

COMPLAINT NUMBER	17/309
COMPLAINANT	J. Nicholls
ADVERTISER	Lion (NZ) Limited
ADVERTISEMENT	Lion (NZ) Limited, Out of Home
DATE OF MEETING	10 October 2017
OUTCOME	Not Upheld

SUMMARY

The Billboard advertisement for Lion (NZ) Ltd – Corona Extra, shows a snow-covered mountain range at sunset. Skis and snowboard equipment can be seen leaning against a hut wall, while a some of the group drink bottles of beer. The tagline at the bottom of the billboard states “From where you’d rather be.”

The Complainant was concerned the advertisement linked drinking alcohol with the sporting success of skiing and snowboarding, therefore implying that alcohol consumption was linked to a more attractive lifestyle and was necessary for relaxation.

The Complaints Board accepted the advertisement depicted the end of a ski day, with some participants drinking a beer while they watched the sunset. As no one still skiing, was seen with alcohol, the Complaints Board agreed the consumption of alcohol was incidental to the sporting activity which preceded it.

Given the moderate alcohol consumption shown, the separation of sporting equipment from those drinking and the general ambience portrayed with drinkers and non-drinkers socialising, the Complaints Board concluded the advertisement did not promote alcohol consumption as a better or more attractive lifestyle. The Complaints Board did not agree the advertisement suggested any sexual, social or sporting success and therefore ruled it did not breach Guideline 1(b),1(c) or 1(d) of the Code for Advertising and Promotion of Alcohol.

The Complaints Board ruled the advertisement had been prepared with the required standard of social responsibility to consumers and to society.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to the Code for Advertising and Promotion of Alcohol, Principle 1, Guidelines 1(b), 1(c) and 1(d). This required the Complaints Board to consider whether the advertisement observed a high standard of social responsibility. In particular, the Board considered whether the advertisement promoted drinking alcohol as a better or more attractive lifestyle, that it led to

sexual, social or sporting success or that it was a necessity for relaxation or any therapeutic benefit.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the advertisement linked drinking alcohol with the sporting success of skiing and snowboarding, therefore implying that alcohol consumption was linked to a more attractive lifestyle and was necessary for relaxation.

The Advertiser Response

The Advertiser confirmed the advertisement had undergone a full pre-vetting prior to its release. It clarified that there was a clear separation of sporting pursuits and the consumption of alcohol. The consumption of alcohol was not the primary focus of the social setting being portrayed and not all characters featured in the advertisement were drinking. The Advertiser did not agree that any codes had been breached and said any consumption of alcohol shown was incidental to the friendly social environment of watching a sunset after a day of snow sports.

The Complaints Board Discussion

The Complaints Board began by discussing the consumer take out of the advertisement. It agreed the advertisement showed a group of people enjoying a beer as they watch a sunset.

The Complaints Board said it was a crucial point that the characters drinking beer in the image had completed their sporting activities for the day, therefore negating any suggestion that sporting prowess could be enhanced with alcohol. Those depicted consuming alcohol had removed all sporting equipment and were now engaged in a social environment setting, watching the sunset. The Complaints Board concluded the moderate display of alcohol consumption in this advertisement was incidental to any activity which preceded it and did not suggest any sporting advantage from drinking.

In discussing whether the advertisement was depicting alcohol consumption as a more attractive lifestyle, the Complaints Board referred to a precedent decision, 16/148, which dealt with a similar issue and was not upheld by the Complaints Board.

That Decision said in part:

“...The Advertiser said the tagline ‘taste the good life’ “does not suggest that drinking alcohol, or Tui, is essential to a better, more attractive lifestyle. The ‘good life’ referred to in the tagline is the New Zealand way of life and great outdoors... not that by drinking beer you will have a better life.

...This Advertisement was designed to say, you don't need to wish you were somewhere else — New Zealand is amazing and should be celebrated along with our kiwi way of life. We wanted to hero the New Zealand scenery and position Tui as the beer for passionate kiwis who love their country and its great outdoors. In this regard, it is showing Tui as being incidental to a good environment but not essential to it.”

The Complaints Board took into account typical New Zealand outdoor beach setting of the advertisement which showed a group of friends surfing. It said the likely consumer takeout of the tagline, ‘taste the good life’, was in relation to the New Zealand lifestyle, promoting time with friends at the beach and participating in outdoor activities, not that drinking Tui was essential to ‘the good life’. It said the alcohol consumption was depicted as incidental to a friendly and social environment

and did not imply alcohol was a more attractive lifestyle choice, or that the success of a social occasion depended on the presence of alcohol....”

