

COMPLAINT NUMBER	18/146
COMPLAINANT	M Young
ADVERTISER	DB Breweries Limited
ADVERTISEMENT	Heineken, Television
DATE OF MEETING	26 June 2018
OUTCOME	Not Upheld

SUMMARY

The television advertisement for Heineken beer begins with the text “Gerald Adriaan Heineken founded his Amsterdam brewery in 1864.” The advertisement then shows Mr Heineken with a fortune teller who says “Far far in the future, I see your name Mr Heineken in all the countries of the world.” The image flashes to Mr Heineken imagining himself in the future, then back to the fortune teller whom he asks “It will taste the same everywhere?” She replies “Everywhere!” The advertisement ends with the text “Same great taste in 192 countries.”

The Complainant said the 'claim that Heineken beer has the “same taste in every country” was misleading as the Complainant’s experience was one of inconsistent taste across a number of countries.

The Advertiser explained the steps taken to ensure a consistent taste profile for Heineken beer around the world. These measures include strictly controlled ingredients, regulated brewing processes and extensive testing.

The Complaints Board considered that the quality control methods described by the Advertiser demonstrated a high level of diligence in attempting to standardise its product.

The Board accepted there were elements of the distribution chain which the Advertiser had no control over such as transport and storage conditions, the age of the product or parallel importation situations where products were imported without the brand owner’s consent. It said these uncontrollable variations did not make the advertisement misleading.

Accordingly, the Complaints Board ruled the advertisement had observed a high standard of social responsibility and was not in breach of Principle 1 or Guideline 1(h) of the Code for the Advertising and Promotion of Alcohol.

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 Principle 1 and Guideline 1(h) of the Code for Advertising and Promotion of Alcohol. Principle 1 required the Complaints Board to consider whether the advertisement observed a high standard of social responsibility. Guideline 1(h) requires the advertisement does not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer. Obvious hyperbole, identifiable as such, is not considered to be misleading.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant said the claim that Heineken beer has the “same taste in every country” was misleading as the Complainant’s experience was one of inconsistent taste across a number of countries.

The Advertiser’s Response

The Advertiser explained the steps taken to ensure a consistent taste profile for Heineken beer around the world. These measures include strictly controlled ingredients, regulated brewing processes and extensive testing.

The Media’s Response

CAB said the advertisement did not claim the beer was all brewed in the same place and said the claim was consistent with previous advertising and consistent with most consumers’ understanding of global beer brands.

The Complaints Board Discussion

The Complaints Board began by discussing the likely consumer take-out of the advertisement. The Board agreed the message was that consumers could expect a similar flavour of beer, which would be recognisable as the Heineken brand, irrespective of where in the world it was being consumed.

The Complaints Board said the Advertiser had provided a comprehensive explanation of the methods used to ensure a consistent taste profile for its beer, which involved strictly controlled ingredients, regulated brewing/production processes and the use of unique yeast only available from the Netherlands. The Complaints Board noted there was also an extensive final product analytical and sensory testing process including a monthly sample sent to the Netherlands for analysis.

The Complaints Board considered that the quality control methods described by the Advertiser demonstrated a high level of diligence in attempting to standardise its product.

The Board accepted there were elements of the distribution chain which the Advertiser had no control over such as transport and storage conditions, the age of the product or parallel importation situations where products were imported without the brand owner’s consent. It said these uncontrollable variations did not make the advertisement misleading.

Accordingly, the Complaints Board ruled the advertisement had observed a high standard of social responsibility and was not in breach of Principle 1 or Guideline 1(h) of the Code for the Advertising and Promotion of Alcohol.

The Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The television advertisement for Heineken beer begins with the text “Gerald Adriaan Heineken founded his Amsterdam brewery in 1864.” The advertisement then shows Mr Heineken with a fortune teller who says “Far far in the future, I see your name Mr Heineken in all the countries of the world.” The image flashes to Mr Heineken imagining himself in the future, then back to the fortune teller whom he asks “It will taste the same everywhere?” She replies “Everywhere!” The advertisement ends with the text “Same great taste in 192 countries.”

COMPLAINT FROM M YOUNG

The latest ad for Heineken is based entirely on the fact that the beer is the same taste in every country.

This is patently false. The beer the is brewed in NZ under licence tastes completely different from the original imported from Holland. In addition, it not consistent in many of the countries I have drunk it in.

Primarily though - the "the same taste in every country" is demonstrably false.

CODES OF PRACTICE

CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

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

Guideline 1(h): Alcohol advertising and promotion shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer. Obvious hyperbole, identifiable as such, is not considered to be misleading.

