol being consumed shall be, and shall appear to be, at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older. Minors may appear in alcohol advertising and promotions only in situations

Table 1 provides a summary of the principles that each post has breached.

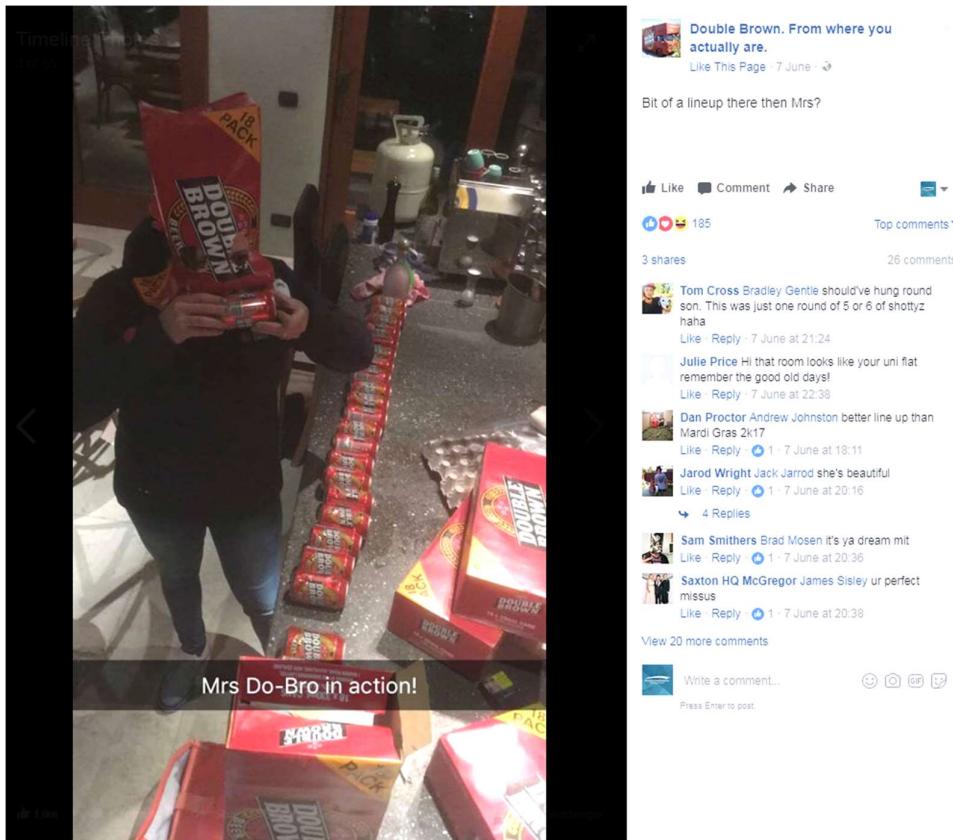
TABLE 1: Summary of breaches

Post	Principle Breached			
	1a	1e	2b	3c
1. Bit of a lineup there then Mrs?			2b	3c
2. Meanwhile in double brown land ... Don't drink and mower derby unless you know what you're doing		1e	2b	
3. Rangiora. What more can I say.			2b	3c
4. Nuf said (sheep)		1e		
5. Get the double brown down.	1a	1e		
6. Few great catches here, underwater shotgun is a champion effort too.		1e	2b	
7. Nuf said (beach)				3c
8. Sink/drop.		1e		

9.	<i>Spotted a Kangaroo today!</i>			2b	3c
10.	<i>Spear fishin the barrier.</i>		1e		
11.	<i>Will YOU be crashed out on a BMX track tomorrow morning?!</i>			2b	3c
12.	<i>Competition</i>			2b	
13.	<i>Just in! A submission for the flag referendum. Bloody Genius really, a shame I think we are a bit late though boys.</i>	1a			3c
14.	<i>The only problem is, in a few years, hipsters will be repping this look hard.</i>				3c
15.	<i>When was the last time you saw some pansy ass craft beer hipster Skateboard off a fridge? Never, that's when.</i>	1a	1e		
16.	<i>We've all played box head, but this presents opportunities for true carnage</i>	1a		2b	
17.	<i>Christmas dinner shotguns on the beach?</i>			2b	
18.	<i>Double decker party shotguns</i>	1a		2b	
	Count (18 posts)	5	7	10	7

Here, we are going to address how each post breaches the ASA code. The codes mentioned hereafter refer to the Code for Advertising and Promotion of Alcohol unless we specify the code name.

POST 1 – BIT OF A LINEUP THERE THEN MRS? (POSTED ON 7 JUNE 2017)



Post 1 breaches Principle 2.b as it promotes irresponsible drinking and therefore, it does not observe a high standard of social responsibility.

We believe the photo promotes, implies, and encourages irresponsible drinking (Principle 2.b) in two ways:

Highlighting the Boxhead game

First, it highlights the *BoxHead*^{2,3} game, which often leads to excessive alcohol consumption. The photo shows someone with a boxhead. Players of the game drink alcohol following the numbers of the dices they have rolled or the cards they have drawn. Rules include - double evens, roller drinks; double odds - everybody drinks; boxhead - player who roll an eleven or twelve need to wear the beer box on his/her head and they need to drink beer every time someone else drink. The boxhead continues to drink until another player roll an eleven or twelve.

Excessive amount of alcohol

It is unclear how many people are involved in the games. However, it appears that the amount of beers drank has far exceeded the number of standard drinks⁴, recommended by the Health Promotion Agency. As shown in the photo, there are at least 5 (18-pack) boxes of Double

² Rules of the Box Head game - <http://hyperlogos.org/drinking-game/Boxhead>

³ <http://onlytutorials.net/how-to-play-the-box-head-drinking-game/>

⁴ <http://www.alcohol.org.nz/help-advice/standard-drinks/a-guide-to-standard-drinks/the-guide>

Brown and more than 12 cans of Double Brown on the bench. There are at least 90 cans of Double Brown for the drinking event in the photo.

Shotguns/Shotties

The 'shotgun' method of drinking beer requires a hole being pierced in the side of the can, before the drinker drinks from the hole in the side of the can as the regular opening on the top of the can is opened. This method enables the whole can of beer to be consumed very rapidly, in just a manner of seconds. This method of drinking, along with the implication that the 'lineup' of cans on the bench is to be consumed by the shotgun method implies and condones irresponsible and immoderate drinking.

POST 2 – MEANWHILE IN DOUBLE BROWNLAND.... DON'T DRINK AND MOWER DERBY UNLESS YOU KNOW WHAT YOU'RE DOING (POSTED ON 1 JUNE 2017)

