

<b>COMPLAINT NUMBER</b>	18/402
<b>COMPLAINANT</b>	H Crozier
<b>ADVERTISER</b>	Scapegrace Gin
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	5 December 2018
<b>OUTCOME</b>	Settled – advertisements removed

**Advertisement:** The product packaging, website and Facebook advertisements for Scapegrace Gin used a prescription box to display the gin bottles and included the wording “Free Healthcare and Mixology advice.” The Facebook posting displayed the product and said “Are you OK? Feeling a bit under the weather? Sounds like you need a Scapegrace Prescription Box to cure your woes.”

**The Chair ruled the complaint was Settled.**

**Complainant, H Crozier, said:** Scapgrace gin promoted/sold in packaging listed on their website as "prescription box" that mimics pharmaceutical packaging, which suggests that the product has therapeutic properties, including the ability to "cure woes."

While I realise that this is an attempt at humour, it is inappropriate to make these claims regarding a product that contains alcohol.

From the packaging materials themselves:

"Ask our pharmacist because we care" "Free advice about anything gin related" "Repeat prescription services" "Free heathcare & mixology advice"

Links from Facebook to the online store/webpage for these packs include the text:

"Get your dose" "Special meds for special drinks" "Dr Scapegrace McMurphy" "We really do care"

From their Facebook post:

"Are you OK? Feeling a bit under the weather? Sounds like you need a Scapegrace Prescription Box to cure your woes! Fortunately we have some in stock that you can grab online.

There's other things like gin available too, hit the link and have a nose. shop.scapegracegin.com" <https://www.facebook.com/scapegracegin/posts/1952985801481763>  
<https://shop.scapegracegin.com/collections/all/products/scapegrace-prescription-box>

**The Advertiser, Scapegrace Gin said in part:** “It was certainly not our intention to promote alcohol irresponsibly and we were shocked to receive the ASA complaint.

We were essentially giving a nod to the history of gin which was actually invented by a physician in the mid-17th century and was originally used for medicinal purposes and sold in pharmacies.

We have disclaimers printed on the box clearly outlining that "this box does not contain any drugs or pharmaceutical items".

The response from the majority of our customers was extremely positive and they loved the concept, therefore we didn't initially see the negative connotations that the box/advertising had for some people. In hindsight however we are deeply saddened that we have caused distress to a fellow New Zealander.

Since this notification we have withdrawn the product from all channels and have also removed any reference to the product in advertising/on social media. We will take this experience on board for all future products. Apologies for any offence we have caused.”

**The relevant provisions were Code for Advertising and Promotion of Alcohol - Guideline 1 (d), Principle 1, Principle 2;**

**The Chair** noted the Complainant’s concern the Advertiser was using packaging which mimics a prescription box and makes therapeutic claims about the gin products.

The Chair acknowledged the Advertiser had withdrawn the product line and made changes to the website and Facebook posting, removing references which were of concern.

Given the Advertiser’s co-operative engagement with the process and the self-regulatory action taken in removing the product, website listing and Facebook posting, the Chair said that it would serve no further purpose to place the matter before the Complaints Board. The Chair ruled that the matter was settled.

**Chair’s Ruling:** Complaint **Settled – advertisements removed**

#### **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.