The Board discussed the tagline “From where you’d rather be,” the moderate alcohol consumption shown, the separation of sporting equipment from those drinking and the general ambience portrayed with drinkers and non-drinkers socialising and concluded the advertisement before it did not promote alcohol consumption as a better or more attractive lifestyle. The Complaints Board did not agree the advertisement suggested any sexual, social or sporting success and therefore did not breach Guideline 1(b),1(c) or 1(d) of the Code for Advertising and Promotion of Alcohol.

The Complaints Board ruled the advertisement had been prepared with the required standard of social responsibility to consumers and to society.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The Billboard advertisement for Lion (NZ) Ltd – Corona Extra shows a snow-covered mountain range at sunset. Skis and snowboard can be seen leaning against a wall while a man drinks a bottle of beers.

The tagline at the bottom of the billboard said “From where you’d rather be.”

COMPLAINT FROM J NICHOLLS

I believe this advertisement did not take care towards the advertising and promotion of this product towards young adults. Principle 1 b. was broken where the alcohol was associated with an attractive lifestyle, and Principle 1 c. was broken where alcohol was associated with the sporting success of those who ski and snowboard. And, Principle 1 d. was broken where it shows alcohol as necessary for relaxation and therapeutic benefits.

CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

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

Guidelines

1(b) While alcohol advertising and promotions may depict the consumption of alcohol as incidental to a friendly and happy social environment, it shall not promote drinking alcohol as a better or more attractive lifestyle choice nor imply that the success of a social occasion depends on the presence or consumption of alcohol.

1(c) Alcohol advertising and promotions shall not suggest that alcohol can lead to sexual, social, sporting or business success or popularity or is necessary to achieve social status with peers.

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

RESPONSE ON BEHALF OF ADVERTISER FROM HUDSON, GAVIN, MARTIN – LEGAL TEAM

1. We act for Lion – Beer, Spirits & Wine (NZ) Limited (the “**Advertiser**”) in relation to the above complaint.
2. We refer to your letter of 11 September 2017 in respect of a complaint received by the Advertising Standards Complaints Board (the “**Board**”) on 1 September 2017.
3. The complaint relates to a billboard advertisement for Corona (the “**Advertisement**”). The complainant has alleged that the Advertisement has breached the Code for Advertising and Promotion of Alcohol (the “**Code**”). In particular, the complainant has alleged that the Advertisement “*did not take care towards the advertising of the product towards young adults*” and:
 - a. “*Principle 1 b. was broken where the alcohol was associated with an attractive lifestyle*”;
 - b. “*Principle 1 c. was broken where alcohol was associated with the sporting success of those who ski and snowboard*”; and
 - c. “*Principle 1 d. was broken where it shows alcohol as necessary for relaxation and therapeutic benefits.*”
2. The Board has indicated that the following Principles are relevant to the complaint:
 - a. **Code for Advertising and Promotion of Alcohol – Principle 1;**
 - b. **Code for Advertising and Promotion of Alcohol – Principle 1 Guideline 1(b);**
 - c. **Code for Advertising and Promotion of Alcohol – Principle 1 Guideline 1(c);**
 - d. **Code for Advertising and Promotion of Alcohol – Principle 1 Guideline 1(d)**
3. The Advertiser disagrees that the Advertisement breaches the Code, and notes the Advertisement was LAPs approved internally, in line with Lion’s rigorous internal pre-vetting process, prior to its public release.

The Advertisement

4. The Corona “From Where You’d Rather Be” campaign (**Campaign**) has been in market since 2013. It runs in two seasonal “bursts”, in summer (November to February) and winter (June to September). The current winter Campaign was launched in July 2017. The imagery used in the winter Campaign depicts the snow scenes shot in the South Island of New Zealand. The Campaign is implemented through a number of media channels.

Principle 1

Alcohol advertising and promotions shall observe a high standard of social responsibility

5. Care has been taken to ensure that the Advertisement observes a high standard of social responsibility. Clear and specific direction was provided to the agency responsible for the creative direction of Advertisement, and each shot was reviewed with particular regard given to compliance with each Principle of the Code.
6. The creative execution of the Advertisement ensures that the depiction of any snowboarding/skiing activity, and the consumption of alcohol, are clearly separated. Any consumption of alcohol is always shown at the end of the day, after the conclusion of any snowboarding or skiing activity.