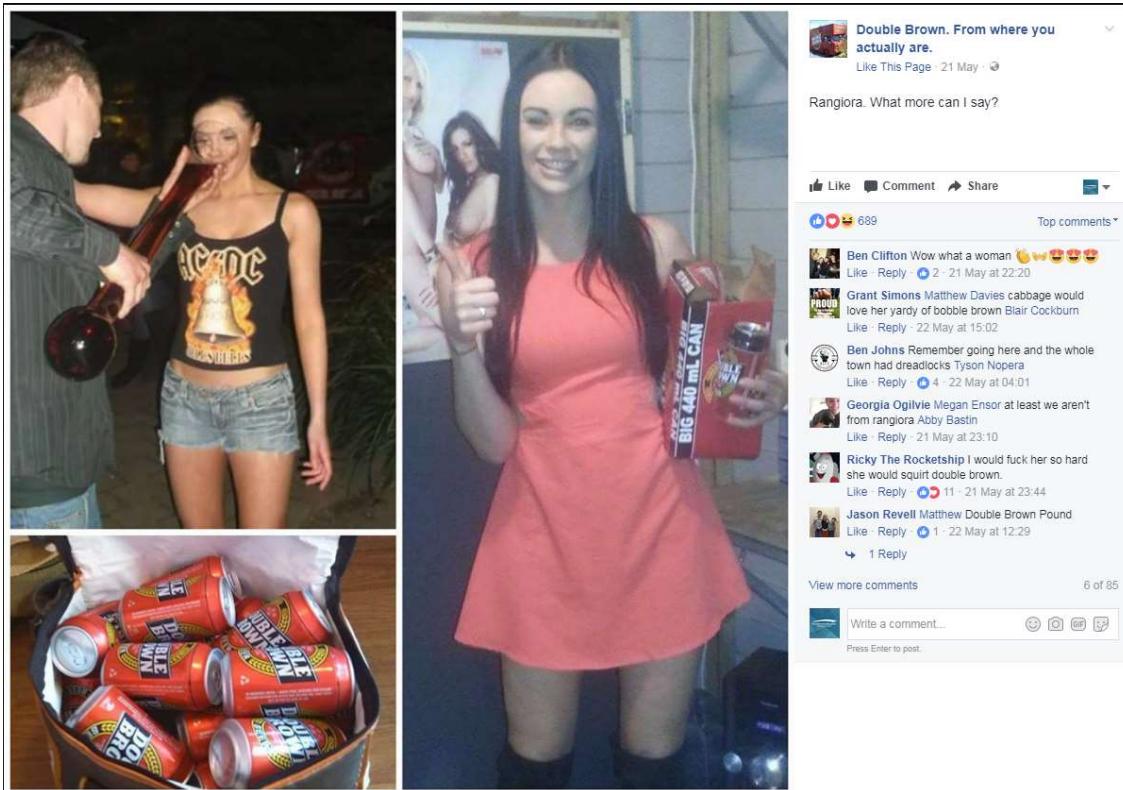


Post 2 breaches Principle 1.e as it links alcohol use with the use of potentially dangerous machinery.

The main feature of the photo is two men doing mower derby. The man on the left has a pack of Double Brown under his seat. There are also fumes coming out from his mower. He is not holding his steering wheel. The caption says 'don't drink and mower derby unless you know what you're doing'.

The post obviously linked alcohol with the use of potentially dangerous machinery and the caption implies that the activity featured has been undertaken after the consumption of alcohol, and hence breaches Principle 1.e.

POST 3 – RANGIORA. WHAT MORE CAN I SAY. (POSTED ON 21 MAY 2017)



Post 3 breaches Principle 3.c as it is either directed at young people or has strong appeal to young people.

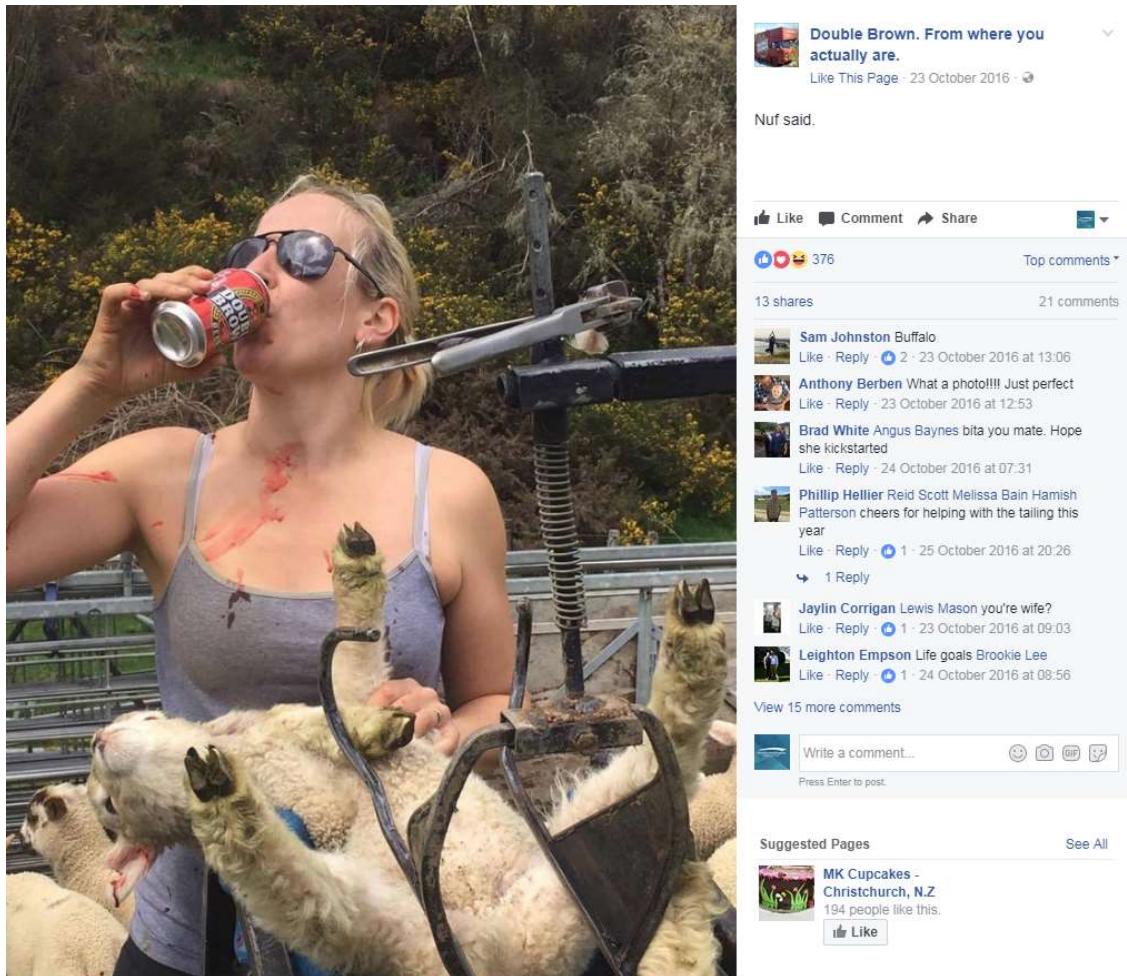
Principle 3.c states that 'anyone visually prominent in alcohol advertising and promotions depicting alcohol being consumed shall be, and shall appear to be, at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older.....'

Top left of the photo features a young woman drinking from a yard glass, which is a drinking tradition for some who are celebrating their 21st birthday. As such, the post prominently features a young woman consuming alcohol who appears to be below 25 years of age and hence against Principle 3.c.

Post 3 breaches Principle 2.b as it promotes irresponsible drinking.

The post features or encourage irresponsible drinking and hence breaches Principle 2.b. On the top left of the photo, the young woman is drinking from a yard glass which normally can hold between 1.4L to 3L of alcohol. This has exceeded (2 times) the standard drink recommendation for a woman, i.e. 2 standard drinks per woman per day (two 330ml cans at 4% alcohol). Such amount of alcohol consumed in a short period of time is irresponsible, immoderate, and will likely result in a concerning level of intoxication.

POST 4 – NUF SAID (SHEEP)(POSTED ON 23 OCTOBER 2016)



Post 4 breaches Principle 1.e as it links alcohol use with dangerous machinery

The photo shows a woman who is drinking a can of Double Brown, while her hand is holding a sheep in a piece of farm machinery, presumably for purposes of docking and/or castration.⁵ There is blood on her body and there are sheep behind her. Farms are hazardous worksites, and farming operations can be dangerous. The photo shows that the woman is operating dangerous machinery while consuming alcohol. Hence, it does not align with Principle 1.e.

