

COMPLAINT NUMBER	19/422
COMPLAINANT	N. Jackson- Alcohol Health Watch
ADVERTISER	DB Breweries
ADVERTISEMENT	DB Breweries Facebook
DATE OF MEETING	4 November 2019
OUTCOME	Settled

Advertisement The Facebook advertisement features a video of social media influencer William Wairua picking up a bottle of beer and drinking it before talking to the camera. The caption accompanying the video reads *Midweek liaison.... [#hhwhynot](#) Looking forward to the @allblacks really expressing themselves tonight at the @rugbyworldcup ..Let's hit that Bullseyehhh x3. @heineken_nz [#HeinekenNZ](#) [#NowYouCan](#) [#Partnership](#) [#HighElbow](#)*

The Chair ruled the complaint was Settled

Complainant, N. Jackson said in part: This complaint relates to an alcohol advertisement on Facebook for Heineken, posted on October 2, 2019:

We believe that the post constitutes an advertisement, given that partnership is implied in the social media post as well as William Wairua's existing paid partnership with [Cheers.org.nz](#).

Principle 3 of the Code for Advertising and Promotion of Alcohol states: Alcohol advertising and promotions shall be directed at adult audiences. Alcohol advertising and promotions shall not be directed at minors nor have strong or evident appeal to minors in particular. This applies to both content and placement.'

Guideline 3(a) states: Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young

Guidance notes for Guideline 3(a) states: A number of teams in particular have been identified as heroes of the young. They include the All Blacks, the Kiwi League team, the Warriors League team, the Black Caps cricket team and the Silver Ferns netball team. This identification applies to the teams and high profile individuals that are current team members.

We submit that this advertisement refers to the All Blacks who have been identified as heroes of the young. We also ask that the Complaints Board consider whether William Wairua is a hero of the young as a celebrity, TV, or musician with particular appeal to a younger demographic.

We note that although the onscreen product featured in this advertisement was a bottle of Heineken Zero, the text accompanying the advertisement identifies Heineken without specifying that it is Heineken Zero.

As an aside, we note that the Draft Alcohol Advertising and Promotion Code released for consultation in June 2019 defines an “Alcohol Product” as a consumable product which contains 1.15% or more ethanol by volume or weight. The code expands on this definition:

NOTE: A consumable product which contains between zero and less than 1.15% ethanol by volume or weight is also considered an alcohol product for the purposes of this code when it is either

- *marketed as a non-alcoholic variant of a product that would otherwise be an “Alcohol Product” (such as non-alcoholic beer); or*
- *by virtue of its appearance, is so synonymous with a category of “Alcohol Product” that it ought to be considered an “Alcohol Product” for the purposes of this code.*

However, the definition for alcohol advertising and promotion in the Code does cover branded merchandise which is defined as *“products available in New Zealand bearing liquor or outlet branding which have been produced by, on behalf of, or with the permission of, a liquor producer, distributor or retailer.*

The relevant provisions were Code for Advertising and Promotion of Alcohol - Guideline 3 (a), Principle 1, Principle 3

The Chair noted the concerns from the complainant that the advertisement was not socially acceptable as alcohol advertisements required a high sense of social responsibility. The Chair then noted that upon receipt of the complaint, the Advertiser had withdrawn the advertisement.

The Advertiser DB Breweries said in part; Thank you for bringing this to our attention. The post featured in the Alcohol Healthwatch Complaint was not approved by DB. While we investigate and consider the post’s adherence with the Code, we have had it removed from William Wairua’s Facebook and Instagram pages.

Given the Advertiser’s co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, 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- advertisement 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.