

<b>COMPLAINT NUMBER</b>	19/390
<b>COMPLAINANT</b>	Alcohol Healthwatch
<b>ADVERTISER</b>	DB Breweries Limited
<b>ADVERTISEMENT</b>	Heineken, Print
<b>DATE OF MEETING</b>	12 November 2019
<b>OUTCOME</b>	Not Upheld No Further Action Required

**Description of Advertisements** The DB Breweries Heineken print advertisements in the New Zealand Herald appeared on the front cover of the newspaper and also in a double page centre spread inside the paper.

#### **Advertisement 1 Front Cover**

The front cover features a row of 21 Heineken bottles on a sports field. Twenty of these bottles feature the name and flags of countries participating in the Rugby World Cup 2019, with the remaining bottle featuring the Webb Ellis Cup. The flags on each bottle are stylised as a star to resemble the Heineken logo. The caption in the advertisement reads *“It doesn’t matter what team you support, Heineken will keep you in the game.”* The Heineken logo and the Rugby World Cup 2019 logo also feature side-by-side on the lower right corner of the page, together with the words *“Worldwide Partner”*.

#### **Advertisement 2 Inside double centre-spread**

The double page centre spread advertisement outlines the pathway to the Rugby World Cup Final on November 2, 2019, from the pool stage, through to the quarter-finals and semi-finals. The teams in each of the pools are represented with Heineken bottles featuring the team’s country name, and the national flag stylised as a star to resemble the Heineken logo. Centred at the bottom of the page is a section providing information about the New Zealand team’s pool matches, listing the date, time, and teams in the pool match eg. Sat 21st, 21:45: New Zealand v South Africa. The heading at the top of the page reads *“Get ready for 48 outings with your best mates”*. The Heineken and Rugby World Cup logos appear with the words *“Worldwide Partner”*.

#### **Summary of the Complaint**

The Complainant is concerned the advertisements which appears in a non-restricted medium would have appeal to minors even if it is not directly targeting them. The Complainant said by the use of the NZ name and flag in the context of the advertisements can only be interpreted as referring to the All Blacks who are identifiable heroes of the young. The Complainant said considering the advertisement as a sponsorship advertisement would also in breach of Principle 4 of the Code for Advertising and Promotion of Alcohol as Guideline 4(b) states product shots should not be shown.

#### **Issues Raised**

- Alcohol advertising referencing heroes of the young
- Sponsorship advertising

### Summary of the Advertiser's Response

The Advertiser said neither DB nor any Heineken company is a sponsor of the New Zealand national men's rugby team or any other participating nation. It confirmed Heineken sponsors the global rugby tournament only. It quotes the Code guidance that "sponsoring a tournament is not a sponsorship of a hero of the young"

The Advertiser says it is a leap to take a reference to New Zealand and its flag in the context of equally referencing the 19 other participating teams as meaning a direct reference to the All Blacks as heroes of the young. It said the content did not make reference to the All Blacks or show logos, pictures, trademarks and the medium had an almost exclusive adult audience (3% of viewers were under the age of 18). The Advertiser said the advertisement was never intended as a sponsorship advertisement for the purposes of the Code and Principle 4 should not apply.

The 48 outings referred to the number of games in the tournament and there is no reference to drinking alcohol on any or all of those matches.

### Summary of the Media Response

NZME said that despite some passive dissemination by minors to the front cover, there is no overt reference to the All Blacks. The graphics on the bottles is not a significant size given the overall advertisement.

In terms of placement, the Media confirmed 96% of weekly New Zealand Herald readers are 18+ years old.

### Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about two Heineken advertisements which appeared in the New Zealand Herald. The Complaints Board said the advertisements promoted the Rugby World Cup tournament and there were no explicit or implied references to the All Blacks as identifiable heroes of the young.

### Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following code

#### CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

**Principle 3:** 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):** Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young.

**Principle 4:** Sponsorship Advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.

**Guideline 4 (b):** Shall not show a product or product packaging.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 18/354 which was Upheld by the Complaints Board and Decision 18/076 which was Upheld in Part

The full versions of these decisions can be found on the ASA website

<https://www.asa.co.nz/decisions/>

**Decision 18/354** concerned a Christmas mailer advertisement for Glengarry Wines which showed a stylised cartoon drawing of Santa Claus and bright coloured pictures of donuts.