⁵ For a discussion of sheep castration, tail docking, methods, and welfare issues see:
<http://woolshed1.blogspot.co.nz/2009/01/sheep-farm-husbandry-castration-and.html>

POST 5- GET THE DOUBLE BROWN DOWN (POSTED ON 27 MARCH 2017)



Post 5 breaches Principle 1.a & 1.e as it does not observe a high standard of social responsibility for the following reasons:

It links alcohol with daring, aggressive and unruly behaviour (Principle 1.a).

Two men are featured in the photo. Both are water skiing and both are using only one hand to hold their respective tow ropes. One man is holding the funnel for the other man who is drinking from the funnel. Caption of the photo says 'Get the double brown down. From where you actually are.' It obviously breaches Principle 1.a.

It breaches Principle 1.e.

The post highlights a man who is consuming alcohol while undertaking potentially dangerous sporting activities.

POST 6 – FEW CATCHES HERE, UNDERWATER SHOTGUN IS A CHAMPION EFFORT TOO (4 MARCH 2017)



Double Brown. From where you actually are. shared

Backyard Bros's video.

4 March ·

Few great catches here, underwater shotgun is a champion effort too.
<https://www.facebook.com/backyardbrosnz/videos/1565668926790857/>



53,843 Views

Backyard Bros

4 March ·

Like Page

Thy shall only drink thy purest nectar to guide them along their endeavours 🍷🍺
 To celebrate 1k of likes, our first ever vid, watch this space 🤘 Yeeeeeeew 🌴🌴

Double Brown Appreciation Society

Double Brown. From where you actually are.

Double Brown

Wettie Spearfishing & Wetsuits

Like

Comment

Share

139

Top comments ▾



Write a comment...



Press Enter to post.



Thomas Lavin John TheBaptist do you find these on your adventures in the army .

Like · Reply · 1 · 4 March at 13:22



Dylan Hemingway Kathy Hemingway hopefully find one of these in vanuatu

Post 6 is a 30-second video that features a man who is scuba diving in the sea. The video can be accessed via this link:

<https://www.facebook.com/thebackyardbros/videos/1565668926790857/?fref=mentions>. The video can be divided into two parts.

Part 1: the man is scuba diving in the sea. The scene continues until he swims to a bed of seaweeds where he finds a can of Double Brown. He takes out a knife, cuts a hole and drinks from the can using the shotgun method. Afterwards, he comes to the surface and he shows his can of Double Brown in front of the camera.

Part 2 (background music continue). The scene shows the can of Double Brown that was put on a rock under the sea. There is another stone placed on top of the can. A spear and fishing line is fired at the can, and the can of double brown has been caught like a fish may be caught when spear-fishing. The diver then swims to retrieve the can and uses his knife to pierce the side of the can, before surfacing and triumphantly brandishing the can which is by now leaking beer.

Post 6 breaches Principle 1.e as it implies physical activity has been undertaken after the consumption of alcohol.

The man drinks alcohol in the video while he is scuba diving in the sea. He continues scuba diving afterwards. The breaches Principle 1.e as it implies hazardous sporting and physical activities have been undertaken after the consumption of alcohol.

Post 6 breaches Principle 2.b as it features or encourages immoderate drinking

We believe the video also breaches Principle 2.b for the reason stated in the previous paragraph. According to the caption of the video - 'Few great catches here, underwater shotgun is a champion effort too.' Both the video and caption feature, imply, or encourage immoderate drinking by the portrayal of the shotgun method of drinking (Principle 2.b).

POST 7 – NUF SAID (BEACH)(POSTED ON 4 JANUARY 2017)



The image shows a young woman with dark hair, wearing a black tank top with a floral pattern and denim shorts, sitting cross-legged on a sandy beach. She is holding a can of 'Double Brown' beer to her mouth and appears to be drinking from it. Three other cans of the same beer are visible on the sand next to her. In the background, there are other people on the beach and some greenery.

Double Brown. From where you actually are.
Like This Page · 4 January · 465 likes

nuf said..

Like Comment Share

16 shares 51 comments

Nash King To much said..... and not enough title
Like · Reply · 8 · 5 January at 00:00 · Edited

Michael O'Brien Buffalo
Like · Reply · 3 · 4 January at 23:05

Richard Musket Beau Dickins will be expecting that box in March bro!!!
Like · Reply · 5 January at 03:26 · Edited

Tana King Jack Jobson it's the love of my life 😍
Like · Reply · 1 · 5 January at 00:59

1 Reply

Eric Stephen Tolhurst That you Shelly!!!
Like · Reply · 1 · 5 January at 20:23

7 Replies

Jay Hills Billy Rowley your type of woman??
Like · Reply · 1 · 5 January at 08:56

1 Reply

[View more comments](#) 6 of 51

[Write a comment...](#)

Photo 7 breaches Principle 3.c as the young woman who consume alcohol appear to be under 25 years of age

The photo shows a young woman (obviously under 25 years of age) drinking alcohol on the beach. There are three cans of alcohol beside her. Her appearance and style looks like someone aged under 25 year old. Therefore, it does not align with Principle 3.c as it prominently portrays a young woman consuming alcohol who appears to be under the age of 25.

POST 8 – SINK/DROP (POSTED ON 11 JUNE 2015)

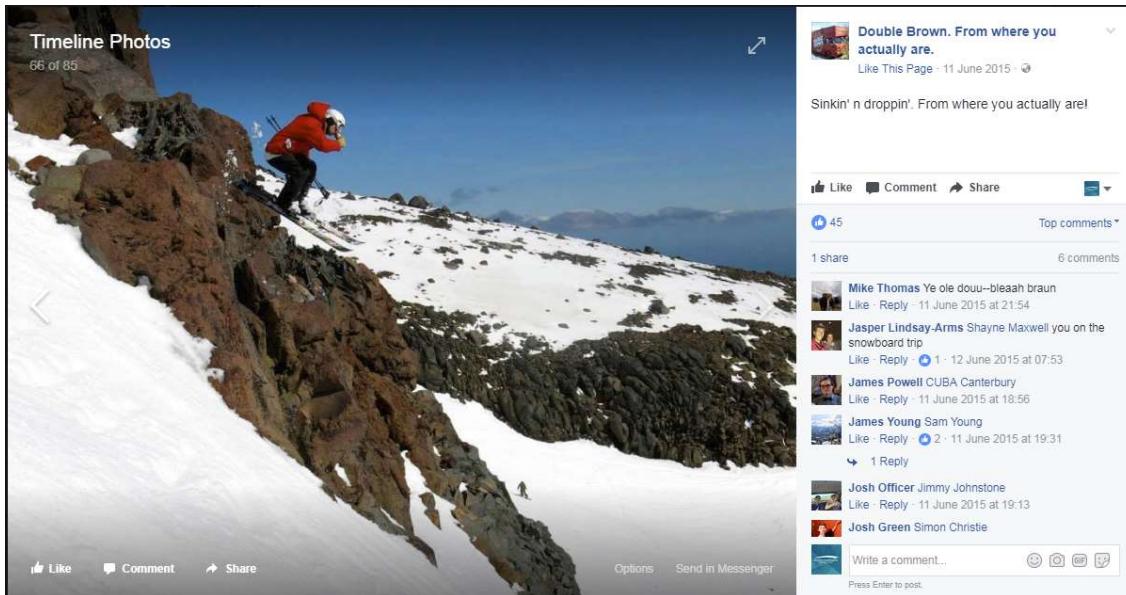


Photo 8 breaches Principle 1.e as it implies physical activities have been undertaken after the consumption of alcohol

The photo depicts a man skiing off a steep mountain. He is holding a can of beer. Caption of the photo is 'sink/drop', sink referring to sinking the beer, and drop referring to the drop off the cliff he is skiing. This post actively links alcohol with the hazardous and unsafe practice of skiing off cliffs. This photo clearly breaches Principle 1.e as the skier is undertaking a dangerous sporting activity after the consumption of alcohol.