RESPONSE FROM ADVERTISER, DB BREWERIES LIMITED

DB Breweries Limited Television – Complaint 18/146

I refer to your letter dated 15 May 2018 concerning a complaint raised against a television advertisement for Heineken® - “The Founder’s Vision” (Advertisement) .

Your letter identifies Principle 1, Guideline 1(h) of the Code for Advertising and Promotion of Alcohol (Alcohol Code) as being the relevant section for consideration. For the reasons set out below, DB Breweries Limited (DB) denies that the Advertisement is in breach of the cited provision of the Alcohol Code.

DB considers that the Advertisement observes a high standard of social responsibility and notes that the Advertisement was pre-vetted as per our standard practice (LAPPS approval number RB4291) and received CAB approval.

Alcohol Code

Principle 1 requires alcohol advertising to observe a high standard of social responsibility and, in particular, Guideline 1(h) states that: “alcohol advertising and promotion shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is

likely to deceive or mislead the consumer. Obvious hyperbole, identifiable as such, is not considered to be misleading.”

Complaint

The Complainant has raised concern with the statement in the Advertisement that Heineken® tastes the same in every country. The Complainant suggests that Heineken® beer brewed in New Zealand under licence tastes completely different from Heineken® beer imported from Holland. In addition, the Complainant considers that Heineken® beer that he has drunk around the world is not consistent in taste.

Alcohol Code Compliance

DB does not accept that the Advertisement is directly, or by implication or exaggerated claim, misleading or deceptive nor that it is likely to deceive or mislead the consumer. Further, DB welcomes the opportunity to explain the steps that DB/HEINEKEN takes to ensure a consistent taste profile for Heineken® beer around the world.

“Passion for quality” is one of the values that DB and our ultimate parent company (HEINEKEN N.V., a Dutch registered company) are very proud of. Collectively, our brewers ensure our products meet a high and consistent standard of quality that delight our consumers all over the world.

Consumers expect their Heineken® to taste the same wherever they go (except for in territories when the Alcohol by Volume (ABV) is required to be varied by law). This is why the quality of Heineken® beer is monitored through numerous production, analytical and sensory controls throughout the brewing process.

The production, analytical and sensory controls employed include:

- strictly controlled ingredients;
- regulated brewing/production processes and permitted operational ranges;
- fermentation by the unique Heineken “A” yeast only available from the Netherlands;
- equipment requirements;
- packaging limitations; and
- perhaps most importantly for the end consumer, extensive final product analytical and sensory testing.

These requirements apply to every batch of Heineken® beer produced. This is to ensure the quality standard is maintained and allows Heineken® beer to be produced with a consistent taste profile worldwide.

The taste profile of Heineken® beer is largely dictated by the controls outlined above. In addition, once a month a sample of Heineken® beer is sent to the Netherlands (under regulated transportation conditions) for chemical and sensory testing in an ISO 17025 accredited laboratory. Highly prescribed sampling plans and protocols apply to every producer of Heineken® beer.

Testing in the home of Heineken, the Netherlands, is undertaken by qualified laboratory personnel following prescribed operating standards and sensory panellists expertly trained in the intricate characteristics of the Heineken® beer taste profile. Samples are presented encoded to ensure analysis is conducted without bias or favour. Testing involves measuring compliance against a number of analytical and flavour/taste profile targets. Non-compliance with these, or any, process controls necessitates immediate remedial action.

The result is the production of high quality Heineken® beer that consumers can trust tastes the same around the world.

Beer is a “fresh” product. As such, it needs to be treated carefully from brewing through to the time it is consumed by the end consumer. Not complying with certain controls during this period, including transportation and storage/cooling condition controls and/or selling after the “best before date”, can lead to variations in the taste of all beer. This is why HEINEKEN strictly controls its production and transportation processes. These controls may not be adhered to in relation to Heineken® beer that is sold by certain retailers or outlets at the end of the supply chain (where HEINEKEN has no control), or that is parallel imported into New Zealand. Parallel imports are authorised products that are put into circulation overseas and then imported into New Zealand without the consent of the brand owner/licensee. This trade usually involves buying cheap (sometimes expired) stock, using inappropriate storage and extended transportation arrangements.

Accordingly, we respectfully consider that the Advertisement complies with the Alcohol Code and request that ASCB rule that the complaint be: Not Upheld.

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

Thanks for the opportunity to comment on this complaint.

I will defer to the Advertiser to provide details of their global licensing and brewing operations; however, CAB has no reason to suspect that the claim “Same great taste in 192 countries” is misleading. I note that the advertisement does not claim that Heineken is all brewed in the same place but only that it tastes the same around the world. This claim is consistent with previous advertising activities and consistent with most consumers’ understanding of global beer brands.

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.