

COMPLAINT NUMBER	18/139
COMPLAINANT	D Anton
ADVERTISER	Progressive Enterprises Ltd
ADVERTISEMENT	Countdown, Television, In-store
DATE OF MEETING	14 May 2018
OUTCOME	No Grounds to Proceed

Advertisement: The Countdown television advertisement for a wine promotion said in part: "This week your great specials are at Countdown...20% off all bottled wine when you buy 6 bottles or more." The in-store signage repeated this promotional offer and included a "drink responsibly" message on the poster.

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

Complainant, D Anton, said: I wish to complain about Countdown Supermarkets advertising savings on bottles of wine of 20%, but only if the buyer purchases 6 bottles at once; while this is a television ad, it is also in their mailer and on banners in-store; I believe that while Countdown places drink responsible tags in advertising, they still encourage excessive drinking when deals like this are only available on multiple quantity item purchases. This is a serious ongoing issue with this store, who also regularly advertise beer discounts, but only if two or more boxes of the beer are purchased. I believe these types of advertising are in breach of responsible advertising, both in basic ethics and the standards required for alcohol advertising.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2; Code for Advertising and Promotion of Alcohol - Principle 1;

The Chair noted the Complainant's concern the advertisement offered savings for those consumers who purchased six bottles of wine or more, which encouraged excessive drinking.

In considering the issue raised by the Complainant about pricing and alcohol, the Chair referred to Decision 15/211, which in turn quoted Decision 92/2 and said in part:

"The Board ruled that discount prices whether for bulk purposes or otherwise is a normal trading practice in a competitive market. The Board observed that if discounts were not allowed this could be contrary to the provisions of the competition laws which encourage competition."

Taking into account the above precedent, and while noting the sincere concerns of the Complainant with regard to the responsible sale and use of alcohol, the Chairman was of the view that the advertisement before her made a straightforward statement about a discount on alcohol prices.

With regard to the quantity required to be purchased in order to achieve the discount, the Chairman said a purchase of six bottles did not reach the threshold to encourage

immoderate consumption of alcohol. She was of the view that this was an invitation to consumers to stock up, rather than drink to excess.”

Turning to the complaint before her, the Chair said these Decisions directly applied and there was nothing in the advertisement or in-store banners to suggest the Advertiser was encouraging consumption over a short time period.

The Chair ruled the general consumer take-out of the advertisement would be that buyers could stock up and reduce the frequency of purchase rather than an invitation to increase the amount of alcohol consumed.

Therefore, while acknowledging the Complainant’s genuine concern about responsible alcohol promotions, the Chair ruled the advertisement had met the requirement for a high standard of social responsibility and there was no apparent breach of the Code for Advertising and Promotion of Alcohol.

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

Chair’s Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.