POST 9 – SPOTTED A KANGAROO TODAY! (POSTED ON 25 MARCH 2016)



Double Brown. From where you actually are.

Like This Page · 25 March 2016 · 145

Spotted a Kangaroo today!

From where you actually are.

Like **Comment** **Share**

145 Top comments

1 share 11 comments

Jared Robertson Do broze cool · Like · Reply · 25 March 2016 at 21:43

Jaylin Corrigan Lewis Mason 😂😂😂 · Like · Reply · 1 · 26 March 2016 at 17:06

1 Reply

Joshua Millard Cameron Burnell · Like · Reply · 1 · 25 March 2016 at 20:17

Tyler Sparks Lily Bolland · Like · Reply · 1 · 25 March 2016 at 23:54

1 Reply

Carter Fisher Sam Simmonds

Write a comment... Press Enter to post.

Post 9 breaches Principle 2.b as it implies irresponsible or immoderate drinking

We believe this post from the page breaches Principle 2.b of the ASA code for Advertising and Promotion of Alcohol.

The young man featured in this image is shown drinking one can of beer and closely holding at least 9 more cans of beer in a pouch improvised with his T-shirt. The number of cans present implies irresponsible and immoderate drinking. The proximity with which he is keeping his beers implies that he intends to consume them all himself, which would be immoderate. The young man's posture and facial expression implies that he may already be intoxicated.

Post 9 breaches Principle 3.c as the young man consuming alcohol appears to be under 25 years of age

Furthermore, we believe this post is also in breach of Principle 3.c of the ASA code for Advertising and Promotion of Alcohol.

The young man in this post does not appear to be 25 years or older, and the hoarding behaviour does not seem appropriate for someone aged 25 years or older, who would be more likely to find a more conventional method of storing his beers (i.e. a refrigerator), and may even be inclined to share those beers with his peers.

POST 10 – SPEAR FISHIN THE BARRIER (POSTED ON 4 JANUARY 2016)

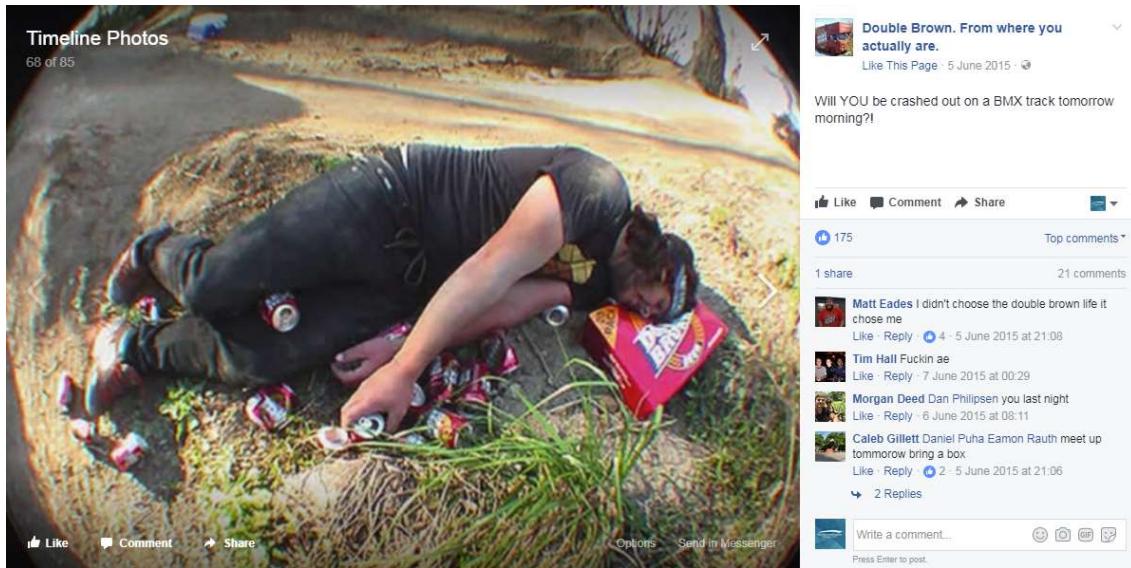


Post 10 breaches 1.e as it links alcohol with the use of potentially dangerous machinery or unsafe practices

We believe this post from the Facebook page “*Double Brown. From where you actually are.*” breaches Principle 1.e of the ASA code for Advertising and Promotion of Alcohol.

While it is unclear if this image was taken before or after the implied spearfishing and snorkelling, it does actively link alcohol with these sporting and physical activities that can be understood to be hazardous and or unsafe. While the man featured in the image may be competent and safe when it comes to spearfishing and snorkelling, those activities have inherent hazards and risks to personal safety.

POST 11 – WILL YOU BE CRASHED OUT ON A BMX TRACK TOMORROW MORNING?!
(POSTED ON 5 JUNE 2015)



Post 11 breaches Principle 2.b as it features or implies irresponsible and immoderate drinking

We believe this post from the Facebook page "*Double Brown. From where you actually are.*" breaches Principle 2.b of the ASA code for Advertising and Promotion of Alcohol.

The image in this post features a young man seemingly asleep, surrounded by about 12 empty cans of beer, and using a box of Double Brown beer as a pillow at an outdoor BMX track. Immoderate drinking is implied by the number of empty beer cans in close proximity to his person. Irresponsible drinking is implied in that the young man drank to the point where he could not get himself to a more suitable location to sleep, or find more suitable bedding other than a box of Double Brown to sleep on. The setting and the state of the young man's surrounds implies that he may have consumed alcohol to the point of blackout.

Post 11 breaches 3.c as it features a drunk young man who appears to be under 25 years of age

Furthermore, we believe this post is also in breach of Principle 3.c of the ASA code for Advertising and Promotion of Alcohol.

The young man in this post does not appear to be 25 years or older, and his behaviour and appearance (passing out at a BMX track after consuming large amounts of alcohol) is clearly not appropriate for people aged 25 years or older.

POST 12 – COMPETITION (POSTED ON 10 JULY 2015)

 **Double Brown. From where you actually are.**
10 July 2015 ·

Want to win as many double browns as you want?*

- 1) Like this post
- 2) Comment how many Double Browns you want!

The winner will be chosen on Monday.

*By "win" we mean "seem retarded to" and by "Double Browns" we mean "friends".

Like Comment Share

38 Top comments ▾

 Write a comment...

Press Enter to post.

 **Boss Harris** 3 x 18 packs one for friday, saturday, and sunday!
Like · Reply · 1 · 10 July 2015 at 18:29

 **Matt Eades** I want all the full flavored naturally fermented bitter beer with a distinctive malty character
Like · Reply · 2 · 10 July 2015 at 17:49

 **Jack Morgan Boulton** I want 20...
Like · Reply · 2 · 10 July 2015 at 17:41

 **Jack Boulton** Bring back 20 packs
Like · Reply · 2 · 10 July 2015 at 17:51

 Write a reply...