The Complaints Board was of the view that the combination of the evident appeal of the cover of the advertisement to minors and the unrestricted access to a wide audience via unaddressed mail delivery was in breach of the Code for Advertising and Promotion of Alcohol.

**Decision 18/076** concerned an advertisement from the Brewers Association of New Zealand titled “Beer the Beautiful Truth”, which featured celebrities including Eric Murray talking about the nutritional facts about beer.

The Complaints Board said that Eric Murray was a hero of the young due to his continued involvement with schools and upheld this version of the advertisement, given it had appeared in a non-restricted medium.

### **Preliminary Matter regarding Sponsorship Advertising**

*Are the advertisements sponsorship or alcohol advertising?*

In determining the relevant rules, the Complaints Board referred to Principle 4 of the Code for Advertising & Promotion of Alcohol, which considers Sponsorship Advertising. Guidance Note vii of the Principle says:

“The definition of sponsorship advertisement confirms that any advertisement that refers to sponsorship but does not comply with the guidelines in Principle 4 – for example, inclusion of a product shot – automatically becomes an alcohol advertisement and must comply with all the requirements of that part of the Code.”

The Complaints Board noted that both the advertisements included product shots of bottles of Heineken. The Board said the inclusion of a product shot meant the advertisement must be considered an alcohol advertisement rather than sponsorship and the principles and guidelines of the Code for Advertising and Promotion of Alcohol apply. Therefore, the Complaints Board did not consider Principle 4 or Guideline 4(b) were relevant to the complaint before it and did not consider these rules as part of its deliberation.

### **Complaints Board Discussion**

The Complaints Board looked at each of the advertisements in turn:

**Advertisement 1** appeared on the front cover of the New Zealand Herald.

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout was that the Rugby World Cup tournament was on and that Heineken, as a tournament supporter, backed all of the teams.

#### *Does the advertisement refer to identifiable heroes of the young?*

The Complaints Board said there was no reference made to heroes of the young in the imagery or language of Advertisement 1. The Board said the advertisement’s focus is the tournament itself and the countries that are participating. There is no reference made to the All Blacks, the colour black, the silver fern or other symbols linked to the New Zealand national team. The Complaints Board said the New Zealand flag used on the bottle was the national flag, rather than the black silver fern image traditionally used by the All Blacks.

*Is the advertisement directed at an adult audience?*

The Complaints Board said the advertisement was not directed at minors. It said the advertisement had been placed on the front cover of the New Zealand Herald newspaper and noted the Media had confirmed that 96% of weekly New Zealand Herald readers are 18+ years old. Therefore, the Board said the advertisement was targeting an adult audience.

The Complaints Board unanimously ruled Advertisement 1 was not in breach of Principle 3 or Guideline 3(a) of the Code for Advertising and Promotion of Alcohol.

**Advertisement 2** appeared in a double page spread in the New Zealand Herald.

*Consumer Takeout*

The Complaints Board agreed the likely consumer takeout was that the Rugby World Cup tournament was on and Heineken was a sponsor of the event. The advertisement also provides a match tracker for recording the results of the knock-out games in the tournament.

*Does the advertisement refer to identifiable heroes of the young?*

The Complaints Board said there was no reference made to heroes of the young in the imagery or language of Advertisement 2. The Board said the advertisement referred to participating countries, and New Zealand is one of the 20 teams, but this in itself did not trigger an identifiable hero of the young. The Complaints Board said the intent of the advertisement was to provide a table for viewers to record results of the games.

*Is the advertisement directed at an adult audience?*

The Complaints Board said the advertisement was not directed at minors. It said the advertisement had been placed in a centre-spread of the New Zealand Herald newspaper and noted and noted the Media had confirmed that 96% of weekly New Zealand Herald readers are 18+ years old. Therefore, the Board said the advertisement was targeting an adult audience.

The Complaints Board noted the additional comment made by the Complainant about the reference in Advertisement 2 "Get ready for 48 outings" going against New Zealand's low risk drinking guidelines.

