

<b>COMPLAINT NUMBER</b>	17/371
<b>COMPLAINANT</b>	H Crozier
<b>ADVERTISER</b>	WHET Drinking Room
<b>ADVERTISEMENT</b>	WHET Drinking Room, Digital Marketing - Facebook
<b>DATE OF MEETING</b>	24 January 2018
<b>OUTCOME</b>	Upheld in Part/Not Upheld in Part

## **SUMMARY**

The WHET Drinking Room Facebook advertisement promoted the gin bar with a weekly satirical Public Health Message. The advertisement quoted a medical study which claimed the consumption of gin led to an increase of the number of burned calories per hour resulting in a marked increase in the metabolic rate, which could in turn aid slimming. The advertisement ends with the message “Please Share.”

The Complainant raised concerns about the claims made in the advertisement relating to the health benefits of drinking gin in the advertisement.

No response was received from the Advertiser.

The Complaints Board said Guideline 1(d) of the Code for Advertising and Promotion of Alcohol was clear that alcohol advertisements should not suggest alcohol offers any therapeutic benefits. The Complaints Board said the intended humour of the advertisement did not save it from breaching the Code by quoting false medical studies and claiming drinking gin could help with weight loss.

The Complaints Board ruled the advertisement had breached Guideline 1 (d) and Principle 1 of the Code for Advertising and Promotion of Alcohol and had not been prepared with a high standard of social responsibility.

The Complaints Board agreed the advertisement had not encouraged excessive drinking or promoted alcohol as a more attractive lifestyle choice and there had been no breach of Principle 2 or Guideline 1(b) of the Code.

The Complaints Board ruled the complaint was Upheld in Part and Not Upheld in Part.

### **[Advertisement to be removed]**

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

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## **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the advertisement with reference to Principles 1 and 2 and Guidelines 1(b) and 1(d) of the Code for Advertising and Promotion of

Alcohol. Principles 1 and 2 required the Complaints Board to consider whether the advertisement was consistent with the need for responsibility and moderation in alcohol consumption and observed a high standard of social responsibility. Guideline 1(b) said that alcohol advertising and promotions may depict the consumption of alcohol as incidental to a friendly and happy social environment, but should 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. Guideline 1(d) said alcohol promotions shall not suggest it offers any therapeutic benefit.

### **The Complaints Board ruled the complaint was Upheld in part and Not Upheld in part**

#### **The Complaint**

The Complainant raised concerns about the claims made in the advertisement relating to the health benefits of drinking gin in the advertisement.

#### **The Advertiser Response**

No response was received from the Advertiser.

#### **The Complaints Board Discussion**

The Chair began by directing the Complaints Board to a precedent decision (17/360) which dealt with a similar style advertisement and said in part:

“The Complaints Board agreed the use of the ‘Public Health Message’ heading in the advertisement also had the potential to mislead some consumers. The Advertiser’s explanation was that this heading was designed to be attention grabbing, however the Complaints Board noted the importance of actual public health messages and expressed concern that using the wording in this context was not responsible. The Complaints Board agreed that heading exacerbated the statement about the health benefits.

The Complaints Board considered the advertisement before it in the context of the limited exposure on the Advertiser’s Facebook page and the series of similar satirical postings. The Complaints Board noted the advertisement also stated ‘Please share’ which was likely to encourage increased exposure to the advertisement over time.

The Complaints Board said that although the satirical nature of the advertisement was likely to be obvious to many consumers, the restriction on making therapeutic claims about alcohol in the Code did not allow for the use of humour. The Complaints Board agreed there could be consumers who believed the therapeutic claim and the intended humour did not mitigate the breach of Guideline 1(b) of the Advertising and Promotion of Alcohol Code.”

The Complaints Board agreed the precedent decision directly applied to the complaint before it, and said the advertisement made multiple therapeutic claims that the consumption of gin could lead to an increased metabolic rate, encouraging potential weight loss. The advertisement referred to a fake medical study which had been exposed as an April Fools prank. The Complaints Board said the intended humour of advertisement did not save it from breaching the Code by quoting false medical studies and claiming drinking gin could help with weight loss.

The Complaints Board agreed there could be consumers who believed the therapeutic claim of weight loss and the intended humour did not mitigate the breach of Guideline 1(b) of the Advertising and Promotion of Alcohol Code. The Complaints Board said the advertisement had breached Principle 1 of the Code for Advertising and Promotion of Alcohol and had not been prepared with a high standard of social responsibility.

The Complaints Board agreed the advertisement did not encourage excessive consumption or promote alcohol as a more attractive lifestyle choice and was therefore not in breach of Principle 2 or Guideline 1(b) of the Code for Advertising and Promotion of Alcohol.

Accordingly, the Complaints Board ruled to Uphold the complaint in part and Not Uphold in part.

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## DESCRIPTION OF ADVERTISEMENT

The Facebook advertisement for the Whet Drinking Room, [www.facebook.com/whetbar](http://www.facebook.com/whetbar), quoted from a medical study published in the journal of Food & Nature and claimed the consumption of gin led to an increase of the number of burned calories per hour resulting in a marked increase in the metabolic rate which could in turn aid slimming. The advertisement ended saying "start your new diet today and get your summer body in check." The advertisement ends with the message "Please Share."

## COMPLAINT FROM H CROZIER

I understand that there is scientifically valid research relating to alcohol and possible health benefits, and in general have no issue with this information being distributed. However, as this post is by a bar, it is subject to the Sale of Liquor act, which prohibits marketing any real or perceived health benefits in this fashion.

To compound them matter, the sharing of this health information is followed by the statements:

"Start your new diet today and get your summer body in check!

WHET Drinking Room, helping folks lose weight since 2015. "

In addition, there is a comment where a follower of the WHET page tags a friend, and says "we'd better go. It's good for our health" which is exactly the type of consumer reaction (linking alcohol consumption and the health benefits thereof) that the legislation seeks to reduce.

## CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

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

**Guideline: 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.

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

**Principle 2:** Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol consumption.

## RESPONSE FROM ADVERTISER

No response was received from the Advertiser.