 **Marcel Cowley** 365 crate bottles one for every day of a year!!
Like · Reply · 11 July 2015 at 00:24

 **Daniel Maindonald** An endless supply
Like · Reply · 10 July 2015 at 18:45

 **Cameron Mildon** 6 dozen tall cans would do me cos they don't sell tall cans in kaitaia
Like · Reply · 10 July 2015 at 17:46

 **Jared Rusling** Need at least 3 box's so all the friends can enjoy the great taste.
Like · Reply · 10 July 2015 at 18:24

 **Liam Harper** just a 18 pack will do
Like · Reply · 10 July 2015 at 18:21

 **Jared Rusling** Need at least 3 box's so all the friends can enjoy the great taste.
 Like · Reply · 10 July 2015 at 18:24

 **Liam Harper** just a 18 pack will do
 Like · Reply · 10 July 2015 at 18:21

 **Davieth Verheij** You're all retards.
 Like · Reply · 11 July 2015 at 14:05

 **Annelies Powell-Reymer** 47 please! I'd like to see if my friend brad can fit just over 15.5 kgs of beer in his belly at one time!
 Like · Reply · 10 July 2015 at 21:40

 **Kit Gallagher** All of them
 Like · Reply · 10 July 2015 at 21:02

 **Jacob Simpson** 69dobros please.
 Like · Reply · 11 July 2015 at 10:43

 **Nate Cordes** 12 dozen
 Like · Reply · 10 July 2015 at 17:40

 **Michael McGregor** Chris Parker I'd kill a guy for a old school 20 pack
 Like · Reply · 10 July 2015 at 18:54

 **Jordan Currie** a box is getting pretty pricey these days, so a box will do
 Like · Reply · 10 July 2015 at 18:00

 **Liam Manaton** Mitchell Reader a douzen
 Like · Reply · 10 July 2015 at 17:59

 **Leo Hape** Cambell Brooks you want some
 Like · Reply · 10 July 2015 at 22:59

↳ 3 Replies

 **Oliver Gordon** Liam Harper
 Like · Reply · 10 July 2015 at 18:20

 **Tom Campbell** One thousand.
 Like · Reply · 10 July 2015 at 17:45

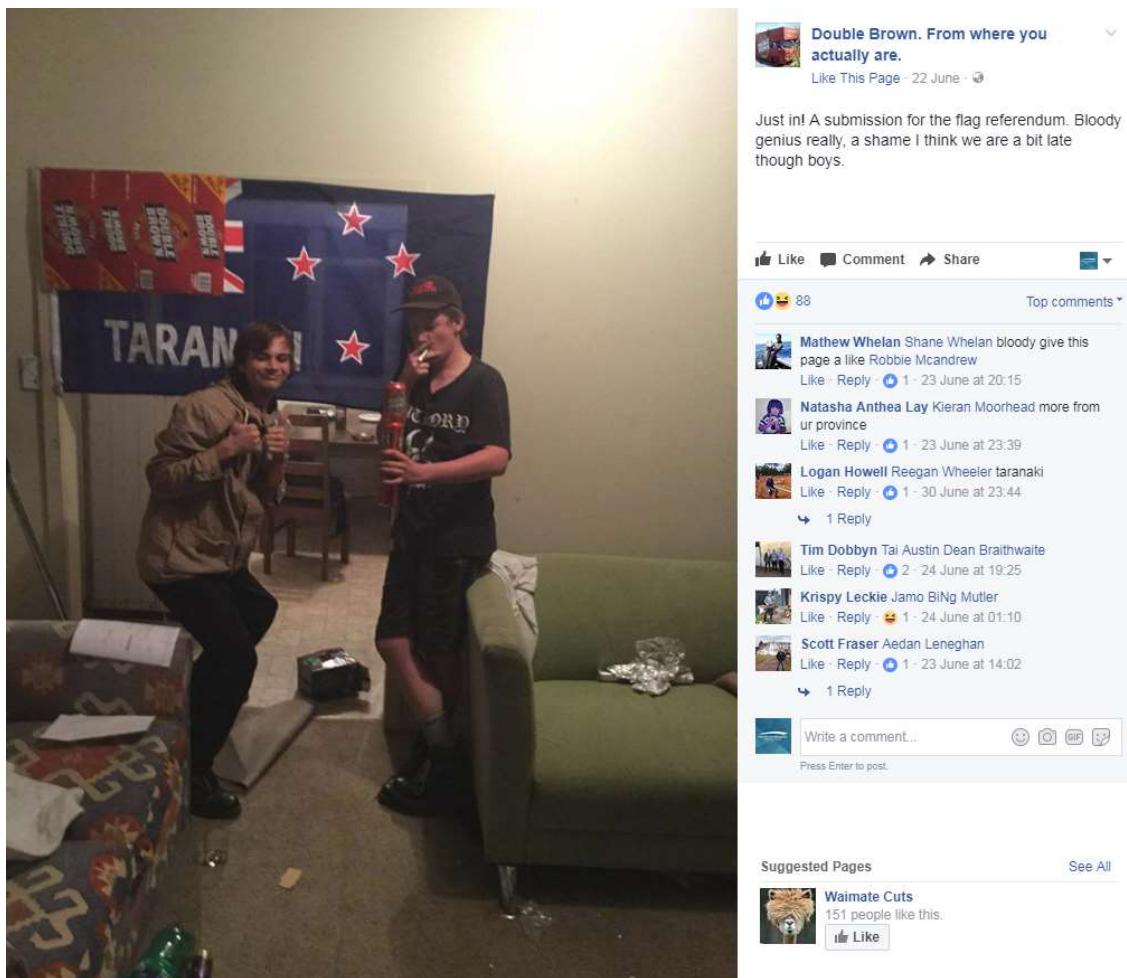
Write a comment...

Post 12 breaches Principle 2.c as it promotes irresponsible alcohol consumption and offer large quantity of alcohol as prize

The host posted an online competition which invited people to like the post and to comment how many Double Brown they wanted to win. The host did not specify any rules, in particular the top limit of Double Brown that the audiences can request. Also, the host did not refer to the standard drink guidelines that one delivery and any such prize should be consistent with the Health Promotion Agency standard drink guidelines⁶ that Principle 2.c requires. As viewed from the comments, the number of Double Browns that people ask for range from a dozen, a crate, to '365 crate bottles one for every day of a year!!'. Therefore, we believe the competition does not align with Principle 2.c as it promotes a large quantity of alcohol and possibly supplies more alcohol in one delivery than the standard drink guidelines.