The Complaints Board said the reference was to the 48 games being played over the six weeks of the tournament. The Board said there was no call to action to drink in the statement and the statement "Heineken will keep you in the game" was encouragement by a World Cup sponsor to embrace the entire tournament regardless of which team you support.

The Complaints Board unanimously ruled Advertisement 2 was not in breach of Principle 3 or Guideline 3(a) of the Code for Advertising and Promotion of Alcohol.

**Outcome**

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required

**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.

## APPENDICES

1. Complaint
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT FROM ALCOHOL HEALTHWATCH

This complaint relates to an alcohol advertisement in the New Zealand Herald for Heineken. The advertisement was published September 19, 2019, on the front cover of the New Zealand Herald and also in a double page centre spread within the printed newspaper.

As shown in the picture of the advertisement (displayed at the end of this letter), the cover advertisement features a row of 21 Heineken bottles lined up on a sports field with a large stadium stand in the background. Twenty of these bottles feature the name and flags of countries participating in the Rugby World Cup 2019, with the remaining bottle featuring the Webb Ellis Cup. The flags on each bottle are stylised as a star to resemble the Heineken logo.

The caption in the advertisement reads *"It doesn't matter what team you support, Heineken will keep you in the game."* The Heineken logo and the Rugby World Cup 2019 logo also feature side-by-side on the lower right corner of the page, together with the words *"Worldwide Partner"* placed beneath the logos.

The double page centre spread advertisement outlines the pathway to the Rugby World Cup Final on November 2, 2019, from the pool stage, through the quarter-finals and semi-finals. The teams in each of the pool groups are once again represented with Heineken bottles featuring the team's country name, and the national flag stylised as a star to resemble the Heineken logo. Centred at the bottom of the page is a section providing information about the New Zealand team's pool matches, listing the date, time, and participants in the pool match i.e. Sat 21st, 21:45: New Zealand v South Africa. The heading at the top of the page reads *"Get ready for 48 outings with your best mates"*. The Heineken and Rugby World Cup logos again appear with the words *"Worldwide Partner"* placed beneath the logos.

We believe the advertisement breaches Principle 3 of the ASA Code for Advertising and Promotion of Alcohol:

*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.*

We believe that this advertisement specifically breaches Guideline 3 (a) of the ASA Code for Advertising and Promotion of Alcohol:

*Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young.*

Although the advertisement does not appear to directly target minors, we believe that it certainly has appeal as it uses and refers to identifiable heroes of the young, namely the New Zealand Men's Rugby Union team commonly known as the All Blacks. We submit that the New Zealand Herald is a non-restricted area. In this complaint we are seeking clarification regarding the use of strong (and mostly direct and obvious) references to the All Blacks in alcohol advertisements in non-restricted media.

We submit that the use of the name New Zealand, and the use of the New Zealand flag in the context of these advertisements **can only** be interpreted as referring to the New Zealand Men's Rugby Union team commonly known as the All Blacks. It is clear that the Heineken bottles featured in these advertisements are meant to represent the teams participating in the 2019 Rugby World Cup, including the All Blacks. It would be nonsense to suggest that the New Zealand pool matches listed in the advertisement v South Africa, Canada, Namibia, and Italy were not referring to matches featuring the All Blacks, who have been specifically identified as heroes of the young in the Code for Advertising and Promotion of Alcohol:

*"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. Other representative sports teams may also be heroes of the young, for example Super 15 Rugby franchises have been identified as such."*

We also note that the Guidance Note for Principle 3 clarifies that:

*"Events and tournaments are also not heroes of the young, although teams / participants in them may be."*

We submit that in New Zealand, there are no greater heroes of the young than the national men's Rugby Union team competing at the Rugby World Cup.