7. The consumption of alcohol shown in the Advertisement is responsible and moderate. Four members of the group are shown. Three are shown consuming one beer each. One person is not consuming alcohol.
8. The Advertisement depicts the consumption of alcohol as incidental to a friendly/happy social occasion. Not all of the people featured in the Advertisement are consuming alcohol; the primary social occasion shown in the Advertisement is the enjoyment of the sunset after a day of skiing and snowboarding. The consumption of alcohol is incidental to the primary occasion of relaxing together after a perfect day up the mountain.
9. It is clear that the scene is shot at the end of day, with all skiing and snowboarding activity completed. The people featured are shown either watching the sunset, or returning to the hut, which is the group's accommodation for the evening. Ski and snowboard gear have been removed and arranged next to the hut.
10. The Advertisement contains a reference to Cheers.org.nz, which is a public education programme that aims to promote safe, sociably and moderate drinking by giving New Zealanders the information they need to make smarter choices


 The logo for Cheers.org.nz, featuring the word "Cheers!" in a white, stylized font inside a dark, rounded rectangular shape.

about the way they drink. The Cheers.org.nz logo () is displayed on the bottom right corner of the Advertisement to represent the Advertiser's support for the Cheers.org.nz programme and to direct the audience to the Cheers.org.nz website. The Cheers.org.nz logo features consistently on every piece of advertising and material relating to the Campaign, including all television advertisements, in-store promotional materials and the website.

Guideline 1(b)

11. Guideline 1(b) sets out that Principle 1 may be breached where alcohol advertising promotes "*drinking alcohol as a better or more attractive lifestyle choice*". However, Guideline 1(b) also explicitly states that it is acceptable for alcohol advertising to depict consumption of alcohol as "*incidental to a friendly and happy social environment*".
12. The complainant says that Guideline 1(b) was breached as "*alcohol was associated with an attractive lifestyle*". The Code specifies that alcohol advertising shall not "*promote drinking alcohol as a better or more attractive lifestyle*". The consumption of alcohol depicted in the Advertisement is incidental to a friendly and happy social environment, as explicitly permitted under the Code. The Advertisement does not suggest that consumption of alcohol is necessary to enjoy the scene depicted in the Advertisement.
13. The Guidance Note for the Code ("**Guidance Note**") is clear that using imagery which connects responsible service of alcohol in situations where alcohol is not unexpected is appropriate, and not in breach of Guideline 1(b). The Advertisement depicts consumption of alcohol by some (not all) members of a group, at the end of a day of outdoor activity. Moderate consumption of alcohol in such a setting is not unexpected, and is compliant with the letter and the spirit of the Code.

Guideline 1(c)

14. Guideline 1(c) sets out that “*Alcohol advertising and promotions shall not suggest that alcohol can lead to sexual, social, sporting or business success or popularity or is necessary to achieve social status with peers.*”
15. The complaint says that Guideline 1(c) was breached as “*alcohol was associated with the sporting success of those who ski and snowboard*”.
16. The Advertisement does not suggest or imply a causal connection between the consumption of alcohol and sporting or social success. The scene depicted in the Advertisement is clearly at the end of day, after the conclusion of the snowboarding activity. The members of the group who are consuming alcohol group are enjoying the view of the sunset. Snowboarding and skiing gear has been removed and is stowed next to the group’s accommodation hut. One person, who is not consuming alcohol, is returning from his last run.
17. The Guidance Note notes (specifically in reference to Guideline 1(a)) that: “*This guideline does not prevent the depiction of physical activities including sports in advertising and promotions but care must be taken to ensure alcohol products are not consumed before or during the activity.*” **The Advertiser has taken care to ensure this guidance has been applied when vetting this Campaign.**
18. Given that the Advertisement depicts alcohol being consumed *after* the conclusion of sporting activity, it does not suggest in any way that alcohol consumption can *lead* to success in skiing or snowboarding, or to other sexual, social, sporting or business success.

Guideline 1(d)

19. Guideline 1(d) sets out that “*Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation...*”
20. The complainant says that the Advertisements depicts alcohol as “*necessary for relaxation and therapeutic benefits*”.
21. This is incorrect. The Advertisement does show some – not all – of the group consuming alcohol. It does not suggest that it is necessary to drink alcohol in order to relax. The Advertisement shows relaxation being derived from other aspects of the scene: the group resting after a day of strenuous activity, facing the sunset and enjoying the view of the mountains together. The presence and consumption of alcohol is incidental to this environment. It is not depicted as either a necessity, or a requirement for relaxation.
22. The Guidance Note makes clear that alcohol advertising may suggest that a consumer can relax while consuming alcohol moderately. In accordance with the Guidance Note, three member of the group of four are holding one beer each. There is no suggestion of excessive or inappropriate consumption.
23. There is nothing in the Promotion that encourages reliance on alcohol, suggests it provides therapeutic benefits, or suggests that a consumer cannot enjoy the activities depicted in the Advertisement without alcohol.

Summary

24. In light of the above, we ask that the Board rule that the complaint is **Not Upheld**.
25. We welcome the opportunity to respond to any comments or questions the Board may have.
26. We look forward to hearing from you. **Advertiser's response.**