⁶ <http://www.alcohol.org.nz/help-advice/standard-drinks/a-guide-to-standard-drinks/the-guide>

POST 13 – JUST IN! A SUBMISSION FOR THE FLAG REFERENDUM (POSTED ON 22 JUNE 2017)

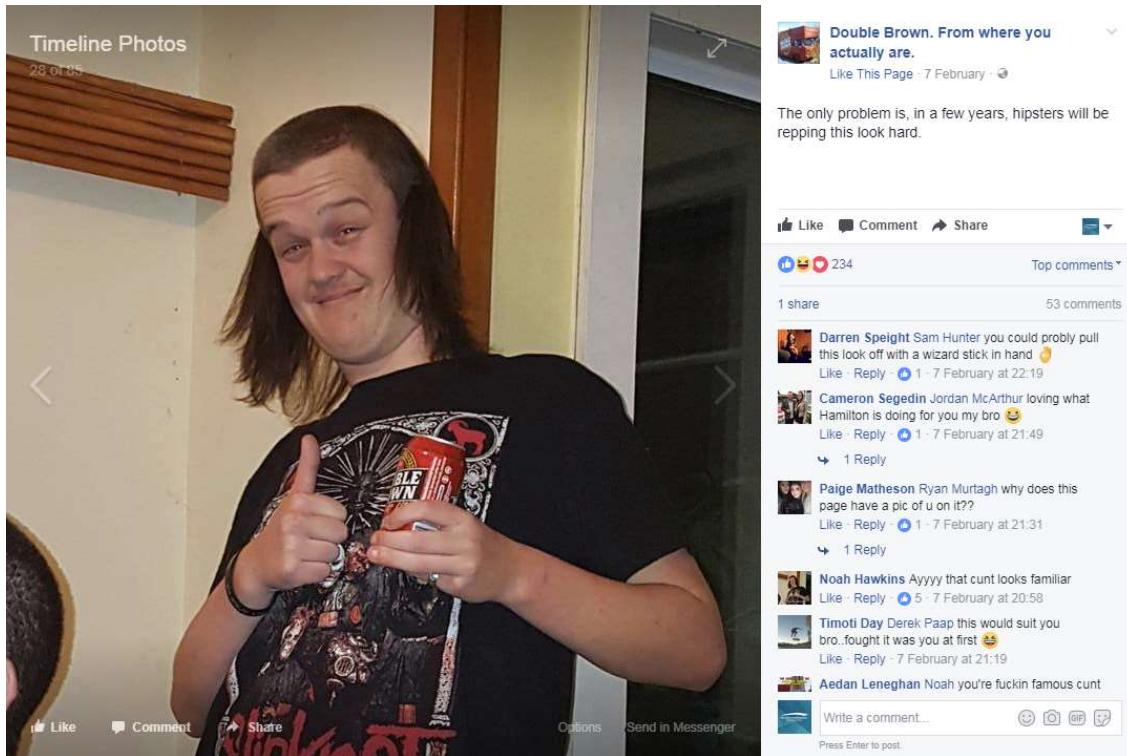


We believe this post from the Facebook page "*Double Brown. From where you actually are.*" breaches Principle 3.c of the ASA code for Advertising and Promotion of Alcohol.

The two young men depicted in this photo do not appear to be at least 25 years of age. Their appearance, including the appearance of their surroundings (what appears to be a student flat, with considerable debris and minimal mismatched furnishings) also do not appear to be clearly appropriate for people aged 25 years or older.

Furthermore, the young man holding multiple beer cans is also smoking a cigarette suggesting an association with tobacco, breaching Principle 1.a of the ASA code for Advertising and Promotion of Alcohol.

POST 14 – THE ONLY PROBLEM IS, IN A FEW YEARS, HIPSTERS WILL BE REPPING THIS LOOK HARD. (POSTED ON 7 FEBRUARY 2017)



Post 14 breaches Principle 3.c as it features a young man, under 25 years of age, who consume alcohol

While the young man in pictured is clearly ahead of the vanguard when it comes to the latest trends in hairstyling, we believe this post from the Facebook page "*Double Brown. From where you actually are.*" breaches Principle 3.c of the ASA code for Advertising and Promotion of Alcohol.

We believe that the young man pictured, while he may well be at the cutting edge of fashion and style among his peers, does not appear to be at least 25 years old, and that his appearance does not generally depict a person of that age or older.

POST 15 – WHEN WAS THE LAST TIME YOU SAW SOME PANSY ASS CRAFT BEER HIPSTER SKATEBOARD OFF A FRIDGE? (POSTED ON 20 APRIL 2015)

Double Brown. From where you actually are.

Like This Page · 20 April 2015 · 8

When was the last time you saw some pansy ass craft beer hipster Skateboard off a fridge? Never, that's when.
From where you actually are. Boom!

Like Like **Comment** Share

557 Top comments

72 shares 66 comments

Anthony Garea That is f---king sensational. #wellingtonbeerishit
Like · Reply · 10 · 21 April 2015 at 07:09

BC Fraser I don't think we need to pull craft beer into this... All it did was taste good, ain't nuthin wrong with that.
Like · Reply · 8 · 24 April 2016 at 14:37

Morgan Deed Dan Philipsen Joey Kearney Ethan Prendergast Tessa Frogner
Like · Reply · 2 · 21 April 2015 at 07:55

Todd Benseman Beautiful.
Like · Reply · 1 · 21 April 2015 at 09:58

Darien North Roy Pratt Hamish Duley Hayden Dixon why did i just see roy in a pickle suit doing this and popping his shoulder
Like · Reply · 2 · 19 January at 10:37
2 Replies

Tom Cross Jon Pemberton..... needs to be a photo of you airborne in the jet boat with a do bro box on your head!
Like · Reply · 18 January at 09:56

View more comments 6 of 66

Write a comment... Press Enter to post.

Post 15 breaches Principle 1.a, as it links alcohol with daring, unruly and irresponsible behaviour.

It also breaches Principle 1.e as it depicts a sporting/physical activity undertaken after the consumption of alcohol

We believe this post from the Facebook page “*Double Brown. From where you actually are.*” breaches Principle 1.a of the ASA code for Advertising and Promotion of Alcohol.

We believe the image of a person riding a skateboard off an open fridge loaded with beer is daring, unruly, and irresponsible behaviour. Furthermore, the image depicts a sporting activity (skateboarding) with the implication that the sporting activity has been undertaken after the consumption of alcohol, which would breach Principle 1.e of the ASA code for Advertising and Promotion of Alcohol.

POST 16 – WE’VE ALL PLAYED BOX HEAD BUT THIS PRESENTS OPPORTUNITIES FOR TRUE CARNAGE. (POSTED ON 24 JULY 2016)



Double Brown. From where you actually are.

Like This Page · 24 July 2016 · 81

We've all played box head, but this presents opportunities for true carnage.

Like Comment Share

Stephen Woody Woodcock Looks like a good game Evan who can have the hat on there the longest! Like · Reply · 24 July 2016 at 22:08 · 3 Replies

Gareth McKerchar William Justin Josh Toby Lukas Thomas Pierre Like · Reply · 4 · 24 July 2016 at 14:55 · 5 Replies

Write a comment... Press Enter to post.

Post 16 breaches 2.b as it implies irresponsible and immoderate drinking

We believe this post from the Facebook page “*Double Brown. From where you actually are.*” breaches Principle 2.b of the ASA code for Advertising and Promotion of Alcohol.

We believe this post implies irresponsible and immoderate drinking. ‘Box head’ is a drinking game of which there are several variations. We believe drinking games generally, and ‘boxhead’ specifically, encourage irresponsible and immoderate consumption of alcohol.

Post 16 breaches 1.a as it links alcohol with daring, aggressive, unruly and irresponsible behaviour

Furthermore, to play box head while wearing a box that is on fire could be considered daring, unruly, and irresponsible behaviour, which would breach Principle 1.a of the ASA code for Advertising and Promotion of Alcohol.

POST 17 – CHRISTMAS DINNER SHOTGUNS ON THE BEACH? (POSTED ON 25 DECEMBER 2015)



Post 17 breaches Principle 2.b as it features immoderate drinking

We believe this post from the Facebook page "*Double Brown. From where you actually are.*" breaches Principle 2.b of the ASA code for Advertising and Promotion of Alcohol.

We believe this post features irresponsible and immoderate drinking. The 'shotgun' method of drinking a can of beer is neither responsible nor moderate.

POST 18 – DOUBLE DECKER PARTY SHOTGUNS (POSTED ON 6 APRIL 2015)



Post 18 breaches Principle 2.b as it features irresponsible and immoderate drinking .