The advertiser may indicate that this not an alcohol advertisement at all, but instead a sponsorship advertisement that should be considered under Principle 4, as Heineken is a sponsor of the Rugby World Cup and this partnership is indicated with the logos appearing 3

side-by-side with the words “Worldwide Partners” appearing below. However, the guidance notes for Principle 4 state:

*“Teams and individuals who may otherwise be considered heroes of the young and prevented from being included in alcohol advertisements, may be included in sponsorship advertisements as long as the requirements set out in the Guidelines (4a to 4e) are met.*

*The definition of sponsorship advertisement confirms that any advertisement that refers to sponsorship but does not comply with the guidelines in Principle 4 – for example, inclusion of a product shot – automatically becomes an alcohol advertisement and must comply with all the requirements of that part of the Code.”*

In these advertisements, Guideline 4 (b) is breached as both advertisements clearly show and feature product. Therefore, these advertisements must be considered as advertisements and must comply with the other Principles of the Code.

In addition, we would like to highlight that “48 outings” that involved drinking during the Rugby World Cup tournament would certainly result in non-adherence to New Zealand’s low-risk drinking advice that recommends at least two alcohol-free days per week.

To conclude, we wish to seek clarification and transparency with regards to the use of the All Blacks in alcohol advertisements in non-restricted media. Advertisements that show an obvious link to the All Blacks present the same level of risk to young people as advertisements that directly name or show the team. We cannot see a reason why there would be different standards for each.

## **Appendix 2**

### **RESPONSE FROM ADVERTISER, DB BREWERIES LIMITED**

I refer to your letter dated 17 October 2019 concerning a complaint raised against a print advertisement for Heineken (**Advertisement**).

Your letter identifies Principle 3 and Guideline 3(a), as well as Principle 4 and Guideline 4(b), of the Code for Advertising and Promotion of Alcohol (**Alcohol Code**) as being the relevant sections for consideration. For the reasons set out below, DB Breweries Limited (**DB**) denies that the Advertisement is in breach of the Alcohol Code.

The Advertisement was pre-vetted as per our standard practice (LAPPS approval number RB5446).

#### **Alcohol Code**

Principle 3 requires alcohol advertising and promotion to be directed at adult audiences and, in particular, Guideline 3(a) states that: “Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young”.

Principle 4 requires “Sponsorship Advertisements” to be clearly and primarily for the promotion of the sponsored activity, team or individual and, in particular, Guideline 4(b) requires that a “Sponsorship Advertisements” not show a product or product packaging.

## **Background**

Heineken has been a worldwide partner of the men's Rugby World Cup™ tournament since 1995. Since that time, each tournament (hosted every four years) has been contested by between 16 and 20 teams from various participating nations.

It is well known that the New Zealand national men's rugby team has competed at every men's Rugby World Cup™ tournament. Neither DB nor any Heineken company is a sponsor of the New Zealand national men's rugby team or any other participating nation.

Heineken sponsors the global rugby tournament only. What's more, DB has no intention to encroach on the valuable sponsorship rights that are afforded to the sponsors of New Zealand's national men's rugby team.

## **The Complaint**

### Principle 3 and Guideline 3(a)

The Complainant contends that the Advertisement is directed at minors, or has strong or evident appeal to minors.

#### *Guideline 3(a): heroes or heroines of the young*

The Complainant states that the use of the name 'New Zealand' in conjunction with an image of the New Zealand flag in the Advertisement **can only** be interpreted as a reference to the All Blacks. The complaint also sets out that the Advertisement has strong, direct and obvious reference to the All Blacks.

With respect, it is a quantum leap to take a reference to New Zealand and its national flag in the context of competing in an international tournament (alongside corresponding representations of the 19 other nations) as meaning a direct reference to the All Blacks rugby team as a hero of the young for the purpose of the Alcohol Code.

The guidance in the Alcohol Code is clear. Events and tournaments are not heroes of the young. Until now, there does not appear to have been any confusion over this guidance:

*Sponsoring a tournament is not a sponsorship of a hero of the young, but direct sponsorship of a tournament participant may be.*

Referencing participating nations of a tournament does not, as the complainant appears to contend, transform a tournament sponsorship into a sponsorship of each participants who may or may not be heroes and/or heroines of the young.

The guidance does state that tournament teams and/or participants may be heroes or heroines of the young. This is a necessary provision. It clarifies that directly sponsoring teams or participants that compete in tournaments are not covered by the exclusion that "tournaments are not heroes of the young".

