

COMPLAINT NUMBER	17/317
COMPLAINANT	M. Gregan
ADVERTISER	DB Breweries Limited
ADVERTISEMENT	DB Breweries Limited, Digital Marketing
DATE OF MEETING	16 October 2017
OUTCOME	No Grounds to Proceed

Advertisement: The DB Breweries Limited advertisement on the multi-media platform, Mashable, www.mashable.com, was compiled in a documentary style to promote the beer bottle sand machines which the Advertiser claimed can help the global sand shortage by producing a glass sand substitute product.

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, M Gregan, said: I believe that the DB Export advertisement on this Mashable page is likely to mislead the consumer.

I believe that the documentary-style format of the video on the page is used purposely to lend weight to environmental claims made, and that due to this, it cannot be seen as 'obvious hyperbole'. Therefore, I believe it is in breach of both the Code for Environmental Claims and the Code for Advertising and Promotion of Alcohol.

While other aspects of the page, such as the written advertorial, may be deemed by the Board as 'obvious hyperbole' (such as, "drink a beer, make some sand, save the beaches, repeat. now thats what i call environmentalism", and "plus, if we all get to drain a bottle in the process of saving the earth, its a win-win", I argue that the video is used to add weight to the environmental claims of the producer. And at no point are facts or evidence used - how many machines have been created, and are easily available, and how many bottles would need to be crushed to actually make a dent in the amount of sand that is dredged from beaches, enough for the consumer to be able to claim that they were in fact helping save NZ beaches? Where is evidence available New Zealand beaches being under threat of retreating?

Given these points, among others, I believe their claim about drinking the product and saving nz beaches is not 'obvious hyperbole', and therefore in breach of the alcohol code.

And given these points, and that the video makes such claims as "amazingly, the solution to sand shortage could be to drink beer" and "to make a difference, to help protect their beaches, new zealander's can now drink a beer", I believe this advertisement is in breach of the codes for environmental claims.

The relevant provisions were Code for Advertising and Promotion of Alcohol - Guideline 1 (h), Principle 1; Code for Environmental Claims - Principle 1, Principle 2.

The Chair noted the Complainant's concern about the documentary style of the advertisement being misleading with regards to the environmental claims made.

In considering this complaint, the Chair referred to a precedent decision, 17/310, which concerned the same advertising campaign and was not upheld by the Complaints Board and said in part:

..."The Complaints Board began by discussing the consumer take out of the advertisement. It agreed the style of the advertisement left some uncertainty as to whether it was a documentary or a mockumentary. The Complaints Board then took into account the digital placement of the advertisement on www.dbexport.co.nz which allowed any consumer who was uncertain about the beer bottle sand project to investigate further. The Complaints Board noted the facts quoted regarding sand shortages had traceable sources.

The Complaints Board noted the beer bottle sand machines were real, producing 200 grams of sand substitute from each bottle recycled. The Complaints Board agreed the Advertiser's claim "to help protect their beaches, New Zealanders can now drink a beer" contained a level of exaggeration and noted the Advertiser's response which said in part: "By its very nature as a beach sand substitute, any use of DB Export Beer Bottle Sand will to some extent reduce the reliance on beach sand. It follows that "this project will keep the sand on our beaches" and "reduce the country's dependence on beach derived sand".

The Complaints Board said the advertisement was not likely to mislead or deceive the consumer and was not in breach of Guideline 1(h) of the Code for Advertising and Promotion of Alcohol.

The Complaints Board also considered the advertisement against the Code for Environmental Claims and agreed the creation of glass sand substitute material, which was then utilised as an alternative to beach sand, provided the necessary level of support for the qualified claims made in the advertisement.

The Complaints Board agreed there was a level of tongue in cheek hyperbole around the concept of drinking beer to save New Zealand's beaches consistent with the DB Export branding and the various campaigns it had run in the past but this did not make the advertisement misleading.

The Complaints Board ruled the advertisement had not reached the threshold to breach the Code for Advertising and Promotion of Alcohol and was not misleading or deceptive. The Complaints Board agreed the qualified environmental claims in the advertisement had been supported and the advertisement had been prepared with the required standard of social responsibility to consumers and to society...."

The Chair confirmed that this Decision applied to the complaint before her and said the advertisement was not misleading. The Chair ruled the advertisement had not reached the threshold to breach the Code for Advertising and Promotion of Alcohol or the Code for Environmental Claims. She agreed the qualified claims had been substantiated and the advertisement had been prepared with the required standard of social responsibility to consumers and to society.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint No Grounds to Proceed