It also breaches Principle 1.a as it links alcohol with daring, aggressive, unruly, and irresponsible behaviour

We believe this post from the Facebook page "*Double Brown. From where you actually are.*" breaches Principle 2.b of the ASA code for Advertising and Promotion of Alcohol.

We believe this post features irresponsible and immoderate drinking. The 'shotgun' method of drinking a can of beer in one go is neither responsible nor moderate. Furthermore to do so while carrying another person on ones shoulders could be considered daring, unruly, and irresponsible behaviour, which would breach principle 1.a of the ASA code for Advertising and Promotion of Alcohol.

REFERENCES:

- 1 Westgate EC, Holliday J. Identity, influence, and intervention: the roles of social media in alcohol use. *Current Opinion in Psychology* 2016;9:27-32.
- 2 Beullens K, Schepers A. Display of Alcohol Use on Facebook: A Content Analysis. *CyberPsychology, Behavior & Social Networking* 2013;16:497-503 doi:10.1089/cyber.2013.0044.

Appendix 1

Posts from the facebook page *Double Brown Appreciation Society*.
<https://www.facebook.com/DoubleBrownAppreciation/>

The following posts from the *Double Brown Appreciation Society* facebook page signals intent from the page administrators to work with the advertiser, Dominion Breweries. In the event contact was made between a representative of the facebook page and Dominion Breweries staff, Dominion Breweries would be aware of the existence of various Double Brown ‘fan’ pages. Awareness of the existence of Double Brown facebook pages implies a reasonable level of control over the pages. As the Double Brown logos and trademarks would be owned by Dominion Breweries, they would have a reasonable level of responsibility in protecting and managing how their brand is promoted. Being aware of the pages Dominion Breweries would be able to request that these various Double Brown pages comply with the Code for Advertising and Promotion of Alcohol, or to cease unauthorised use of their trademarks.

 **Double Brown Appreciation Society**
15 June 2014 ·

Hey guys, tell your friends who also drink the nectar of the gods to like this page. If we get enough support I'm going to try and get some prizes to give out. Right, off to drink some more Double Browns

Like
Comment
Share

97 Top comments ▾
2 shares

 **Brute Harrison** Dough Bros! #allday


Like · Reply · 3 · 15 June 2014 at 12:59

 **Lockie Broughton** Kale Browne
 Like · Reply · 1 · 15 June 2014 at 15:26

 **Jono Hanlon** Christian Costar Chey Costar
 Like · Reply · 1 · 15 June 2014 at 11:57

 **Rhys Mathieson** Taylor Moeahu Jordie Bungard Nicholas Shaw Rowan
 Blackbourn Tayne Butler nectar of the gods
 See translation
 Like · Reply · 1 · 15 June 2014 at 11:23

 **Sh'vaun Cash** Yeh buddy double browns and weetbix
 Like · Reply · 1 · 15 June 2014 at 10:30

 **Dan Barrett** Brandon Guymer
 See translation

 **Double Brown Appreciation Society**

1 July 2014 ·

Hey all you fans. How have the double browns been treating ya? I'm thinking of contacting the brewery and asking for some sponsorship in the next few days? Any thoughts about what we should do with any money or beers from them?

Like Comment Share

116

1 share

 Write a comment...

Press Enter to post.

 **Johnny Duncan** Give fans of the Facebook page the opportunity to enter into a draw to win a box of New Zealand's finest
Like · Reply · 23 · 1 July 2014 at 16:46

 **Kurt Lomey** Three day double brown festival with bands beer and meat!
Like · Reply · 14 · 1 July 2014 at 16:48

 **Mathew West** Drink them
Like · Reply · 8 · 1 July 2014 at 16:43

 **Kell Shane** Double drown helped me get through the hardest rugby losses, its alwase been there for me, love u dirty d
Like · Reply · 5 · 1 July 2014 at 16:59

 **Joel Paterson** Yeh Leon de Lacy is right we got a big job and double brown can get us through!
Like · Reply · 5 · 1 July 2014 at 16:54

 **Tom Lusty** A big piss up for true supporters of good beer
Like · Reply · 3 · 1 July 2014 at 16:53

 **Leon de Lacy** Joel Paterson loves double brown he needs beer to get the boys round to help with his paint job for upcoming d1nz drift season!!!
Like · Reply · 4 · 1 July 2014 at 16:49

 **Kelvin Leo Neal** if u get money u should buy some double browns and drink them, if you get double browns you should drink them
Like · Reply · 2 · 1 July 2014 at 18:22

 **Bj McBride** Send them to kiwis overseas
Like · Reply · 2 · 1 July 2014 at 17:53

 **Campbell Sims** Double brown bucket hats Adam Kockelbergh Mario Cooper
Like · Reply · 2 · 1 July 2014 at 16:51

 **Double Brown Appreciation Society**

3 November 2014 · 

Hey guys, not long to go now until national crate day. I was thinking about calling up DB breweries and asking if they would put on some sort of special to people. Would you all be interested in that?

 Like  Comment  Share 

 272

[Top comments ▾](#)

 Write a comment...    

Press Enter to post.

 **Ashlee Dankrell** Holy shit please make dobro crates a thing it'd b like all my dreams come true

Like · Reply ·  12 · 3 November 2014 at 09:46

 4 Replies

 **Finn Parr** A crate of DB's significance would be greater than world hunger solved, the cure to cancer and jesus's resurrection combined.

Like · Reply ·  6 · 3 November 2014 at 11:32

 **Riley Noonan** Christian Dimick Tane Moore Ryan McCulloch bring on crate day boiz!!!!

Like · Reply ·  1 · 4 November 2014 at 16:17

 **Jayden Bond** Riley Kilpatrick Luke Dravitzki Finn Parr is this us?

Like · Reply ·  2 · 3 November 2014 at 16:52

 **Angus Logan** Jack Clifford Daniel Vokes

Like · Reply ·  2 · 3 November 2014 at 10:28

 **Luke Johnston** Joel Faulkner James Leaper

Like · Reply ·  2 · 3 November 2014 at 10:21

 2 Replies

 **Soraya Exler** Dave Walker you keen? I am

Like · Reply ·  2 · 3 November 2014 at 09:50

 **Sam TheTank Thoms** Joel Sherwood 

Like · Reply ·  1 · 3 November 2014 at 15:36

 **Shane Young** Double brown crates I'd be all over it

Like · Reply ·  1 · 3 November 2014 at 12:45

 **Leonard Phillips** Fane Morgan

Like · Reply ·  1 · 3 November 2014 at 10:30

 **Angus Logan** Vote YES for Double Brown crates!

Like · Reply ·  1 · 3 November 2014 at 10:27



Double Brown Appreciation Society

29 August 2015 ·

Hello everybody

I am looking to write to DB breweries and ask for official sponsorship, which hopefully, could lead to prizes for you lovely folks.

Drop a like and a comment so I have some numbers to work with. The more active participants, the more likely that you could win free stuff!

Like

Comment

Share



194

Top comments ▾



Nathan Saunders Bring back crates for crate day!!

Like · Reply · 4 · 30 August 2015 at 09:51



Cayden Dash Sweet sweet do bros. The drink of the gods

Like · Reply · 2 · 30 August 2015 at 14:30



Finn Parr Bit late to post this as a majority of fans are too busy downing Dobros.

Like · Reply · 2 · 29 August 2015 at 22:07



James Keenan Good start to the night !



Like · Reply · 1 · 29 August 2015 at 22:13



Harry Townsend Brad Thisone Tani would probs get a mean prize for that dobro back flip from a few years back.