It is evident that the purpose of Principles 3 and 4 is to restrict alcohol companies from sponsoring/associating with heroes and heroines of the young on the basis that minors may wish to emulate those heroes or heroines. This risk is not present with tournament sponsorship as minors do not seek to emulate a tournament.

The intent behind combining national flags/imagery with bottle imagery in the Advertisement was simply to (a) raise consumer awareness of Rugby World Cup™ and the Heineken

sponsorship of the tournament, and (b) factually reference the 20 participating nations to increase engagement with the tournament.

The Advertisement clearly refers to the sponsorship of a tournament; including using terminology such as “Worldwide Partner”. Through the use of imagery and layout, the Advertisement equally references each participating nation.

The Advertisement does not use trade marks associated with any nation. It does not use brand names that teams would likely reserve for use in its own sponsorship programme (eg All Blacks, Springboks and Wallabies) or any other specific trade mark asset.

It is noted that the Guidance Note to Guideline 3(a) states that, with respect to national teams, the **All Blacks** rugby team, the **Kiwi** league team, the **Black Caps** cricket team and the **Silver Ferns** netball team are likely to be heroes of the young. It’s no coincidence that the sponsorship property (ie trade mark) is referenced. Only authorised sponsors can use those properties. It can be concluded that the Guideline seeks to capture sponsorship of those individual teams, not the tournaments that those teams compete in.

As a result, we are concerned that the complaint endeavours to extend the ambit of Guideline 3(a) far beyond what it is intended to cover.

Neither Rugby World Cup™ nor the Advertisement is or contains a hero of the young. Nevertheless, DB was still required to ensure that the Advertisement is prepared with the required high standard of social responsibility; a requirement that we take very seriously.

The Alcohol Code sets out that “the selection of media, placement, style of presentation, content and context where ads appear are all key factors in determining Code compliance”. In this case, the Advertisement is clearly targeting an adult audience and nothing in the content of the Advertisement targets those under the age of 18. The complaint agrees, stating “...the advertisement does not appear to directly target minors.”

For completeness in relation to context, DB notes that the New Zealand Herald readership is almost exclusively made up of adults (ie those over the age of 18). Despite the Alcohol Code setting out that in unrestricted areas promotions for alcohol must not be available where more than 25% of the expected audience is minors (Guideline 3(g)), less than 3% of those viewing the Advertisement were likely under the age of 18.<sup>1</sup>

In summary, the Advertisement did not feature:

- any pictures of or references to members of the All Blacks men’s rugby team;
- the words “All Blacks”;
- any logos or other trade marks associated with the All Blacks men’s rugby team.

Rather, the Advertisement:

- referred to a tournament sponsorship;
- did not feature any hero of the young;
- was featured in a context where the readership was almost exclusively adults; and
- was prepared with the required high standard of social responsibility.

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<sup>1</sup> Roy Morgan research data of New Zealand Herald readership demographics for the year preceding the placement of the Advertisement shows that only 2.9% of the readership was under 18 years of age.

Principle 4 and Guideline 4(b)

The Advertisement was never intended to be regarded as a “Sponsorship Advertisement” for the purpose of the Alcohol Code. DB is familiar with guidelines around sponsorship advertisements as demonstrated by our ongoing adherence to them with other sponsorship properties. As the complainant points out, featuring product packaging removes the ability to contend that an advertisement is a “Sponsorship Advertisement”. The inclusion of Heineken beer bottles illustrates that this advertisement was never intended as a “Sponsorship Advertisement”.

As set out in the Guidance Note to Principle 4, advertisements that do not qualify as “Sponsorship Advertisements” must otherwise comply with the Alcohol Code. The Complaints Board’s consideration of the complaint should therefore be solely in terms of Principle 3.

“48 outings”

The complainant has also made reference to the use of the phrase “48 outings” in the Advertisement. It is not entirely clear whether this forms part of the complaint or is merely an observation.

It is clear to those reading the Advertisement that the phrase “48 outings” is a reference to the 48 matches that comprise the tournament in its entirety. The Advertisement contains neither a reference nor a requirement to consume alcohol during any match or matches.

Even if a person perceived the Advertisement as requesting people to drink during every match, a position that we submit defies common sense, matches only occur on 26 days over the 43 days of the tournament. During the initial weeks of the tournament, there were up to three matches a day being played. On this basis people would still have had adequate ‘alcohol free’ days during the tournament.