Like · Reply · 1 · 30 August 2015 at 11:53



Harry Townsend Dobros

Like · Reply · 1 · 30 August 2015 at 11:52



Double Brown Appreciation Society

27 February 2016 · [Link](#)

Hey all, I was thinking about making double brown appreciation t-shirts.
Chuck us a like if you're keen.

[Like](#)

[Comment](#)

[Share](#)



[Like](#) 371

[Top comments](#) ▾



Write a comment...



Press Enter to post.



Double Brown Appreciation Society I will make a kickstarter tomorrow. If i can get enough to start up, i will do this.

[Like](#) · [Reply](#) · [13](#) · 27 February 2016 at 23:09



Mason Hughes Represent ❤ #20for20



[Like](#) · [Reply](#) · [2](#) · 28 February 2016 at 10:41

[2 Replies](#)



Scott Parker Raaahhh dribble bums all the way there is no other beer!

[Like](#) · [Reply](#) · 27 February 2016 at 22:59



Wal Waller Te Sefton shed would take 10.

[Like](#) · [Reply](#) · 27 February 2016 at 21:28



James Paterson I know a lot of guys that would be keen Steven Redmond James Robbie Daniel Brown Blair Funnell Matt Peita

[Like](#) · [Reply](#) · [4](#) · 27 February 2016 at 21:59

Appendix 2

Posts from the Instagram page *doublebrownadventures*. Note that the same images (Fridge skater, Kangaroo) are being used on Facebook and Instagram. Irresponsible and immoderate drinking is a key theme across both the facebook and Instagram pages. User generated content is solicited by the page.



doublebrownadventures Share your double brown experiences with us all by dm us

carterfisher_ Keen
carteredgecombe @will_j_martin
caitlin.cooper @ugly__eth
chelseawrightwebb This is beautiful
shania_holtz ♥♥
jesseguilemot Do you even
didyouknowitsony @dannvih7 not a

74 likes

NOVEMBER 28, 2015

Add a comment...



doublebrownadventures Standard dobro
fridge jump

hilliam_warman Fucking epic
_keepin_it_kool_wif_booth @_kewdog_
@sarcus_mowerby

j0sh_harrisOn I think making onto the dobro
page is definitely a career highlight
@darrenbeachtattoo

j0sh_harrisOn I think making onto the dobro
page is definitely a career highlight
@darrenbeachtattoo

j0sh_harrisOn @brendon_hendrix on the lenz
darrenbeachtattoo @j0sh_harrisOn haha had
some good nights in that dump

138 likes

APRIL 24, 2016

Add a comment...



doublebrownadventures

Follow

doublebrownadventures A couple lads
enjoying their Keen #dobros



45 likes

NOVEMBER 29, 2015

Add a comment...

...



doublebrownadventures

Follow

doublebrownadventures Wild kangaroo
spotted in Wellington today



99 likes

MARCH 21, 2016

Add a comment...

...

CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

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

Guideline 1(a): Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.

Guideline 1(e): Alcohol advertising and promotions shall not actively link alcohol with the use of potentially dangerous machinery or driving or any other hazardous or unsafe practices. Alcohol advertising and promotions may include sporting or other physical activities but shall not imply that those activities have been undertaken after the consumption of alcohol.

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. That applies to both the amount of drink and the way drinking is portrayed.

Principle 3: Alcohol advertising and promotions shall be directed at adult audiences. Alcohol advertising and promotions shall not be directed at minors nor have strong or evident appeal to minors in particular. This applies to both content and placement.

Guideline 3(c): Anyone visually prominent in alcohol advertising and promotions depicting alcohol being consumed shall be, and shall appear to be, at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older. Minors may appear in alcohol advertising and promotions only in situations where they would naturally be found, for example in a family barbecue, provided that there is no direct or implied suggestion that they will serve or consume alcohol.

RELEVANT DEFINITIONS

“Alcohol advertising and promotion” means an advertisement, packaging, point of sale or other promotions, activities and materials (including dispenser units) generated by an alcohol producer, distributor or retailer that promotes alcohol by product, brand or outlet. This includes media releases, branded merchandise, competitions, word of mouth marketing, advergaming, product displays and sampling, but does not include a sponsorship advertisement or an advertisement in which reference to or the depiction of alcohol or alcohol packaging or an alcohol outlet is incidental to its purpose. An advertisement including a reference to licensed premises is not automatically an alcohol advertisement - the intent of the advertisement must be to promote the consumption of alcohol.

“Alcohol advertiser” means an advertiser that markets or sells alcohol and uses its name or any identifying feature to promote the sale of alcohol in any way.

“User Generated Content” means content on websites or emails where the public contributes to the content, such as the YouTube and Facebook websites and viral emails. The Code applies to promotions on such websites and emails where the producer, distributor or retailer provides a platform for, or distributes the user-generated content or endorses the user-generated content.

RESPONSE FROM ADVERTISER: DB BREWERIES LIMITED

I refer to your letter dated 20 July 2017 concerning the above complaint in relation to a Facebook community page called *Double Brown*. *From where you actually are*. I note that the complainant also makes reference to two additional pages in the complaint:

- (1) A Facebook community page called *Double Brown Appreciation Society*, and
- (2) An Instagram page called *Doublebrownadventures*:

The ASA Guidance Notes for the Code for Advertising and Promotion of Alcohol state, in note vii for Principle 3, that:

"It is acknowledged that advertisers can only be responsible for the material that is on the sites/pages that they own or manage. Where possible, links to pages with content likely to breach the codes should be removed but the content of an individual's social media page /profile, with no connection to the advertiser, is outside the jurisdiction of the ASA." (emphasis added)

In addition, the ASA Guidelines for Social Media state that: "Unless the advertiser has a reasonable degree of control over the social media platform in use and is promoting a brand or service to the public, it is outside the jurisdiction of the ASA."

DB Breweries Limited (**DB**) does not own or manage any of the pages referred to in the complaint, nor does DB have any degree of control over the content that is shown on those pages.

The pages in question are operated as fan pages by individuals who are not associated with DB. The Facebook Page rules (https://www.facebook.com/page_guidelines.php) allow "any user to create a page to express support for or interest in a brand [...], provided that it does not mislead others into thinking that it is an official page, or violate someone's rights".

The complainant states that: "A large company such as Dominion Breweries [sic] should not face unreasonable difficulties in getting the page removed to protect its brand". However, in order to seek to have these fan pages removed from Facebook, the content or information posted on the page would need to infringe DB's intellectual property rights. As the fan pages are not carrying out any element of "trade", DB's legal counsels' view is that a request by DB to Facebook to remove the pages due to trademark infringement would not be successful.

The complainant also suggests that appeals made by the administrators of the *Double Brown Appreciation Society* page for ideas or feedback on seeking sponsorship from DB are evidence that DB has a reasonable degree of control over that page. We submit that the posts referred to as examples in appendix 1 of the complaint are clear evidence that DB has no control over this page — if DB were somehow associated with the page, the administrator would have no need to seek ideas or feedback to gain such sponsorship.

DB does have a stringent review process for material posted or uploaded onto all social media pages that DB owns or over which DB has editorial control, to ensure compliance with the Code for Advertising and Promotion of Alcohol.

DB does not condone social media content that encourages irresponsible consumption; however, DB should not be held responsible for content that is posted by individuals on asocial media page created by someone who has no connection with our organisation, and over which DB cannot exercise any control.

Accordingly, we respectfully request that this complaint be considered: **Not Upheld**.