Accordingly, we stand by the Advertisement complying with the Alcohol Code. A position supported by having received LAPPS approval for the Advertisement.

For reasons outlined above, we respectfully request that the Complaints Board dismiss the complaint. Please let us know if you require any further information in relation to this response.

**Appendix 3****RESPONSE FROM MEDIA, NZME**

We are writing on behalf of NZME (the publisher) in response to the above complaint regarding Heineken’s advertising in the New Zealand Herald on 19 September 2019.

Firstly, thank you for your patience in awaiting this response.

We understand that Heineken have provided a substantive response to the Standards Board. In that respect, we request this be read alongside that response.

The ASA has identified Code for Advertising and Promotion of Alcohol - Guideline 3 (a), Guideline 4 (b), Principle 3, Principle 4 as being relevant:

**Principle 3** *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)** *Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young.*

**Principle 4** *Sponsorship advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.*

**Guideline 4(b)** *Shall not show a product or product packaging*

### **The advertisement does not target minors or feature heroes of the young**

We accept there may be some level of passive dissemination by minors of the front cover (for example, by seeing the cover in a retailer). However, we disagree that the exterior of the wrap refers to the All Blacks. There is no overt reference to the All Blacks; instead, one bottle (of 21) is present, featuring a partially obscured (and very small) New Zealand flag.

We consider that it takes a level of deduction to understand that a) the bottles represent those countries playing at the Rugby World Cup; b) one of those bottles represents New Zealand; and then c) to link this to the All Blacks being the team playing at the Rugby World Cup for New Zealand.

The graphic of the bottle itself is not of a significant size, given the size of the advertisement. Altogether, the bottle graphic represents 13.2% of the area of the graphic on front page.<sup>2</sup> The area of the New Zealand flag on one of these bottles is just 0.14% of the overall image size.<sup>3</sup> We consider that the extremely small size of the New Zealand flag on the front cover requires such close attention and deduction to make a link to the All Blacks that the risk of this occurring is extremely minimal.

### **Interior match tracker**

As above, the bottles on the inside match tracker do represent the teams in the Rugby World Cup. However, note in respect of alcohol advertising “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”. In respect of the interior match tracker, this was placed in the inside of the front cover and would need to be completely pulled from the newspaper to be considered in its entirety. That is, the match tracker would likely only seen by those who purchased or consumed the Herald.

We note the following statistical information of Herald readership by minors, according to the latest Neilson Readership Results:

- 2% of Herald readers are aged between 15-17 years old; and
- 11% of 15 to 17 year olds read the Herald.

Further:

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<sup>2</sup> The graphic is approximately 96cm<sup>2</sup>; the full ad size was 725.2cm<sup>2</sup>

<sup>3</sup> The “star” shape of the New Zealand flag on the bottle is approximately 1cm<sup>2</sup>

- 3% of Herald readers are aged between 18-19 years old; and
- 15% of 18 to 19 year olds read the Herald.

Readership by minors is therefore extremely small. The above statistics suggests that this portion of the advertisement was not directed at minors. We consider the placement is appropriate and would not be innocently disseminated by minors.

### **Sponsorship advertising**

The advertisement was not sponsorship advertising of the Rugby World Cup.

### **General social responsibility**

The advertisements were designed so as to encourage social responsibility and moderate consumption of alcohol; both the front page and match tracker featured the “R18 label” and an “enjoy responsibly” label.

We note the final point as to “48 outings” refers to the 48 games in the World Cup; not 48 opportunities to drink. We would expect a level of judgement would be exercised in terms of alcohol intake, including, for example, 0% alcohol beer being an option (as indicated on the back page of cover).

### **FURTHER INFORMATION PROVIDED BY THE MEDIA, NZME**

We measure all people 10+ in the **readership survey**.

- 1.3% of weekly NZH readers are aged 10-12yrs (or 5.8% of all 10-12yr olds read the NZH each week).
- 96% of weekly NZH readers are aged 18+yrs.

Source: Nielsen CMI Q318 to Q2 19. AP10+